Volume 2

STATUTES OF CALIFORNIA

1958 AND 1959

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
1958 GENERAL ELECTION

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

PASSED AT

THE 1958 REGULAR SESSION OF
THE LEGISLATURE

THE 1958 FIRST AND SECOND EXTRAORDINARY
SESSIONS OF THE LEGISLATURE

AND

THE 1959 REGULAR SESSION OF THE LEGISLATURE

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102—L-2627

CHAPTER 1001

An act to amend Section 11380.1 of the Government Code, relating to the designation by the Secretary of State of style and form to be used in filing regulations.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 11380.1 of the Government Code is amended to read:

11380.1. The Secretary of State shall prescribe the style in which regulations shall be prepared and a standard-size form to be used in filing regulations pursuant to Section 11380, which form shall be effective on January 1, 1954.

CHAPTER 1002

An act to add Section 9020.1 to, and Chapter 5.1 (commencing at Section 9520) to Division 9 of the Public Resources Code, relating to soil conservation districts.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 9020.1 is added to the Public Resources Code, to read:

"Principal district"

9020.1. "Principal district" means the district which has the greater land area of two districts proposed to be consolidated.

SEC. 2. Chapter 5.1 (commencing at Section 9520) is added to Division 9 of said code, to read:

CHAPTER 5.1. ALTERNATIVE PROCEDURE FOR THE CONSOLIDATION OF DISTRICTS

Alternative method

9520. This chapter provides an alternative method by which any two districts organized under this division may be consolidated.

Resolution by board of directors

9521. The board of directors of a district may initiate proceedings for the consolidation of the district with another district organized under this division by unanimously adopting a resolution approving the proposed consolidation.

Certified copy

9522. A certified copy of the resolution shall be forwarded to the board of directors of the district with which it is proposed to consolidate and to the board of supervisors of the county or counties in which the districts proposed to be consolidated are located. If the board of directors of the district to which the resolution was forwarded unanimously adopts a resolution approving the proposed consolidation, it shall forward a certified copy of such resolution to the board of supervisors of the county or counties in which the districts proposed to be consolidated are located.

Hearings and notice

9523. If the board of supervisors approves the proposed consolidation, it shall fix a time and place for a hearing on the proposed consolidation and cause notice of the hearing to be published in the manner and for the time provided for the publication of notice of hearing on the formation of a district. Where the districts are located in different counties, if the board of supervisors of each county in which any portion of either district is located approves the proposed consolidation, the board of supervisors of the county in which the principal district is located, or, if the principal district encompasses land in more than one county, the board of supervisors of the principal county of the principal district, shall fix the time and place for the hearing and shall cause the notice to be published.

Hearing

9524. At the hearing, the board of supervisors calling the hearing shall hear and consider all relevant testimony and evidence in support of or in opposition to the consolidation of the districts. The hearing may be adjourned from time to time and place to place.

Resolution declaring consolidation

9525. If, after the hearing, the board of supervisors finds that the consolidation of the districts is to the best interests of both districts, it shall declare by resolution entered on its minutes that the districts are consolidated into one district, and give it a name.

Recording and filing

9526. The board of supervisors shall cause a certified copy of the resolution of consolidation to be recorded in the office of the county recorder of each of the counties in which any portion of the consolidated district is situated and shall file a certified copy of the resolution with the chief and with the Secretary of State, and shall furnish a copy of the resolution to the board of directors of each district consolidated. From and after the filing of the resolution with the Secretary of State, the consolidated district shall be deemed formed as a single district, with all the rights, privileges, and powers of a district.

Initial members: Appointment

9527. The board of supervisors adopting the resolution of consolidation shall appoint the initial members of the board of directors of the consolidated district. Of the initial members appointed, not less than two shall be appointed from each of the districts consolidated.

Same: Taking office

9528. The directors appointed by the board of supervisors shall qualify by taking the oath of office. The directors so qualified shall take office and organize themselves as a board of directors in the manner prescribed for organization of directors of newly formed districts.

Termination of districts consolidated

9529. Within 30 days of the filing of the resolution of consolidation with the Secretary of State, the board of directors of each of the districts consolidated shall hold a final meeting to wind up the affairs of their respective districts and all records, documents, property, funds, obligations, and other pos-

sessions of the district shall be transferred, delivered, granted, or assigned to the consolidated district. At the adjournment of the final meeting, the district shall cease to exist.

CHAPTER 1003

An act to amend Section 2245.5 of the Business and Professions Code, relating to prechiropody education of applicants for chiropodist's certificates.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2245.5 of the Business and Professions Code is amended to read:

2245.5. Each applicant matriculating in a podiatry-chiropody college after September 1, 1959, shall present evidence satisfactory to the board of having completed a two-year resident course of work of college grade, including the subjects of chemistry, biology or other biological science, and physics or mathematics, in a school approved by the board before commencing the resident course of professional instruction.

CHAPTER 1004

An act to amend Section 23 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), relating to flood control in Santa Clara County.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 23 of the Santa Clara County Flood Control and Water Conservation District Act is amended to read:

Sec. 23. Any improvement or unit of work not performed by district personnel and estimated by the engineer to cost in excess of three thousand dollars ($3,000), shall be done by contract. All such contracts shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said

district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of three thousand dollars ($3,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

CHAPTER 1005

An act to amend Section 10504 of the Water Code, relating to the appropriation of water.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 10504 of the Water Code is amended to read:

10504. The department may release from priority or assign any portion of any applications filed or held by it under this part when the release or assignment is for the purpose of development not in conflict with such general or co-ordinated plan. The assignee of any such application, whether heretofore or hereafter assigned, is subject to all the requirements of diligence as provided in Part 2 (commencing at Section 1200) of Division 2 of this code. "Assignee" as used herein includes, but is not limited to, state agencies, commissions and departments, and the United States of America or any of its departments or agencies.

CHAPTER 1006

An act to amend Section 4231 of, and to add Section 4243.5 to, the Agricultural Code, relating to milk.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4231 of the Agricultural Code is amended to read:

Establishment of prices by director

4231. In determining the minimum prices to be paid by distributors to producers or associations of producers for the several class usages for a marketing area, the director may establish prices for fluid milk, or fluid cream and fluid skim milk, or milk fat or fluid skim milk components of such fluid milk. Any such minimum prices established by the director shall be applicable to all fluid milk, or fluid cream and skim milk, or milk fat or fluid skim milk components of such fluid milk utilized in such marketing area, in accordance with the several class usages of such fluid milk or such components of such fluid milk regardless of the area of origin.

The stabilization and marketing plan may further provide for maximum charges for plant and transportation services on the fluid milk, fluid cream and fluid skim milk, or milk fat or fluid skim milk components which are transported to the area where sold. The stabilization and marketing plan may enumerate the applicable maximum charges, and may establish individual charges for each function enumerated. In establishing any such maximum charges for such transportation services, the director shall base such maximum charges upon the rates charged for actual or similar services by highway carriers, as the term "highway carriers" is defined in Section 3511 of the Public Utilities Code.

SEC. 2. Section 4243.5 is added to said code, to read:

Investigation

4243.5. Whenever any contract between a distributor and a producer for the purchase of fluid milk, fluid skim milk or fluid cream provides that the charges for the hauling thereof shall be paid, in whole or in part, by the producer, and such hauling is done by the distributor either directly or through an agent or by any person contracting with, or designated by, such distributor for such hauling, the director may, and upon the written request of the producer or the written request of any association representing the producer or producers, shall investigate the rates, terms and conditions involved in such hauling in order to determine whether such rates, terms and conditions are in compliance with Section 4231 of this code.

CHAPTER 1007

An act to add Section 329.5 to the Code of Civil Procedure, relating to the statute of limitations.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. **Section 329.5 is added to the Code of Civil Procedure, to read:**

329.5. The validity of an assessment or supplemental assessment against real property for public improvements, the proceedings for which are prescribed by the legislative body of any chartered city, shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the assessment is levied, or such longer period as the legislative body may provide. Any appeal from a final judgment in such an action or proceeding shall be perfected within 30 days after the entry of judgment.

CHAPTER 1008

An act to amend Section 542 of the Code of Civil Procedure, relating to the manner in which property is attached.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 542 of the Code of Civil Procedure is amended to read:

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by recording with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy

of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels, or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting need be made as to each such continuous, unbroken tract.

1a. Growing crops (which, until severed, shall be deemed personal property not capable of manual delivery), growing upon real property standing upon the records of the county in the name of the defendant, must be attached by recording with the recorder of the county a copy of the writ, together with a description of the growing crops to be attached, and of the real property upon which the same are growing, and a notice that such growing crops are attached in pursuance of the writ, and by serving an occupant of the real property, if there is one upon the real property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the real property, then, by posting the same in a conspicuous place on the real property. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the real property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the real property described in the notice consists of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of

such expenses be paid from the proceeds of any sale of such property.

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon the records of the county in the name of the defendant by the provisions of subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when recorded, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

2a. Growing crops (which, until severance, shall be deemed personal property not capable of manual delivery), or any interest therein, belonging to the defendant, and growing upon real property held by any other person or standing upon the records of the county in the name of any other person, must be attached in the same manner as growing crops growing upon real property standing upon the records of the county in the name of the defendant are attached by the provisions of subdivision 1a of this section, and the notice of attachment shall state that the crops therein described or any interest of the defendant therein, held by, or standing upon the records of the county in the name of, such other person (naming him), are attached in pursuance of the writ. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if known and within the county. The recorder must index such attachment when recorded, in the names of both the defendant and of the person by whom the real property is held, or in whose name it stands on the record.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and with or without notice as the court directs to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold under execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court

shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, vice president or other head of the same, or the secretary, assistant secretary, cashier, assistant cashier, or any managing agent, thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

5. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to exceed 15 days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid, the sheriff, constable or marshal shall release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with. There shall be no liability upon the part of the sheriff, constable or marshal, either to the plaintiff or the defendant for loss by fire, theft, injury or damage of any kind to personal property capable of manual delivery while in the possession of the sheriff, constable or marshal either in a warehouse or in the custody of a keeper or en route to or from a warehouse unless the sheriff, constable or marshal shall be negligent in his care or handling of the property.

6. Debts and credits and other personal property not capable of manual delivery must be attached by leaving with the persons owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent or, in the case of a corporation, with the

president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and, if the demand as stated in the writ does not exceed three hundred dollars ($300) exclusive of interest, attorney's fees and costs, a copy of the complaint in the action from which the writ issued, and, in every case, a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ; provided, that debts owing to defendant arising from personal services rendered at any time within 30 days next preceding the levy of attachment such attachment is subject to the provisions of Section 690.11 of the Code of Civil Procedure; provided, however, that debts owing to the defendant by any of the following financial institutions: (a) banks; (b) savings and loan associations; (c) title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code); (d) industrial loan companies (as defined in Section 18003 of the Financial Code), maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such financial institution must be attached by leaving a copy of the writ and the notice, together with a copy of the complaint if required hereunder, with the manager or other officer of such financial institution at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such financial institution has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such financial institution if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served. Whenever wages have been attached under the provisions of this subdivision, the notice described above shall state the provisions of Section 690.11 of this code, and shall state that the debtor, to avail himself of an exemption of more than one-half of his wages earned the preceding 30 days, must file an affidavit with the levying officer as provided in Section 690.26 of this code.

7. Checks, drafts, money orders and other orders for the withdrawal of money from a banking corporation or association, which are in the possession of and payable to the defendant or judgment debtor on demand, must be attached by taking the same into custody, and the sheriff, constable, or marshal, to whom the writ is directed and delivered, shall promptly thereafter endorse the same and present, or cause the same to be presented, for payment. The sheriff, constable, or marshal shall endorse such check, draft, money order or other order for the withdrawal of money by writing the name of the defendant or judgment debtor thereon and the name

and official title of the officer making the levy with the statement that such endorsement is made pursuant to levy of writ of attachment or execution and giving the title of court and cause in which such writ was issued, and such endorsement shall be sufficient endorsement and no banking corporation or association on which said check, draft, money order or other order for the withdrawal of money is drawn shall incur any liability to any person, firm or corporation by reason of paying to such officer such check, draft, money order or other order for withdrawal of money by reason of such endorsement, nor shall the officer making the levy incur any liability by reason of his endorsing and presenting for and obtaining payment of such check, draft, money order or other order for the payment of money; provided, however, that the funds or credit resulting from the payment of such check, draft, money order or other order for withdrawal of money shall be held by said officer subject to the levy of said writ of attachment or execution. If it appear from the face of such check, draft, money order or other order for the withdrawal of money that the same has been tendered to the defendant or judgment debtor in satisfaction of a claim or demand and that endorsement thereof shall be considered a release and satisfaction by defendant or judgment debtor of such claim or demand, then, in such event, the officer making the levy shall not endorse said check, draft, money order or other order for the withdrawal of money unless the defendant or judgment debtor shall first endorse the same to the officer making the levy; provided, however, that if said defendant shall not endorse said check, draft, money order or other order for withdrawal of money to the officer making the levy, said officer may thereafter hold such check, draft, money order or other order for the withdrawal of money subject to such levy and shall incur no liability to the defendant or judgment debtor or to any other person, firm or corporation for delay in presentment of the same for payment.

CHAPTER 1009

An act to add Section 1953f.5 to the Code of Civil Procedure, relating to competency of business records as evidence.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1953f.5 is added to the Code of Civil Procedure, to read:

1953f.5. Subject to the conditions imposed by Section 1953f, open book accounts in ledgers, whether bound or unbound, shall be competent evidence.

CHAPTER 1010

An act to add Section 337a to the Code of Civil Procedure, relating to the statute of limitations on certain types of contracts and book accounts.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 337a is added to the Code of Civil Procedure, to read:

337a The term "book account" means a detailed statement which constitutes the principal record of one or more transactions between a debtor and a creditor arising out of a contract or some fiduciary relation, and shows the debits and credits in connection therewith, and against whom and in favor of whom entries are made, is entered in the regular course of business as conducted by such creditor or fiduciary, and is kept in a reasonably permanent form and manner and is (1) in a bound book, or (2) on a sheet or sheets fastened in a book or to backing but detachable therefrom, or (3) on a card or cards of a permanent character, or is kept in any other reasonably permanent form and manner.

CHAPTER 1011

An act to add Sections 69957, 69958, 69959, 72196, 72197, and 72198 to the Government Code, relating to official reporters of the superior court.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 69957 is added to the Government Code, to read:

Assignment to municipal court

69957. Whenever the services of an official reporter of the superior court are not required in the actual prosecution of the business of the court within the purview of the duties of such reporter as an official reporter of the superior court, the presiding judge of the superior court may, if so requested by the presiding judge of any municipal court within the county, assign any such official reporter of the superior court to act pro tempore as an official reporter of the municipal court within the same county. Any such assignment shall be subject to the provisions of Article 5 (commencing at Section 72190) of Chapter 8 of Title 8 of this code. Such assignment shall be made only for the services of the reporter in criminal cases before the municipal court.

SEC. 2. Section 69958 is added to said code, to read:

69958. The assignment of any official reporter of the superior court to act pro tempore as an official reporter of the municipal court shall rest within the sound discretion of the presiding judge of the superior court. Same

SEC. 3. Section 69959 is added to said code, to read:

69959. Whenever an official reporter of the superior court has been assigned to the municipal court and is serving therein as a pro tempore reporter, the presiding judge of the superior court shall terminate such assignment and recall to the superior court any reporter of the superior court whose services are then required in the prosecution of the business of the superior court; provided, however, that no such termination shall be effected until after the conclusion of the services of the reporter in the municipal court in any particular trial or hearing theretofore commenced therein and to which the reporter has been assigned, except upon the mutual consent of the district attorney and the attorney for the defendant. Termination of assignment

SEC. 4. Section 72196 is added to said code, to read:

72196. Whenever the business of the court requires, the presiding judge of the municipal court may request the services of one or more official reporters of the superior court within the same county to act as pro tempore phonographic reporter of the municipal court in criminal cases. Any such request shall be addressed to the presiding judge of the superior court. Such request shall be granted or denied in the manner and subject to the provisions set forth in Article 9 (commencing at Section 69941) of Chapter 5 of Title 8 of this code. Assignment to municipal court

SEC. 5. Section 72197 is added to said code, to read:

72197. Whenever such request has been granted and any official reporter of the superior court has been assigned to act as a pro tempore phonographic reporter of the municipal court, such reporter shall, during the period of such assignment to the municipal court, perform the duties of an official reporter of such municipal court and during the time of any such assignment such reporter shall be subject to the provisions of Sections 69942 to 69953, inclusive, and Sections 273 and 274c of the Code of Civil Procedure. Duties

SEC. 6. Section 72198 is added to said code, to read:

72198. In any county in which the official reporter of the superior court receives an annual salary fixed by law no additional compensation shall be paid to such reporter for any service rendered by him while assigned to the municipal court; provided, however, that any official reporter of the superior court assigned to a municipal court situated at a place other than the situs of the superior court in which said reporter regularly serves shall receive mileage from said superior court to the municipal court to which he has been assigned, and return, for each day, or fraction thereof, during which said superior court reporter serves in the municipal court; the rate for mileage so allowed shall be that fixed and paid to county employees generally. Compensation

CHAPTER 1012

An act to amend Section 909 of the Streets and Highways Code, relating to county highway construction equipment contracts.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 909 of the Streets and Highways Code is amended to read:

909. No agreement entered into by the board of supervisors for the purchase, hire or rental of any apparatus used in the construction, improvement or maintenance of highways shall create a charge against the county, unless:

(a) Such agreement is in writing.

(b) Such writing is signed by the chairman of the board of supervisors.

(c) A copy of such writing is certified by and filed with the county clerk.

All such writings and copies are public documents.

CHAPTER 1013

An act to amend Section 1193.2 of the Code of Civil Procedure, relating to claims of liens.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 1193.2 of the Code of Civil Procedure is amended to read:

1193.2. If the owner of the property sought to be charged with a claim of lien, as provided in Section 1193.1 of this chapter, or if any contractor named in said claim of lien or whose duty it is under his contract with the owner to keep such property free from liens, or any subcontractor named in said claim of lien as the person by whom the claimant was employed to perform his labor or to whom he furnished the materials, disputes the correctness or validity of such claim of lien, he may record or cause to be recorded, either before or after the commencement of an action to enforce such claim of lien, in the office of the county recorder in which such claim of lien was recorded, a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to 1½ times the amount of the claim, or, if such claim of lien affects more than one parcel of real property, then 1½ times the amount allocated to the parcel or parcels in the claim of lien, which bond shall guarantee the payment of any sum which the claimant may recover on the claim

together with his costs of suit in the action, if he recovers therein; if the owner or other person falling into any of the classes above named records or causes to be recorded, such bond, then the real property described in such bond shall be freed from the effect of such claim of lien and any action brought to foreclose such lien. The principal upon such a bond may be either the owner of the property or the owner of an interest in the said property, or the contractor, or any subcontractor affected by said claim of lien.

CHAPTER 1014

An act to add Section 665.5 to the Elections Code, relating to election procedure.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 665.5 is added to the Elections Code, to read:

665.5. Following the appointment of members of precinct boards pursuant to Section 665, the clerk shall instruct inspectors so appointed concerning their duties in connection with the conduct of the election, which instruction shall include (1) a summary of the rights of voters, (2) the lawful grounds for challenge, (3) the proper tabulating procedures, (4) specific directions that the polls shall be kept open to the public during voting hours and throughout the period required for the tabulation of the vote, and (5) such other subjects as shall assist the inspectors in carrying out their duties.

No person shall serve as an inspector of a precinct board at the election unless he has received instruction in accordance with this section, except that in the case of the emergency disability of a regular inspector, a substitute inspector shall be given such instruction as may be found necessary by the clerk.

CHAPTER 1015

An act to amend Section 42230 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to refund of fees upon rejection of applications.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 42230 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

42230. Whenever any application made under this code is accompanied by any fee, except an application for a duplicate operator's or chauffeur's license, as required by law, and the application is refused or rejected, the fees shall be returned to the applicant except that whenever any application is made for the first set of special plates under subdivision (a) of Section 9262, and the application is refused or rejected, the sum of eight dollars ($8) only shall be returned to the applicant, or when application is made for the first set of special plates under subdivision (1) of Section 9264 and the application is refused or rejected, the sum of five dollars ($5) shall be returned to the applicant.

CHAPTER 1016

An act to amend Section 1203.1 of the Penal Code, relating to probation.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 1203.1 of the Penal Code is amended to read:

1203.1. The court or judge thereof, in the order granting probation, may suspend the imposing, or the execution of the sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine. The court, or judge thereof, in the order granting probation and as a condition thereof may imprison the defendant in the county jail for a period not exceeding the maximum time fixed by law in the instant case; provided, however, that where the maximum possible term of such sentence is five years or less, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over five years; may fine the defendant in such sum not to exceed the maximum fine provided by law in such case; or may in connection with granting probation, impose either imprisonment in county jail, or fine, or both, or neither; may provide for reparation in proper cases; and may require bonds for the faithful observance and performance of any or all of the conditions of probation. In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in such camp, farms, or other public work instead of in jail, and Section 25359 of the Government Code shall apply to probation and the court shall have the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work as therein

provided; and supervisors of the several counties are hereby authorized to provide public work and to fix the scale of compensation of such adult probationers in their respective counties. In all cases of probation the court is authorized to require as a condition of probation that the probationer go to work and earn money for the support of his dependents or to pay any fine imposed or reparation condition, to keep an account of his earnings, to report the same to the probation officer and apply such earnings as directed by the court.

In all such cases if as a condition of probation a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve sentence at intermittent periods such sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of his maintenance shall be a county charge.

The court may impose and require any or all of the abovementioned terms of imprisonment, fine and conditions and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach and generally and specifically for the reformation and rehabilitation of the probationer, that should the probationer violate any of the terms or conditions imposed by the court in the instant matter, it shall have authority to modify and change any and all such terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. Upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation; provided, however, that upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. In counties and cities and counties in which there are facilities for taking fingerprints, such marks of identification of each probationer must be taken and a record thereof kept and preserved.

Any other provision of law to the contrary notwithstanding, all fines collected by a county probation officer in any of the courts of this State, as a condition of the granting of probation, or as a part of the terms of probation, shall be paid into the county treasury and placed in the general fund, for the use and benefit of the county.

CHAPTER 1017

An act to amend Section 20803 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to tax rates of school districts.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 20803 of the Education Code is amended to read:

20803. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 20751. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, in as nearly the same manner as is practicable as are elections for the issuance of school district bonds, except that notices of the election shall be signed by the county superintendent of schools which officer shall also canvass the returns of said election. If there is a newspaper of general circulation published in the county in which any part of the district is situated, the notice shall be published therein pursuant to Section 6063 of the Government Code. In addition, except when the election is completely consolidated with another election in which the electors are notified by mail of their polling place, the time of election, and receive a sample ballot for the election and the governing board of the district in which the election is held orders otherwise, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district

is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and stating the purposes of the election. Such statement shall contain only the following:

(a) The amount of the proposed decrease or increase in the maximum tax rate. If the proposed increase is a continuation of a previously authorized tax rate that fact shall be so stated.

(b) A brief summary of the issues involved.

At least 60 days before the date of the election the governing board of the school district shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card. The same information shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ to _____, (such rate to be in effect in the _____ school district for the school year (or years) 19___ to 19___,) be authorized?" Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the maximum tax rate of the district, the words to appear on the ballot shall be "Continuation of existing maximum tax rate of _____ for the school years 19___ to 19___, yes" and "Continuation of existing maximum tax rate of _____ for the school years 19___ to 19___, no" or words of similar import. Each voter shall stamp or print a cross in the voting square after the answer he desires to give.

Whenever the maximum tax rate of a school district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the maximum tax rate of the district, the ballot used in the election shall show only the authorized maximum tax rate of the district in effect at the time of the election and the proposed maximum tax rate.

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease

in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

CHAPTER 1018

An act to amend Sections 603 and 604 of the Welfare and Institutions Code, relating to probation committees.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 603 of the Welfare and Institutions Code is amended to read:

Examination of institutions

603. At any time the juvenile court, or the judge thereof, may, and upon request of the county board of supervisors shall, require the probation committee or the probation officer to examine into and report to the court upon the qualifications and management of any society, association, or corporation, other than a state institution, which applies for or receives custody of any ward of the juvenile court. No probation officer or probation committee, however, shall, under authority of this section, enter any institution without its consent. If such consent is refused, commitments to that institution shall not be made.

SEC. 2. Section 604 of said code is amended to read:

Annual report

604. The probation committee shall also make to the court an annual report to be filed as a public document within 90 days after the thirty-first day of December of the calendar year for which such report is made, copies of which shall be filed with the county board of supervisors and the Youth Authority.

CHAPTER 1019

An act to amend Section 26709 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to mirrors.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 26709 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

26709. Every motor vehicle of a type subject to registration shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

CHAPTER 1020

An act to amend Section 22100 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the turning of vehicles at intersections.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 22100 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

22100. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered.

(c) Upon a highway having three marked lanes for traffic moving in one direction which terminate at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn right or left onto the intersecting roadway.

CHAPTER 1021

An act to amend Section 5354 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the registration of trailer coaches.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5354 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

5354. The registration of a foreign trailer coach owned by a nonresident shall be subject to and governed by Section 6700.

CHAPTER 1022

An act to amend Section 7059 of the Welfare and Institutions Code, relating to defective or psychopathic delinquents.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 7059 of the Welfare and Institutions Code is amended to read:

7059. The sheriff or probation officer of any county wherein an order is made by any court committing any person under this chapter or returning such person to the court shall execute the order of commitment or order of return, and receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, which shall be payable in the same manner. No female person committed shall be taken to or from the institution without the attendance of some woman of good character and mature age, chosen for the purpose by the sheriff or probation officer.

CHAPTER 1023

An act to amend Sections 134, 2921.5 and 4986 of the Revenue and Taxation Code, relating to canceling of uncollected taxes, penalties, or costs.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 134 of the Revenue and Taxation Code is amended to read:

"Unsecured property"

134. "Unsecured property" is property:

(a) The taxes on which are not a lien on real property sufficient, in the opinion of the assessor, to secure payment of the taxes.

(b) The taxes on which were secured by real estate on the lien date and which real estate was later acquired by the United States of America, the State, or by any county, city, school district or other public agency and the taxes transferred to the unsecured roll pursuant to Section 4986 of this code.

SEC. 2. Section 2921.5 of said code is amended to read:

Transfer of taxes

2921.5. Taxes on unsecured property as defined in Section 134, subparagraph (b) of this code shall be transferred from the "secured roll" to the "unsecured roll" of the corresponding year by the county auditor on order of the board of supervisors with the written consent of the district attorney pursuant to Section 4986 of this code at the same time the taxes

are canceled on the real estate, and shall be collected in the same manner as other delinquent taxes on the "unsecured roll"; provided, that no delinquent penalty shall attach to such taxes so transferred, except to those taxes which carried delinquent penalty on the secured roll at the time the real estate involved was acquired by a public agency.

SEC. 3. Section 4986 of said code is amended to read:

Cancellation of taxes, etc

4986. (1) All or any portion of any uncollected tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney if it was levied or charged:

(a) More than once.

(b) Erroneously or illegally.

(c) On a portion of an assessment in excess of the cash value of the property by reason of the assessor's clerical error.

(d) On improvements when the improvements did not exist on the lien date.

(2) (a) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the State or by any county, city, school district or other public agency, and because of such public ownership becomes not subject to sale for delinquent taxes, and on property annexed after the lien date by the city owning it, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be transferred to the unsecured roll pursuant to Section 2921.5 of this code, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes and penalties so transferred, the delinquent dates of which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

If any property described in this subdivision is acquired by a negotiated purchase and sale after the lien date but prior to the commencement of the fiscal year for which current taxes are a lien on the property, the amount of such current taxes shall not be transferred to the unsecured roll, and neither the person from whom the property was acquired nor the public agency shall be liable for the payment of such taxes. If, however, the property is so acquired after the commencement of the fiscal year for which the current taxes are a lien on the property, that portion only of such current taxes, together with any allocable penalties and costs thereon, which are properly

allocable to that part of the fiscal year which ends on the day before the date of acquisition of the property, shall be transferred to the unsecured roll and be collectible from the person from whom the property was acquired. The portion of such taxes, together with any penalties and costs thereon, which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property, shall not be transferred to the unsecured roll nor be collectible either from the person from whom the property was acquired nor from the public agency.

In no event shall any transfer of unpaid taxes, penalties or costs be made with respect to property which has been tax-deeded to the State for delinquency.

(b) If at the time exemption from sale attaches to land or improvements acquired by a public agency the purchase price thereof is deposited in the registry of a court in an eminent domain proceeding, all delinquent taxes, penalties and costs which were or are a lien against such land or improvements and the pro rata share of the current taxes, penalties and costs which are a lien against such land or improvements, prorated for the fiscal year for which such current taxes, penalties and costs are or will be due and payable, shall be paid out of the award. The date for such proration shall be at the time title was transferred to, or possession was taken by, the public agency, whichever time the court determines to have first occurred. If the amount of the current tax is not ascertainable at the time the proration is made the same shall be estimated and computed by the court based upon the last equalized assessed value of the property in its entirety regardless of any segregation which may occur by reason of the taking, and the tax rate levied on the property for the immediate prior year. The court shall further order canceled the public agency's portion of any prorated current tax. The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

No cancellation under paragraph (b) of subdivision (1) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney thereof.

CHAPTER 1024

An act to amend Section 37902 of the Government Code, relating to public projects of general law cities.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 37902 of the Government Code is amended to read:

37902. When the expenditure required for a public project exceeds two thousand five hundred dollars ($2,500), it shall be contracted for and let to the lowest responsible bidder after notice.

CHAPTER 1025

An act to amend Section 71140 of the Government Code, relating to the qualifications of municipal court judges.

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 71140 of the Government Code is amended to read:

71140. The judges of a municipal court and the judges, officers, and attaches of a justice court shall be a resident eligible to vote in the judicial district or city and county in which they are elected or appointed for a period of at least 54 days prior to the date of their election or appointment. This requirement shall not affect the right of any person to automatically succeed to an office or position pursuant to Sections 71080 to 71083, inclusive, and Sections 71085 to 71090, inclusive, nor the right of any person to be constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs. This requirement shall not apply to the incumbent constable of a superseded justice's court, whose residence is in the township in which the superseded court existed but not included in the judicial district as fixed by the board of supervisors, and who succeeds to the office of constable of such court or is elected thereto at the first election of constables under this act or who seeks re-election to such office.

This requirement shall not apply to a judge of a municipal court, when part of a municipal court district is annexed to another municipal court district and the judge of the original district lives in the part that is annexed, for the rest of his unexpired term and for one successive term of office for which he is subsequently re-elected.

CHAPTER 1026

An act to add Section 20019.3 to the Government Code, relating to State Retirement System.

In effect September 18, 1959

[Approved by Governor June 16, 1959. Filed with Secretary of State June 16, 1959.]

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

SECTION 1. Section 20019.3 is added to the Government Code, to read:

20019.3. "Local safety member" also includes all employees of a city who have by contract been included within this system, and whose principal duties consist of active protection, rescue, and rendition of aid or assistance to persons injured or imperiled in water areas at ocean beaches and the recovery from such water areas of submerged objects and bodies of persons drowned or believed to have drowned in such areas, or the immediate supervision thereof, including persons employed to perform the duties now performed under the titles of aquatics director, chief lifeguard, captain lifeguards, lieutenant lifeguards, beach lifeguard, but who performs additional duties, some of which (including the maintenance of peace and order and the apprehension of law violators) are customarily performed by police or peace officers, and whose other duties (such as resuscitation work involving the use of special equipment in cases having no connection with their principal duties) which in other areas are customarily performed by firemen, and other and further duties which do not come directly within any of the aforesaid classifications but are essential to the safety and security of the public, excluding those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise clearly do not fall within the scope of active lifeguarding or lifesaving service, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active lifeguarding or lifesaving service.

The provisions of this section do not apply to the employees of any contracting agency having a contract with the board made prior to the date this section takes effect, unless and until the agency elects to subject itself and its employees to the provisions of this section by amendment to its contract with the board pursuant to Section 20461.5; except that an election is required only among the employees to whom the provisions of this section apply.

CHAPTER 1027

An act to amend Sections 35501 and 35507 of the Government Code, relating to exclusion of territory from a municipality.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 35501 of the Government Code is amended to read:

Election

35501. Upon receiving a petition requesting exclusion, signed by not less than a majority or if within five years after incorporation of the city by 25 percent of the qualified electors of the city, as shown by the vote cast at the last municipal election, a city legislative body shall submit to electors of the city, at a special election held for that purpose, the question whether the territory described in the petition shall be excluded from the city.

SEC. 2. Section 35507 of the said code is amended to read:

Abstract of vote

35507. If a majority of the votes cast in the territory and a majority of the votes cast in the city are for exclusion, or if within five years after incorporation of the city a majority of the total votes cast in the city are for exclusion, by an order entered upon its minutes, the legislative body shall cause its clerk to transmit to the Secretary of State a certified abstract of the vote showing separately the number of electors voting in the territory and in the remainder of the city and the number of votes cast in each for and against exclusion.

Termination date

SEC. 3. The amendments to Sections 35501 and 35507 of the Government Code enacted by this act shall remain in effect only until September 19, 1960.

CHAPTER 1028

An act to amend Section 1066 of the Public Utilities Code, relating to carrier rates.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1066 of the Public Utilities Code is amended to read:

1066. Unless prohibited by the terms and conditions of any certificate that may be involved, any one highway common carrier, or petroleum irregular route carrier, may establish through routes and joint rates, charges, and classifications between any and all points served by it under any and all certificates or operative rights issued to or possessed by it.

CHAPTER 1029

An act to amend Section 814 of the Agricultural Code, relating to vegetable standards.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 814 of the Agricultural Code is amended to read:

814. Head lettuce shall not be leafy without head formation and shall be fairly well trimmed, free from insect injury, slime, decay or rot affecting leaves within the head, and free from seed stems which have so developed that they are apparent upon external examination; and free from serious damage caused by broken midribs, bursting, tip burn or freezing. Damage caused by freezing or tip burn is not serious unless it affects any portion of the head inside of the six outer head leaves.

Not more than 15 percent, by count, of the heads of lettuce in any one container or bulk lot may be below these requirements, but not to exceed 5 percent, shall be allowed for decay or slime.

Head lettuce, when packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size marked, and they shall be fairly tightly packed with the same numerical count of regularly arranged heads in each layer and none of the heads shall be placed outside of the regular arrangement of three uniform flat layers in standard container number 45 and two uniform flat layers in standard container number 45A; except, that when 2½ dozen heads of lettuce of the 2½ dozen size when fairly tightly packed in standard container number 45A are packed in such container, six heads of the same size or dimensions as contained in the upper and lower layers may be placed between such layers; provided, the upper and lower layers consist of 12 heads each and the total count in the container is 30 heads. Head lettuce for shipment out of this State shall be packed in standard containers which are lidded.

In addition to other packing requirements in this chapter, head lettuce, when packed or placed in layers, shall contain either 1½ dozen, two dozen, 2½ dozen, three dozen, 3½ dozen, four dozen, five dozen, 75 or 90 heads of lettuce per standard container.

All containers of packed lettuce shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the lettuce, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and in figures not less than one-half inch in height the exact number of heads contained

therein; provided, that in the case of lettuce packed in lidded or closed containers without ice the exact number of heads may be marked on the lid of the container; and provided further, that in the case of 10 percent of the crates in any lots the contents may vary not more than three heads over the count as marked.

CHAPTER 1030

An act to amend Section 2303 of the Welfare and Institutions Code, relating to boarding homes and institutions for aged persons.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2303 of the Welfare and Institutions Code is amended to read:

2303. A permit or license issued under this chapter shall expire one year from the date of its issuance and shall be renewed automatically upon application for renewal made pursuant to Section 2304 of this code, unless notice of nonrenewal be given to the licensee at least thirty (30) days prior to the expiration date of said license.

It is further provided that nothing in this section shall be construed to amend, directly or indirectly, Section 2306 of this code.

CHAPTER 1031

An act to amend Sections 1629.5 and 2312 of the Welfare and Institutions Code, and to amend Section 1418.5 of the Health and Safety Code, relating to boarding homes and institutions for children, and for aged and infirm persons.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2312 of the Welfare and Institutions Code is amended to read:

Action to enjoin violations

2312. The director may bring an action to enjoin the threatened violation, or continued violation of the provisions of this chapter, including the operation of a home or institution without a license or permit, or of any of the regulations promulgated under this chapter in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director

shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed home or institution, and of the violation or continued violation by such home or institution of this chapter or any of the regulations promulgated under this chapter. No restraining order shall be issued in such action.

SEC. 2. Section 1629.5 of the Welfare and Institutions Code is amended to read:

Same

1629.5. The director may bring an action to enjoin the threatened violation, or continued violation of the provisions of this chapter, including the operation of a home or institution without a license or permit; or of any of the regulations promulgated under this chapter in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed home or institution, and of the violation or continued violation by such home or institution of this chapter or any of the regulations promulgated under this chapter. No restraining order shall be issued in such action.

SEC. 3. Section 1418.5 of the Health and Safety Code is amended to read:

Same

1418.5. The director may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home of the provisions of this chapter, including the operation of such a home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes, in a case where the State Department of Public Health has instituted proceedings against the nursing and convalescent home for revocation or suspension of its license or for operating without a license, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written

notice specifying each deficiency in the licensed nursing and convalescent home and of the violation, threatened violation, or continued violation by such home of this chapter or any of the regulations promulgated under this chapter. No restraining order or injunction, either temporary or permanent, shall be granted by the court which would cause a licensed nursing and convalescent home to cease operations or which would seriously impede the continued operation of the nursing and convalescent home, unless the operator thereof has been accorded a prior judicial hearing with respect to whether or not such restraining order or injunction shall issue.

CHAPTER 1032

An act to amend Section 28127 of the Government Code, relating to compensation of county supervisors.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28127 of the Government Code is amended to read:

28127. In a county of the twenty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, eight thousand dollars ($8,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed one hundred dollars ($100) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers. Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of ten cents ($0.10) a mile shall be allowed during the period of nonavailability. If a

supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of ten cents ($0.10) a mile for all mileage actually traveled outside the county shall be paid.

(d) Grand jurors, for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations shall receive five dollars ($5) per day and fourteen cents ($0.14) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

As additional compensation and salary to the officers mentioned in this section, the county shall pay one-third of the insurance premium for group life, accident, and health insurance, if such officers are covered by group insurance.

CHAPTER 1033

An act to amend Section 533 of the Public Utilities Code, relating to safety inspection of common carriers.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 533 of the Public Utilities Code is amended to read:

533. The officers and employees of the Operations and Safety Section of the Transportation Division of the commission, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels, and other vehicles of every common carrier subject to control or regulation by the commission, between points within this State, whether such railroad, car, vessel, or other vehicle is used for the transportation of passengers or freight, and regardless of its class. Such officers and employees when in the performance of their official duties shall have free access to any portion of any train, including the engine or any other units of rolling stock, and to all portions of any vessel or other vehicle of any common carrier used for the transportation of passengers or freight.

CHAPTER 1034

An act to amend Sections 4751 and 4753 of the Labor Code, relating to workmen's compensation.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4751 of the Labor Code is amended to read:

Subsequent compensable injury. Added compensation

4751. If an employee who is permanently partially disabled receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree of disability caused by the combination of both disabilities is greater than that which would have resulted from the subsequent injury alone, and the combined effect of the last injury and the previous disability or impairment is a permanent disability equal to 70 percent or more of total, he shall be paid in addition to the compensation due under this code for the permanent partial disability caused by the last injury compensation for the remainder of the combined permanent disability existing after the last injury as provided in this article; provided, that either (a) the previous disability or impairment affected a hand, an arm, a foot, a leg, or an eye, and the permanent disability resulting from the subsequent injury affects the opposite and corresponding member, and such latter permanent disability, when considered alone and without regard to, or adjustment for, the occupation or age of the employee, is equal to 5 percent or more of total, or (b) the permanent disability resulting from the subsequent injury, when considered alone and without regard to or adjustment for the occupation or the age of the employee, is equal to 35 percent or more of total.

SEC. 2. Section 4753 of said code is amended to read:

Extent of compensation

4753. Such additional compensation is not in addition to but shall be reduced to the extent of any monetary payments received by the employee, from any source whatsoever, for or on account of said pre-existing disability or impairment, except as to payments being made to the employee or to which he is entitled as a pension or other compensation for disability incurred in service in the armed forces of the United States, and except as to payments being made to him or to which he is entitled as assistance under the provisions of Chapter 1 of Part 2 of Division 2, or Chapter 1 of Division 3, or Chapter 2 of Division 4, or Division 5, of the Welfare and Institutions Code, and excluding from such monetary payments received by the employee for or on account of said pre-existing disability or impairment a sum equal to all sums reasonably and necessarily expended by the employee for or on account of attorney's fees, costs and expenses incidental to the recovery of such monetary payments.

All cases under this section and under Section 4751 shall be governed by the terms of this section and Section 4751 as in effect on the date of the particular subsequent injury.

CHAPTER 1035

An act to amend Section 73781 of, and to add Sections 70045.3 and 73781.5 to, the Government Code, relating to court reporters in Marin County.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 70045.3 is added to the Government Code, to read:

Fees

70045.3. In any county having a population of over 85,000 and under 95,000, as determined by the 1950 federal census, the fee for reporting testimony and proceedings in contested cases is thirty-five dollars ($35) a day, and the fee for reporting each default or uncontested action or proceeding is seven dollars ($7). If more than four defaults or uncontested matters in conjunction with any contested case are reported in a day, the fee is thirty-five dollars ($35) a day.

SEC. 2. Section 73781 of said code is amended to read:

Compensation

73781. (a) Any full-time official reporter appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be an attache of the court and, in lieu of any other compensation provided for his services in reporting testimony in criminal proceedings in the court, shall receive an annual salary which shall be equal to 250 times the per diem rate fixed by Section 69948 or the per diem rate fixed by any special act governing the compensation of official superior court reporters in the County of Marin, whichever is the greater. Said salary shall be payable in equal monthly installments and shall be a charge against the general fund of the county. The reporter shall charge, account for, and pay into the county treasury such fees as may be collected by him as otherwise provided by law for reporting civil and other than criminal proceedings.

(b) The judges of the court may appoint as many part-time additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, fees at a per diem rate as fixed by Sections 69948 and 69949 or as fixed by any special act governing the compensation of official superior court reporters in the County of Marin, whichever is the greater. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

SEC. 3. Section 73781.5 is added to said code, to read:

73781.5. A designated full-time official reporter of the court shall be a member of any retirement system maintained by the county in which he is employed, and while he holds office as provided in Section 72194 shall be entitled to the same vacation, sick leave, and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. For the purpose of such retirement system the salary provided for in this article for such reporter shall be deemed his entire compensation. Such reporter shall be eligible for the benefits provided by Section 31641.5 of this code, and for the purpose of the application of said section the "county service" rendered by such reporter shall be deemed to have commenced from the time of his appointment as an official reporter of said municipal court, and the "aggregate compensation" received shall be deemed to be those sums actually paid to said reporter for reporting only by said county during the period of said service.

Employment privileges and benefits

CHAPTER 1036

An act to amend Sections 20303 and 20330 of the Government Code, relating to membership in the State Employees' Retirement System.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20330 of the Government Code is amended to read:

20330. The following persons are excluded from membership in this system:

Exclusions

(a) Inmates of state or public agency institutions who are allowed compensation for such service as they are able to perform.

(b) Independent contractors who are not employees.

(c) Persons employed as student assistants in the state colleges or the university and persons employed as student aids in the special schools of the State Department of Education and in the public schools of the State.

SEC. 2. Section 20303 of said code is amended to read:

20303. Every other employee becomes a member either on the first day of the calendar month or on the first day of the payroll period next following the completion of six months, uninterrupted by a break of more than one month, of employment by the State, by the university, or by a contracting agency, in accordance with the rules of the Board of Administration of this system; provided, that absence for military

Date of membership

service shall not be considered a break for the purpose of this section.

Operative date

SEC. 3. This act shall become operative on October 1, 1959.

CHAPTER 1037

An act to add Sections 20988 and 21338 to, to amend Section 21706 of, and to repeal Section 21703 of, the Government Code, relating to the State Employees' Retirement System in respect to the integration therein of federal old-age and survivors' insurance coverage, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 20988 is added to the Government Code, to read:

Suspension of retirement provisions

20988. The compulsory retirement provisions of this article shall be suspended as to local miscellaneous members in the employ of any contracting agency requesting such suspension at or after the time the board authorizes a division or referendum under Part 4 of this title in the system as it applies to such members. The suspension shall be effective as to all such members who attain mandatory retirement age in or after the month in which the board authorizes the referendum or division or in which the agency requests the suspension, whichever is later, and shall terminate on the first day of the third month following the month in which the division or referendum is conducted, or on the first day of the seventh month following the month in which the board authorized the division or referendum, whichever is earlier.

SEC. 2. Section 21338 is added to said code, to read:

Elective payments

21338. A member retiring for service who is credited with state service, the compensation for which was subject to contribution pursuant to Section 218 of the Social Security Act, and who is fully insured under old-age, survivors, and disability insurance may elect to have the actuarial equivalent of his unmodified service retirement allowance paid in two parts:

(a) A temporary annuity which shall not exceed the primary social security benefit which it is anticipated the member will be entitled to receive at age 65, plus

(b) A life income consisting of his service retirement annuity plus such pension as may be provided by the actuarial value of his current and prior service pensions remaining after providing the temporary annuity in (a).

The temporary annuity under (a) shall not be subject to further optional settlement under this article and shall be payable monthly until the retired member attains or would

attain age 65. Should his death occur prior to age 65, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

This section shall not apply to an allowance based on service with respect to which a member is subject to either Section 21252.5 or Section 21250.5.

Repeal

SEC. 3. Section 21703 of said code is repealed.

SEC. 4. Section 21706 of said code is amended to read:

Retroactive contributions

21706. If the effective date of coverage under the federal system of employees of a contracting agency under the State Employees' Retirement System is prior to the time employee federal contributions are first deducted from the salaries and wages of such employees and said contract with the board is amended to provide a reduced benefit with respect to service from and after said effective date of coverage, said amendment may further provide for the payment of retroactive employee and employer contributions in the manner provided in this section.

Employee and employer federal contributions for such retroactive period shall be paid from the State Employees' Retirement Fund and charged to the account of the employer. There shall be transferred to the employer account from the member's accumulated contributions an amount equal to employee federal contributions for such member charged to the account of the employer. The amount so transferred shall not exceed the difference between the total normal contributions of the member and the total normal contributions which would have been credited to his account had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the effective date of coverage.

The amount by which such retroactive employee contributions for a member charged to the account of the employer exceeds the amount transferred from the employee account shall constitute an indebtedness of the member to the employer and a lien on any salary or wages payable to such employee or on his account. If said contract is or has been amended to provide for the payment of retroactive employee and employer contributions in the manner provided in this section, it may be further amended to provide that the amount by which (1) the total normal contributions of each member for the period subsequent to the effective date of coverage under the federal system less the total normal contributions which would have been credited to the account of such member had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the aforesaid date of coverage exceeds (2) the employee federal contributions for such member for the period after said date of coverage shall be paid to such member.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the benefits of the federal system of Old-Age, Survivors and Disability Insurance, if such benefits are made available to employees of a contracting agency, will not be denied to those employees who are in need thereof by reason of the arbitrary age fixed for compulsory retirement under the state system, it is necessary that this act take effect immediately.

CHAPTER 1038

An act to add Chapter 7 (commencing with Section 60200) to Division 1 of Title 6 of the Government Code, relating to destruction of records of special districts.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Chapter 7 (commencing with Section 60200) is added to Division 1 of Title 6 of the Government Code, to read:

CHAPTER 7. DESTRUCTION OF RECORDS OF SPECIAL DISTRICTS

Duplicate records

60200. The legislative body of any special district may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or a permanent photographic record of which is in the files of any officer or department of the district.

Records over two years old

60201. The legislative body of a district may authorize the destruction or disposition of any record, paper, or document which is more than two years old and which was prepared or received in any manner other than pursuant to state statute. Such records, papers, or documents need not be photographed, reproduced, or microfilmed prior to destruction and no copy thereof need be retained.

Unaccepted bids

60202. The legislative body of a district may authorize the destruction of any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old.

Destruction of records

60203. The legislative body of a district may authorize the destruction of any record, paper, or document which is not expressly required by law to be filed and preserved if all of the following conditions are complied with:

(a) The record, paper, or document is photographed, microphotographed, or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards;

(b) The device used to reproduce such record, paper, or document on film is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provision is made for preserving, examining, and using the same.

CHAPTER 1039

An act to amend Section 14820 of the Health and Safety Code, relating to annexations to fire protection districts.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14820 of the Health and Safety Code is amended to read:

14820. Territory annexed to a city, or included within a city by the incorporation of the city after January 1, 1955, if such city is included within and served by a district organized pursuant to this part may be annexed to the district serving such city by the adoption of a resolution by the legislative body of the city declaring such territory annexed to the district. Territory within a fire protection district may not be annexed pursuant to this section. The resolution annexing territory to a fire protection district pursuant to this section shall be effective upon the filing of copies thereof with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor. A city included in and served by more than one fire protection district shall designate in the resolution of annexation the district to which the territory is annexed.

CHAPTER 1040

An act to add Part 13 (commencing with Section 30001) to Division 2 of the Revenue and Taxation Code, imposing a tax with respect to cigarettes, and making an appropriation, to take effect immediately.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect immediately

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

SECTION 1. Part 13 (commencing with Section 30001) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 13. CIGARETTE TAX

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Short title

30001. This part is known and may be cited as the "Cigarette Tax Law."

Definitions

30002. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

"Cigarette"

30003. "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco and such roll weighs over three pounds per thousand.

"Untaxed cigarette"

30005. "Untaxed cigarette" means any cigarette which has not yet been distributed in such manner as to result in a tax liability under this part.

"Sale"

30006. "Sale" includes any transfer of title or possession for a consideration, exchange or barter, in any manner or by any means whatever.

30008. "Distribution" includes

"Distribution"

(a) The sale of untaxed cigarettes manufactured in this State,

(b) The use or consumption by the manufacturer of cigarettes manufactured in this State,

(c) The sale of untaxed cigarettes after transportation to this State,

(d) The use or consumption by the first person in possession in this State of untaxed cigarettes transported to the State in quantities of more than 200 in a single shipment.

"Use or consumption"

30009. "Use or consumption" includes the exercise of any right or power over cigarettes incident to the ownership thereof, other than the sale of the cigarettes or the keeping or retention thereof for the purpose of sale.

"Person"

30010. "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, this State, any county, city and county, municipality, district, or other political subdivision of the State, or any other group or combination acting as a unit.

"Distributor"

30011. "Distributor" includes:

(a) Every person who, after 4 o'clock a.m. on July 1, 1959, and within the meaning of the term "distribution" as defined in this chapter, distributes cigarettes.

(b) Every person who sells or accepts orders for cigarettes which are to be transported from a point outside this State to a consumer within this State.

"Dealer"

30012. "Dealer" includes every person, other than one holding a distributor's license, who engages in this State in the sale of cigarettes.

30013. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America. "In this State"

30014. "Transporter" means any person importing or transporting into this State, or transporting in this State, cigarettes obtained from a source located outside this State, or from any person not licensed as a distributor under this part. It does not include a licensed distributor, a common carrier to whom is issued a certificate or permit by the United States Interstate Commerce Commission to carry commodities in interstate commerce, or any person transporting no more than 200 cigarettes at one time. "Transporter"

30015. "Package" means the individual package, box or other container in which retail sales of cigarettes are normally made or intended to be made. "Package"

Chapter 2. Imposition of Tax

Article 1. Tax on Distributors

30101. Every distributor shall pay a tax upon his distributions of cigarettes at the rate of one and one-half mills ($0.0015) for the distribution after 4 o'clock a.m. on July 1, 1959, of each cigarette. Tax on distributors

30102. The taxes imposed by this part shall not apply to the sale of cigarettes to Army, Air Force, or Navy exchanges and Navy ships' stores. Exceptions. Military exchanges

30103. The taxes imposed by this part shall not apply to distributions of cigarettes by the manufacturer to a licensed distributor. Manufacturer

30104. The taxes imposed by this part shall not apply to the sale of cigarettes by a distributor to a common carrier engaged in interstate or foreign passenger service or to a person authorized to sell cigarettes on the facilities of such carrier. Whenever cigarettes are sold by distributors to common carriers engaged in interstate or foreign passenger service for use or sale on facilities of the carriers, or to persons authorized to sell cigarettes on those facilities, the tax imposed by Section 30101 shall not be levied with respect to the sales of the cigarettes by the distributors, but a tax is hereby levied upon the carriers or upon the persons authorized to sell cigarettes on the facilities of the carriers, as the case may be, for the privilege of making such sales in California at the same rate as set forth in Section 30101. Such common carriers and authorized persons shall pay the tax imposed by this section and file reports with the board, as provided in Section 30186. Sale to common carrier

30105. The taxes imposed by this part shall not apply to donations by the manufacturer of cigarettes as samples for advertising purposes. Donation of samples

Payment by user

30106. The taxes resulting from a distribution of cigarettes within the meaning of subdivision (d) of Section 30008 shall be paid by the user or consumer.

Invoice

30107. Every distributor at the time of making a sale of cigarettes to a distributor or dealer, shall furnish to the purchaser an invoice or other written memorandum of sale in which the sales price and the tax imposed under this part are separately stated.

Collection, etc.

30108. Every distributor engaged in business in this State and selling or accepting orders for cigarettes with respect to the sale of which the tax imposed by Section 30101 is inapplicable shall, at the time of making the sale or accepting the order or, if the distribution of the cigarettes is not then taxable hereunder, at the time the distribution becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

"Distributor engaged in business in the State" means and includes any of the following:

(a) Any distributor maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(b) Any distributor having any representative, agent, salesman, canvasser or solicitor operating in this State under the authority of the distributor or its subsidiary for the purpose of selling, delivering, or the taking of orders for cigarettes.

Presumption

30109. Unless the contrary is established, it shall be presumed that all cigarettes acquired by a distributor are untaxed cigarettes, and that all cigarettes manufactured in this State or transported to this State, and no longer in the possession of the distributor, have been distributed.

Claims for exemption

30110. Any claim for exemption from tax under this part shall be made to the board in such manner as the board shall prescribe.

In lieu of other taxes

30111. The taxes imposed by this part are in lieu of all other state, county, municipal, or district taxes on the privilege of distributing cigarettes.

This section does not prohibit the application of Part 1 (commencing at Section 6001) or Part 1.5 (commencing at Section 7200) of Division 2 of this code to the sale, storage, use or other consumption of cigarettes.

Article 2. Only One Distribution Taxed

One tax

30115. Any cigarette with respect to which a tax has once been imposed under Article 1 or Article 3 of this chapter shall not be subject upon a subsequent distribution to the taxes imposed by this chapter.

Article 3. Floor Stocks Tax

30121. For the privilege of holding or storing cigarettes for sale, use, or consumption, a floor stocks tax is hereby imposed upon every dealer at the rate of one and one-half mills ($0.0015) for each cigarette in his possession or under his control in this State at 4 o'clock a.m. on July 1, 1959. Floor stocks tax

30122. The tax imposed by this article is due and payable on or before July 25, 1959. Notwithstanding any other provisions of this part, any amount of tax imposed by this article which is not paid within the time required shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from July 25, 1959. Date due

30123. Every dealer shall on or before July 25, 1959, file a report with the board in such form as the board may prescribe. The report shall state the number of cigarettes in the possession of or under the control of the dealer, in this State at 4 o'clock a.m. on July 1, 1959, and the amount of tax due thereon. Each report shall be accompanied by a remittance payable to the board for the amount of tax due. Report

30124. The provisions of this article shall not apply to cigarettes owned and in the possession or control of a licensed distributor, or to cigarettes stored in a bonded warehouse and which are non-taxpaid under the provisions of Chapter 52 of the Internal Revenue Act of 1954, as amended. Exceptions

Chapter 3. Licenses, Bonds and Registration

Article 1. Licenses and Bonds

30140. Every person desiring to engage in the sale of cigarettes as a distributor, except a person who desires merely to sell or accept orders for cigarettes which are to be transported from a point outside this State to a consumer within this State, shall file with the board an application, in such form as the board may prescribe, for a distributor's license. A distributor shall apply for and obtain a license for each place of business at which he engages in the business of distributing cigarettes. License application

30141. Every applicant for a license as a distributor shall file with the board, in such amount and in such form as the board prescribes, a bond or bonds executed by him as principal and a corporation such as is mentioned in Section 1056 of the Code of Civil Procedure in this State as surety, payable to the people of the State of California, conditioned upon the payment of all taxes, penalties, and other obligations of the distributor arising under this part. Bonds

30142. The board shall fix the amount of the bond or bonds required of any distributor and may increase or reduce the amount at any time. Amount

30143. Every bond shall contain a provision substantially to the effect that when the surety exercises his right to with- Required provision

draw as surety the withdrawal shall be effective on the first day of the calendar month after receipt of the notice by the board if the notice is received on or before the fifteenth day of the month, otherwise the withdrawal shall be effective on the first day of the second calendar month after receipt of the notice by the board.

Suspension of license

30144. The license of any distributor shall be automatically suspended upon cancellation of his bond, or if the bond becomes void or unenforceable for any reason, or if the distributor fails to pay any taxes or penalties due under this part. The license shall be automatically reinstated if the distributor files a valid bond, or pays his delinquent taxes, as the case may be.

Upon the petition of any distributor whose license has been suspended under this section, a hearing shall be afforded him after five days' notice of the time and place of hearing.

Deposit in lieu of bond

30145. In lieu of a bond or bonds a distributor, under such conditions as the board may prescribe, may deposit with the State Treasurer an amount of lawful money equivalent to the amount of the bond or bonds or he may deposit bonds or other obligations of the United States, the State of California, or any county or city and county of this State of an actual market value not less than the amount of the bond or bonds fixed by the board.

Payment of delinquencies from deposit

30146. Upon receipt of a certificate of the board setting forth the amount of a distributor's delinquencies, the State Treasurer shall pay to the board the amount so certified from the money deposited with him by the distributor or from the amounts received from the sale of bonds or other obligations deposited with the Treasurer by the distributor. Securities deposited with the State Treasurer which have a prevailing market price may be sold by him for the purposes of this section at private sale at a price not lower than the prevailing market price thereof.

Issuance of license

30147. Upon receipt of a completed application and such bonds or other security as may be required by the board under this part, the board shall issue to the applicant a license as a distributor. A separate license shall be issued for each place of business of the distributor within the State. A license is valid only for engaging in business as a distributor at the place designated thereon, and it shall at all times be conspicuously displayed at the place for which issued. The license is not transferable and is valid until canceled, suspended, or revoked.

Revocation of license

30148. Whenever any distributor fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hearing, after giving the distributor at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his license should not be revoked, may revoke the license held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue

a new license to a distributor whose license has been revoked unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board.

Misdemeanor

30149. Any person required to obtain a license as a distributor under this chapter who engages in business as a distributor without a license or after a license has been canceled, suspended, or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.

Article 2. Registration

Registration

30161. Every distributor, except one to whom a license is issued under Article 1 of this chapter, required under Section 30108 to collect the tax imposed under this part from a purchaser shall register with the board and give the names and addresses of all agents operating in this State, the location of all distribution or sales houses or offices or other places of business in this State, and such other information as the board may require.

CHAPTER 4. DETERMINATIONS

Article 1. Reports and Payments

Date due

30181. When the tax imposed under Article 1 of Chapter 2 of this part is not paid through the use of stamps or meter impressions, the tax shall be due and payable monthly on or before the fifteenth day of the month following the calendar month in which a distribution of cigarettes occurs.

Report Distributors

30182. On or before the fifteenth day of each month, every distributor shall file on forms prescribed by the board a report respecting his distributions of cigarettes and purchases of stamps during the preceding month and such other information as the board may require to carry out the purposes of this part.

Same

30183. On or before the fifteenth day of each month every distributor required under Section 30108 to collect any tax during the preceding month shall file a report with the board on forms prescribed by the board showing the number of cigarettes with respect to which he was required to collect the tax and such other information as the board may require to carry out the purposes of this part.

Payment

30184. The distributor shall submit with each report a remittance payable to the board for the amount of tax due.

Extension

30185. The board for good cause may extend for not to exceed 30 days the time for making any report or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any person to whom an extension is granted shall pay, in addition to the amount of tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the

date on which the amount of tax would have been due without the extension to the date of payment.

Report: Common carriers, etc.

30186. On or before the fifteenth day of each month the common carriers and authorized persons specified in Section 30104 shall file with the board a report of the sales of cigarettes made by them on the facilities of the carriers in California in the preceding calendar month in such detail and form as the board may prescribe, submitting with the report the amount of the tax due under Section 30104.

Same. Consumer or user

30187. Every consumer or user subject to the tax resulting from a distribution of cigarettes within the meaning of subdivision (d) of Section 30008 from whom the tax has not been collected under Section 30108 shall on or before the fifteenth day of the month following receipt of cigarettes file with the board a report of the amount of cigarettes received by him in the preceding calendar month in such detail and form as the board may prescribe, submitting with the report the amount of tax due.

Article 1.5. Stamps

Stamps or metering machines

30191. Except as otherwise provided in this part, the tax imposed by this part with respect to cigarettes shall be prepaid through the use of stamps furnished and sold by the board or through the use of metering machines approved by the board. Stamps and meter impressions shall be of such designs, specifications and denominations as may be prescribed by the board. When a metering machine is used by a distributor, the tax shall be prepaid by the distributor and the meter on the machine shall be sealed by the board and used only in accordance with regulations prescribed by it. Notwithstanding any other provision of this part, the board by regulation may provide that the tax imposed by this part with respect to cigarettes shall be paid without the use of stamps or meter impressions in connection with a particular type of transaction.

Regulations

30192. The board shall prescribe by regulation the method and manner in which stamps or meter impressions are to be affixed to packages of cigarettes. A distributor shall not sell to or exchange with another distributor any stamps issued by the board.

Affixed to each package

30193. An appropriate stamp shall be affixed to or an appropriate meter impression shall be made on each package of cigarettes prior to the distribution of the cigarettes. The board by regulation may provide for the cancellation of stamps or meter impressions.

Allowance for costs

30194. A distributor shall be allowed, as a refund on his payments for stamps and prepayments for use of meter impressions, the amount of his necessary costs incurred in affixing the stamps or meter impressions to packages of cigarettes. The amount of such refund shall not exceed a maximum allowance of 2 percent of the face value of the stamps and meter impressions affixed by the distributor. The board shall prescribe rules and regulations for determination of the necessary costs in-

curred in affixing stamps or meter impressions to packages of cigarettes, and the rules and regulations shall include but not be limited to provisions for the apportionment of capital outlay and overhead costs.

Claims for refund of costs

30195. Claims for refund of costs for affixing stamps or meter impressions shall be filed with the board in such form as the board may prescribe. A distributor may file no more than one claim for refund of costs in each calendar month. No such refund shall be allowed or approved unless the claim therefor is filed with the board within three years from the last day of the month for which the costs were incurred. Failure to file a claim for refund of costs within the time prescribed in this section constitutes a waiver of any claim against the State on account of the costs.

Same

30196. When approved by the board a claim for refund of costs for affixing stamps or meter impressions shall be paid from the Cigarette Tax Fund upon order of the State Controller.

Redetermination of refund

30197. At any time within three years of the date of payment of the warrant of the State Controller for refund of costs for affixing stamps or meter impressions, the board may redetermine the amount of the refund. If the board determines that the amount of refund was excessive it shall proceed in the manner prescribed in this part for deficiency determinations. If the amount determined as an excessive refund is not paid when it becomes final the amount shall be deducted by the board from any subsequent refunds allowed the distributor, and if not fully paid in this manner it shall constitute an erroneous refund and be recoverable as such.

Article 2. Deficiency Determinations

Deficiency determination

30201. If the board is dissatisfied with the report filed by any person, it may compute and determine the amount to be paid upon the basis of any information available to it. One or more deficiency determinations may be made of the amount of tax due for one or for more than one month.

Interest

30202. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

Offsets

30203. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments.

Penalty

30204. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this part or the rules and regulations adopted under this part, a penalty of 10 percent of the amount of the determination shall be added thereto.

Same

30205. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this part or the rules and regulations adopted under this part, a penalty of 25 percent of the amount of the determination shall be added thereto.

Notice

30206. The board shall give the person written notice of its determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the person at his address as it appears in the records of the board, but the service shall be deemed complete at the time of deposit of the notice in the mail without extension of time on account of the distance between the place of deposit and the place of address.

Limitation

30207. Except in the case of fraud, intent to evade the tax, or failure to make a report, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported.

Article 3. Determinations If No Report Made

Determination

30221. If any person fails to make a report, the board shall make an estimate of the number of cigarettes distributed, sold or received by him. The estimate shall be made for the month or months in respect to which the person failed to make a report and shall be based upon any information available to the board. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one month.

Offsets

30222. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on the underpayments.

Interest

30223. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount, or any portion thereof, should have been reported until the date of payment.

Penalty

30224. If the failure of a person to file a report is due to fraud or an intent to evade the tax, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Section 30221.

Notice

30225. Promptly after making its determination the board shall give to the person written notice of its estimate and determination, and of the penalty, the notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 4. Jeopardy Determinations

30241. If the board believes that the collection of any amount of tax required to be paid by any person under this part will be jeopardized by delay, it shall thereupon make a determination of the amount of tax, noting that fact upon the determination. The amount determined is immediately due and payable. Jeopardy determinations

30242. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid within 10 days after service upon the person of notice of the determination, the determination becomes final, unless a petition for redetermination is filed within the 10 days, and the delinquency penalty and interest provided in Article 6 of this chapter shall attach to the amount specified. Same

30243. The person against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 5 of this chapter. He shall, however, file the petition for redetermination with the board within 10 days after the service upon him of notice of the determination. The person shall at the time of filing the petition for redetermination deposit with the board such security as it may deem necessary to insure compliance with this part. The security may be sold by the board at public sale if it becomes necessary in order to recover any amount due under this part. Notice of the sale may be served upon the person who deposited the security personally or by mail in the same manner as prescribed for service of notice by Section 30206. Upon any such sale, the surplus, if any, above the amount due under this part shall be returned to the person who deposited the security. Petition for redetermination

Article 5. Redeterminations

30261. Any person against whom a determination is made under Article 2 or 3 of this chapter may petition for a redetermination within 30 days after service upon the person of notice thereof. If a petition for redetermination is not filed within the 30-day period, the determination becomes final at the expiration of the period. Same

30262. If a petition for redetermination is filed within the 30-day period, the board shall reconsider the determination and, if the person has so requested in his petition, shall grant him an oral hearing and shall give him at least 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary. Reconsideration and hearing

30263. The order or decision of the board upon a petition for redetermination becomes final 30 days after mailing of notice thereof. Order

30264. All determinations made by the board under Article 2 or 3 of this chapter are due and payable at the time they become final. If they are not paid when due and payable, a Penalty

penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

Notice

30265. Any notice required by this article shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 6. Interest and Penalties

Interest and penalties

30281. Any person who fails to pay any tax, except a tax determined by the board under Article 2 or 3 of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

Chapter 5. Collection of Tax

Article 1. Suit for Tax

Suit for tax

30301. At any time within three years after any amount of tax becomes due and payable, and at any time within three years after the last recording of a certificate under Section 30322, the board may transmit notice of the delinquency to the Attorney General, who shall at once proceed by appropriate legal action to collect all sums due the State.

Attachment

30302. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

Evidence

30303. In the action a certificate by the board showing the delinquency shall be prima facie evidence of the determination of the tax or the amount of the tax, of the delinquency of the amount of tax, interest, and penalty set forth, and of compliance by the board with all provisions of this part in relation to the computation and determination of the tax.

Article 1.5. Notice to Withhold

Notice to withhold

30311. If any person is delinquent in the payment of the amount required to be paid by him or in the event a determination has been made against him which remains unpaid, the board may, not later than three years after the payment became delinquent, or within three years after the last recording of a certificate under Section 30322, give notice thereof personally or by registered mail to all persons, including any officer or department of the State or any political subdivision or agency of the State, having in their possession or under their control any credits or other personal property belonging to the delinquent, or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or such person. In the case of any state officer, department or agency, the notice shall be given to such officer.

department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

30312. After receiving the notice the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier. Prohibition

30313. All persons so notified shall forthwith after receipt of the notice advise the board of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Report

30314. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the State for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given. Liability

Article 2. Priority and Lien of Tax

30321. The amounts required to be paid by any person under this part together with interest and penalties shall be satisfied first in any of the following cases: Priorities

(a) Whenever the person is insolvent.

(b) Whenever the person makes a voluntary assignment of his assets.

(c) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

This section does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

30322. If any amount required to be paid to the State under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any Lien

county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for five years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within five years from the date of the filing of the certificate or within five years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for five years unless sooner released or otherwise discharged.

Release or subordination of lien

30323. The board may at any time release all or any portion of the property subject to any lien provided for in this part from the lien or subordinate the lien to other liens and encumbrances if it determines that the amount, interest, and penalties are sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the collection of the amount, interest, and penalties.

Evidence

30324. A certificate by the board to the effect that any property has been released from the lien or that the lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

Article 3. Warrant for Collection of Tax

Warrant

30341. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within three years after the last recording of a certificate under Section 30322, the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy and a sale pursuant to a writ of execution.

Payment of fees

30342. The board shall pay the sheriff, marshal or constable, upon the completion of his services pursuant to a warrant, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The board, and not the court, shall approve the fees for publication in a newspaper.

30343. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of the tax. Liability for fees

Article 4. Miscellaneous Provisions

30351. The remedies of the State provided for in this chapter are cumulative, and no action taken by the board or Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this part. Cumulative remedies

30352. In all proceedings under this chapter the board may act on behalf of the people of the State of California. State representation

CHAPTER 6. OVERPAYMENTS AND REFUNDS

Article 1. Claim for Refund

30361. If the board determines that any amount not required to be paid under this part has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Control, the excess amount collected or paid shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns. Refunds and credits

In the case, however, of a determination by the State Board of Equalization that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the State Board of Equalization, without obtaining approval of the State Board of Control, may credit such amount on any amounts then due and payable under this part from the person by whom the amount was paid and shall refund the balance to the person or his successors, administrators or executors.

30362. No refund shall be allowed or approved after three years from the fifteenth day after the close of the monthly period for which the overpayment was made, or, with respect to a determination made under Chapter 4 of this part, after six months from the date the determination becomes final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved or allowed after the expiration of such period unless a claim for credit is filed with the board within such period. Limitations

30363. Every claim for refund or credit shall be in writing and shall state the specific grounds upon which it is founded. Requirements

Waiver

30364. Failure to file a claim within the time prescribed in this article constitutes a waiver of all demands against the State on account of the overpayment.

Notice of disallowance

30365. Within 30 days after disallowing any claim in whole or in part, the board shall serve written notice of its action on the claimant in the manner prescribed for the service of a notice of a deficiency determination.

Interest

30366. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the fifteenth day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the fifteenth day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

Limitation

30367. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

Article 1.5. Refunds on Stamps or Meter Impressions

Unused prepaid tax

30371. The board shall redeem from a distributor any unused stamps at face value. The board shall refund to any distributor the unused balance of tax prepaid in connection with a metering machine.

Unsalable packages

30372. The board, under regulations prescribed by it, shall refund to a distributor the face value of stamps or meter impressions affixed to packages of cigarettes which have become unfit for use or unsalable or have been destroyed.

Article 2. Recovery of Erroneous Refunds

Recovery of erroneous refunds

30381. The board may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in any city or county in this State in which the Attorney General has an office, in the name of the people of the State of California.

Legal actions

30383. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Article 3. Suit for Refund

30401. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this part of any tax or any amount of tax required to be collected. Injunctions, etc.

30402. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been duly filed. Claim prerequisite

30403. Within 90 days after the mailing of the notice of the board's action upon a claim for refund or credit, the claimant may bring an action against the board on the grounds set forth in the claim in a court of competent jurisdiction in any city or county in the State in which the Attorney General has an office for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed. Suit for refund

30404. If the board fails to mail notice of its action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the board of its action on the claim, consider the claim disallowed and bring an action against the board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment. Failure to mail notice

30405. Failure to bring a suit or an action within the time specified in this article constitutes a waiver of all demands against the State on account of an alleged overpayment. Waiver

30406. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board. Discharge of judgment

30407. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any amount paid when the action is brought by or in the name of an assignee of the person making the payment or by any person other than the person making the payment. Assignees

Article 4. Cancellations

30421. If any amount in excess of one hundred dollars ($100) has been illegally determined, the board shall set forth in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation Cancellation

of the amount upon the records of the board. If an amount not exceeding one hundred dollars ($100) has been illegally determined, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 7. REQUIREMENTS FOR TRANSPORTERS

Permit

30431. Any transporter desiring to possess or acquire for transportation or transport upon the highways, roads or streets of this State any cigarettes which are not contained in packages to which are affixed California cigarette tax stamps or meter impressions shall obtain a permit from the board authorizing such transporter to possess or acquire for transportation or transport the cigarettes, and he shall have the permit in his possession while the cigarettes are in his possession. The application for the permit shall be in such form and shall contain such information as may be prescribed by the board. The board may issue a permit for a single load or shipment or for a number of loads or shipments to be transported under specified conditions.

Invoice

30432. Each transporter who shall transport or possess or acquire for the purpose of transporting upon the highways, roads or streets of this State any cigarettes which are not contained in packages to which are affixed California cigarette tax stamps or meter impressions is required to have in his actual possession invoices or bills of lading covering the shipment of cigarettes being transported by him.

Penalties

30433. Any violation of Sections 30431 or 30432 is a misdemeanor and is punishable by a fine not exceeding one thousand dollars ($1,000), by imprisonment not exceeding one year, or by both, in the discretion of the court.

CHAPTER 8. ADMINISTRATION

Enforcement

30451. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part. The board may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

Employees

30452. The board may employ accountants, auditors, investigators, assistants, and clerks necessary for the efficient administration of this part and may designate representatives to conduct hearings, or perform any other duties imposed by this part or other laws of this State upon the board.

Records

30453. Every distributor and every person dealing in, transporting, or storing cigarettes in this State shall keep such records, receipts, invoices, and other pertinent papers with respect thereto in such form as the board may require.

Investigations and reports

30454. The board or its authorized representative may make such examinations of the books, papers, records, and equipment of any person dealing in, transporting, or storing

cigarettes and such other investigations as it may deem necessary in carrying out the provisions of this part.

In addition to any other reports required under this part, the board may, by rule and otherwise, require additional, other, or supplemental reports from distributors, dealers, transporters, common and private carriers, warehousemen, bailees, and other persons and prescribe the form, including verification, of the information to be given on, and the times for filing of, such additional, other, or supplemental reports.

Disclosure

30455. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination of the records maintained by the board under this part by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person.

Nothing in this section shall prevent the board from exchanging with officials of other states information concerning interstate shipments of cigarettes.

Any violation of this section is a misdemeanor and is punishable by a fine not exceeding one thousand dollars ($1,000), by imprisonment not exceeding one year, or by both, in the discretion of the court.

Chapter 9. Disposition of Proceeds

Cigarette Tax Fund

30461. All amounts required to be paid to the State under this part shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Cigarette Tax Fund, which fund is hereby created.

Disposition of fund

30462. All money deposited in the Cigarette Tax Fund under this part shall, upon order of the State Controller, be drawn therefrom for refunds under this part or be transferred to the General Fund of this State.

Chapter 10. Violations

Failure to make report

30471. Any person who fails or refuses to file any report required to be made, or who fails or refuses to furnish a supplemental report or other data required by the board, or who renders a false or fraudulent report is guilty of a misdemeanor

and subject to a fine of not exceeding five hundred dollars ($500) for each offense.

False report

30472. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report with intent to defeat or evade the determination required by law to be made is guilty of a misdemeanor. He shall for each offense be fined not less than three hundred dollars ($300) and not more than five thousand dollars ($5,000), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment, in the discretion of the court.

Forgery of stamps, etc.

30473. Any person who falsely or fraudulently makes, forges, alters, reuses or counterfeits any stamp or meter impression provided for or authorized under this part, or tampers with any metering machine authorized under this part, or causes or procures to be falsely or fraudulently made, forged, altered, reused or counterfeited, any such stamp or meter impression or knowingly and willfully utters, publishes, passes, or tenders as genuine any such false, forged, altered, reused or counterfeited stamp or meter impression, for the purpose of evading the tax imposed by this part, is guilty of a felony and subject to imprisonment for not less than one year and not more than 10 years, or to a fine of not less than one thousand dollars ($1,000) and not more than ten thousand dollars ($10,000), or to both fine and imprisonment.

Possession, etc., of unstamped packages

30474. Any person who possesses, sells or offers to sell any package of cigarettes to which there is not affixed the stamp or meter impression required to be affixed under this part is guilty of a misdemeanor and shall for each offense be fined not more than five hundred dollars ($500), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment, in the discretion of the court.

Seizure of unstamped packages

30475. Whenever the board discovers any cigarettes subject to tax under this part and with respect to which the tax has not been paid or the stamps or meter impressions affixed as required under this part, it is hereby authorized and empowered forthwith to seize and take possession of such cigarettes together with any vending machine or receptacle in which they are held for sale. Such seized cigarettes, vending machine or receptacle, not including money contained in such vending machine or receptacle, shall be forfeited to the State. The board may, within a reasonable time thereafter, by public notice at least 10 days before the date of sale, sell such forfeited cigarettes, vending machines or receptacles at public sale and deposit the proceeds in the State Treasury to the credit of the Cigarette Tax Fund.

Notwithstanding the foregoing, the person from whom said cigarettes were seized may redeem the said cigarettes and any vending machine or receptacle seized therewith, within 20 days from the date of seizure, by the payment of the tax due together with a penalty of 50 percent thereof and the costs incurred in such proceeding, which total payment shall not be less than ten dollars ($10); provided, however, that such

seizure, sale or redemption shall not relieve any such person from fine or imprisonment as provided for violation of any provision of this part.

30476. Any violation of the provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such. Misdemeanor

SEC. 2. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated but shall remain in full force and effect. Severability

SEC. 3. Notwithstanding any other provisions of this act, if the State Board of Equalization determines that stamps, stamp affixing equipment and metering machines are not available, the State Board of Equalization may provide that the tax imposed by this act with respect to cigarettes may be paid without the use of stamps or meter impressions for a period not to exceed two months beginning with July 1, 1959. Stamps, etc., not available

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. Tax levy

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CHAPTER 1041

An act to add Chapter 9 (commencing with Section 3120) to Division 4 of Title 1 of the Government Code, relating to air travel insurance of local agency officers and employees.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.] In effect September 18, 1959

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

SECTION 1. Chapter 9 (commencing with Section 3120) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 9. AIR TRAVEL INSURANCE OF OFFICERS AND EMPLOYEES

3120. As used herein "local agency" means a county, city and county, city, school district or other special district. "Local agency"

3121. Any local agency may, subject to rules and regulations promulgated by the legislative body thereof, insure its officers, deputies, assistants, employees and agents for injury or death incurred while flying on the business of the agency in any aircraft other than an aircraft operated on regular schedule by any passenger-carrying commercial airline and the cost of such insurance shall be a proper charge against the local agency. Air travel insurance

3122. The air travel insurance authorized by this chapter shall be in addition to any compensation secured under the provisions of Division 4 of the Labor Code and inuring to the benefit of the officer, deputy, assistant, employee or agent, or his beneficiary or heir. Additional compensation

CHAPTER 1042

An act to add Section 25509 to the Government Code, relating to purchasing agent's stores account.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 25509 is added to the Government Code, to read:

25509. In any county which employs a purchasing agent the board of supervisors may by ordinance create and maintain a purchasing agent's stores account for the purchase and maintenance of a stock of general supplies and materials for the county. The board shall determine the amount of said account and shall fix the same in the ordinance creating the account; said ordinance shall also prescribe the method of administration of the account and the manner of accounting therefor. The authority of this section shall be in addition to and not a limitation upon any revolving fund of the purchasing agent otherwise provided for by law.

CHAPTER 1043

An act to amend Sections 74222 and 74223 of the Government Code, relating to the salaries for clerks in the municipal court district embracing the City of Salinas.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 74222 of the Government Code is amended to read:

Clerk's salary

74222. There shall be one clerk, who shall receive a minimum salary of four hundred seventy dollars ($470) monthly with annual increments of twenty-six dollars ($26), twenty-seven dollars ($27), twenty-nine dollars ($29) and thirty-one dollars ($31) to a maximum of five hundred eighty-three dollars ($583) monthly.

SEC. 2. Section 74223 of said code is amended to read:

Salaries: Deputy clerks

74223. The clerk may appoint:

(a) One deputy clerk who shall receive a minimum salary of three hundred sixty-one dollars ($361) monthly with annual increments of nineteen dollars ($19), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23) to a maximum of four hundred forty-six dollars ($446) monthly.

(b) Four deputies each of whom shall receive a minimum salary of three hundred eight dollars ($308) monthly with

annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19), and nineteen dollars ($19) to a maximum of three hundred eighty dollars ($380) monthly.

(c) Six deputies who shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15) and seventeen dollars ($17) to a maximum of three hundred twenty-five dollars ($325) monthly.

CHAPTER 1044

An act to amend Sections 10407, 10503, and 10600 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10407 of the Streets and Highways Code is amended to read:

Notice of sale

10407. Within 30 days after the date of the delinquency, the tax collector shall begin the publication of a notice of sale of the property upon which the assessments have not been paid. The publication shall be made in the city pursuant to Section 6066 of the Government Code.

SEC. 2. Section 10503 of said code is amended to read:

Contract provisions

10503. The contract shall provide that the work shall be done strictly in accordance with the plans and specifications contained in the report provided for in Sections 10200, 10201, 10202, 10203, 10204, and 10300. The work shall be done under the supervision of the board officer, or person by whom the report was made, and no work or portion of the work shall be paid for until it is approved for payment by that board officer, or person, but this shall not prevent approval of and payment for completed portions of the work as it progresses. Payment made for completed portions of the work shall not constitute final acceptance of these portions or of the completed project.

SEC. 3. Section 10600 of said code is amended to read:

Applicable provisions, etc

10600. The legislative body conducting the proceedings under the provisions of this division may, in its resolution of intention, determine and declare that bonds shall be issued under the provisions of either the Improvement Act of 1911 or the Improvement Bond Act of 1915. In any case, the assessment shall be recorded in the office of the superintendent of streets of the city, county surveyor of the county, or district engineer of the district or public corporation conducting the proceedings in the manner and with like force and effect as provided in the Improvement Act of 1911 and the Improvement Bond Act of 1915, and the assessment therefor shall have the

priority, and the proceedings shall be subject to all of the curative clauses and powers of reassessment, provided in those acts. In any case, the official in whose office the original of the assessment is recorded shall give the notice to pay the assessments, as provided in this division. If bonds are to be issued under the Improvement Act of 1911, assessments under fifty dollars ($50) shall be subject to the penalties and costs, and collected as provided for cash assessments in the Street Opening Act of 1903.

CHAPTER 1045

An act to amend Sections 74702 and 74703 of the Government Code, relating to the Santa Rosa Municipal Court.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 74702 of the Government Code is amended to read:

Clerk's salary

74702. There shall be one clerk who shall receive a salary of three hundred ninety-two dollars ($392) monthly with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred seventy dollars ($470).

SEC. 2. Section 74703 of said code is amended to read:

Salaries: Deputy clerks

74703. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of four hundred ten dollars ($410).

(b) Three deputy clerks grade III, each of whom shall receive a minimum salary of three hundred eleven dollars ($311) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred seventy-four dollars ($374) monthly.

(c) Three deputy clerks grade II, each of whom shall receive a minimum salary of two hundred eighty-four dollars ($284) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred forty-one dollars ($341) monthly.

(d) Three deputy clerks grade I, each of whom shall receive a minimum salary of two hundred forty-seven dollars ($247) monthly with annual increments of twelve dollars ($12), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred ninety-seven dollars ($297) monthly.

CHAPTER 1046

An act to amend Section 74642, to amend and renumber Sections 74643 and 74644, and to add Section 74644.1 to, the Government Code, relating to the municipal court established in a district embracing the City of Santa Barbara.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 74642 of the Government Code is amended to read:

Clerk, etc.

74642. There shall be one clerk, one assistant clerk, two deputy court clerks, one deputy clerk III, three deputy clerks II and four deputy clerks I, each of whom shall receive a salary in accordance with Section 74644 or Section 74644.1 when operative.

SEC. 2. Section 74643 is renumbered and amended to read:

Salary schedule

74644. The monthly salaries for the following classes of positions shall be, and shall be increased in accordance with the schedule set forth below:

	A	B	C	D	E
Clerk of the municipal court	$502	$527	$553	$581	$610
Assistant clerk	392	412	433	455	478
Deputy court clerk	355	373	392	412	433
Deputy clerk III	322	338	355	373	392
Deputy clerk II	307	322	338	355	373
Deputy clerk I	278	292	307	322	338
Marshal	502	527	553	581	610
Deputy marshal	355	373	392	412	433
Marshal's clerk	278	292	307	322	338

All figures in columns A, B, C, D, and E represent dollars per calendar month.

On and after the effective date of this section, the following regulations will govern the administration of the classification and compensation schedules contained herein:

(1) All new employees shall be hired at the first step of the appropriate salary range.

(2) A one-year service period shall be required for each normal salary step increase.

(3) The salary anniversary date for present employees shall be the date of their last salary increase.

(4) The salary anniversary date for new employees shall be the date hired.

(5) An employee promoted to a higher class shall receive a one-step increase over his salary before promotion, or the first step of the salary range of the new class, whichever is greater.

(6) An employee demoted to a lower class shall retain his present salary rate, or shall be paid at step "E" of the lower class, whichever is smaller.

(7) On the effective date of this section, the present employees shall be paid at that step in the appropriate salary range which is nearest to equaling the present rate of pay of each employee, plus a five percent (5%) increase over their present rate, and such employees shall retain their regular salary anniversary date.

(8) Notwithstanding the provisions cited above, on the effective date of this section the salary of the clerk of the municipal court and the marshal, who were first employed prior to March 1, 1954, shall be set in step "C" of the appropriate salary range.

SEC. 3. Section 74644 is amended and renumbered to read:

Marshal, etc.

74643. There shall be one marshal, four deputy marshals, and one marshal's clerk, each of whom shall receive a salary in accordance with Section 74644 or Section 74644.1 when operative.

SEC. 4. Section 74644.1 is added to said code, to read:

Additional compensation

74644.1. To each monthly salary rate set forth in columns A, B, C, D and E of Section 74644 of this code, there is hereby added the following amounts to the classes of positions set forth below:

Clerk of municipal court and marshal	$25 per calendar month
Assistant clerk, deputy court clerk and deputy marshal	20 per calendar month
Deputy court clerk III, deputy court clerk II, deputy court clerk I, and marshal's clerk	15 per calendar month

The additional compensation authorized by this section shall be paid only for services rendered on or after the operative date of this section. After the effective date of this section, it shall become operative on the same date as a general salary increase is effective for other permanent county monthly salaried employees; provided, however, if a general salary increase is effective for other permanent county monthly salaried employees between April 1, 1959 and the effective date of this section, it shall become operative on its effective date. For the purpose of determining the operative date of this section, a "general salary increase" shall be considered to have been granted when seventy-five percent (75%) or more of the permanent monthly salaried employees of the county have been granted a salary increase of approximately five percent (5%) or more in addition to any regular annual increase for length of service. This section shall remain in effect until the ninety-first day after final adjournment of the 1961 Session of the California Legislature.

CHAPTER 1047

An act to amend Section 740 of the Welfare and Institutions Code, relating to care of wards of the juvenile court.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 740 of the Welfare and Institutions Code is amended to read:

740. When any person alleged to come within the provisions of Section 700 is adjudged by the court or judge to come within the said provisions, and adjudged to be a ward of the juvenile court, the court may make such order with respect to custody and placement of the ward as the court deems to be in the best interest of the ward and the community. The court may call upon the services of any public or private agency in making placement and providing supervision and may commit such person for such time as the court deems fit, but not beyond the time during which the court retains jurisdiction as prescribed by the provisions of Section 750 of this code, to the care of any of the following persons, associations, corporations, or institutions, as herein prescribed:

(a) To the home and care of some reputable person of good moral character.

(b) To the care of some association, society, or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, and willing and able to receive and care for such ward.

(c) To the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of the ward until suitable provision may be made for him in a home without such payment, the ward to be subject to the supervision of the probation officer and the further order of the court; but no ward of the juvenile court under the age of 16 years shall be boarded out in any boarding place other than a boarding place licensed by the Department of Social Welfare.

(d) To the care of the probation officer, on probation, the ward to remain in the home of the ward, or in any other fit home in which the court may order the probation officer to place him, subject to the visitation of the probation officer, to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable. In all cases of probation the court may require as a condition of probation that the ward go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as di-

rected by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach, and specifically for the reformation and rehabilitation of the ward.

(e) To the Youth Authority.

(1) The Youth Authority shall accept a person committed to it pursuant to this section if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care. No such person shall be transported to any facility under the jurisdiction of the Youth Authority, until the director thereof has notified the committing court of the place to which said person is to be transported and the time at which he can be received.

(2) The Youth Authority shall also accept a person committed to it pursuant to this section; provided, that the Director of the Youth Authority certifies that staff and institutions are available, (a) if he is a borderline psychiatric or borderline mentally deficient case, (b) if he is a sex deviate, unless he is of a type whose presence in the community, under parole supervision, would present a menace to the public welfare, or (c) if he suffers from a primary behavior disorder. No such person shall be transported to any facility under the jurisdiction of the Youth Authority, until the director thereof has notified the committing court of the place to which such person is to be transported and the time at which he can be received. To implement the administration of this paragraph, the Director of the Youth Authority and the Director of Mental Hygiene shall, at least annually, confer and establish policy with respect to the types of cases which should be the responsibility of each department.

(f) To the detention home or if said ward is of the age of 18 years or over and the court finds it necessary and advisable to the county jail.

(g) To any other state or county institution now or hereafter established for the purpose of caring for and training persons that come within the provisions of this chapter or to the County Department of Public Welfare to be boarded out or placed in some suitable foster family home licensed to receive and care for children under 16 years of age. Whenever the court makes such commitment to the County Department of Public Welfare, the welfare director or his deputies shall have direct access to the court in all matters pertaining to the welfare of children so committed and shall make reports to the court in such matters as the court may require.

Before any such person is conveyed to any such institution or department it shall be ascertained from the superintendent or director thereof that such person can be received.

Whenever the court, after hearing, is of the opinion that any person alleged or adjudged to come within the provisions

of Section 700 or 701 of this code is mentally ill or if the court is in doubt concerning the mental health of any such person, the court may order that such person be held temporarily in the psychopathic ward of the county hospital for observation and recommendation concerning the future care, supervision and treatment of such person.

Whenever a person has been adjudged a ward of the juvenile court and has been committed or otherwise disposed of as provided in this chapter for the care of wards of the juvenile court, the court may order that said ward be detained in the detention home, or if said ward is of the age of 18 years or more, in the county jail, or otherwise, as to the court seems fit, until the execution of the order of commitment or of other disposition.

CHAPTER 1048

An act to amend Sections 13350, 13361, 13364, 17703, 17704, and 17705 of, and to repeal Section 13365 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the licensing of drivers of motor vehicles.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13350 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Grounds for license revocation

13350. The department shall immediately revoke the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(1) Manslaughter resulting from the operation of a motor vehicle.

(2) Driving when addicted to the use, or under the influence of a narcotic drug or amphetamine or any derivative thereof under Section 23105.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(4) Upon three or more convictions upon violation of Sections 20002, 23103, or 23104 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(5) Any felony in the commission of which a motor vehicle is used, except as provided for in Sections 13550, 13552, or 13553.

SEC. 2. Section 13361 of said code is amended to read:

Grounds for license suspension

13361. The department may suspend the privilege of any person to operate a motor vehicle upon receipt of a duly certi-

fied abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Failure to stop in the event of an accident resulting in damage to property only.

(b) A second or subsequent conviction of reckless driving or upon a first conviction of reckless driving causing bodily injury.

(c) Failure to stop upon striking an unattended vehicle.

In any case under this section the department is authorized to require proof of ability to respond in damages as defined in Section 16430.

SEC. 3. Section 13364 of said code is amended to read:

Additional suspension

13364. The department, upon receiving a record of the conviction of any person upon a charge of violating Section 14601, shall suspend the driving privilege of the person for an additional period equal to any existing term of suspension or, if the suspension was for an indeterminate period, shall suspend the driving privilege for a period of six months from the date of the conviction. If the conviction was upon a charge of driving while the driving privilege was revoked, the department shall revoke the driving privilege for a period of one year from the date of the conviction.

Repeal

SEC. 4. Section 13365 of said code is hereby repealed.

SEC. 5. Section 17703 of said code is amended to read:

Minor's license Application

17703. If the person or persons required to sign and verify the application of a minor are not residents of this State, the application shall be signed and verified by a person residing within this State who has custody of the minor, or the department may accept an application signed and verified by the minor and accompanied by proof of ability to respond in damages, as provided in Article 1 of Chapter 3 of Division 7 (commencing at Section 16430).

SEC. 6. Section 17704 of said code is amended to read:

Same Cancellation

17704. If, at any time during the minority of the person who has given proof of ability to respond in damages, the proof shall fail, then the department shall forthwith cancel the license until proof of the licensee's continued ability to respond in damages has been given or until the minor has otherwise complied with the requirements of this code relative to the issuance of a driver's license.

SEC. 7. Section 17705 of said code is amended to read:

Same. Application

17705. If the person who is required to sign and verify the application of a minor gives his written consent, or the minor is emancipated other than by marriage, the department may accept an application signed and verified only by the minor and accompanied by proof of ability to respond in damages. The person giving the consent to but not signing or verifying the application shall not be subject to the civil liability specified in Sections 17707 and 17708 merely by reason of having given such consent.

CHAPTER 1049

An act to amend Sections 73582, 73583, 73584, 73585, and 73586 of the Government Code, relating to municipal courts.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 73582 of the Government Code is amended to read:

Salaries. Clerk

73582. There shall be one clerk who shall be appointed by the judge, and who shall receive a minimum salary of four hundred eighty-one dollars ($481) a month with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-eight dollars ($28) a month to a maximum of five hundred eighty-four dollars ($584) a month.

SEC. 2. Section 73583 of said code is amended to read:

Deputy clerks

73583. The judge may fill as many of the following positions at the indicated monthly salaries as he deems necessary for the proper administration of justice:

(a) One court clerk who shall receive a minimum salary of four hundred eighty-one dollars ($481) a month with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-eight dollars ($28) a month to a maximum of five hundred eighty-four dollars ($584) a month.

(b) One chief deputy clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) a month with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) a month to a maximum salary of four hundred fifteen dollars ($415) a month.

(c) Two deputy clerks, each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) a month with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18) and nineteen dollars ($19) a month to a maximum of three hundred ninety-five dollars ($395) a month.

(d) One deputy clerk who shall receive a minimum salary of two hundred eighty-one dollars ($281) a month with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) a month to a maximum salary of three hundred forty-one dollars ($341) a month.

SEC. 3. Section 73584 of said code is amended to read:

Marshal

73584. There shall be one marshal who shall be the present incumbent of the office of constable of the Concord Judicial District, and who shall receive a minimum salary of six hundred forty-four dollars ($644) a month with annual increments of thirty-two dollars ($32), thirty-four dollars ($34),

thirty-five dollars ($35), and thirty-seven dollars ($37) a month to a maximum salary of seven hundred eighty-two dollars ($782) a month.

SEC. 4. Section 73585 of said code is amended to read:

Deputy marshals

73585. The marshal may fill as many of the following positions at the indicated monthly salaries as he deems necessary for the proper administration of justice:

(a) One deputy marshal who shall receive a minimum salary of four hundred thirty-six dollars ($436) a month with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) a month to a maximum salary of five hundred thirty dollars ($530) a month.

(b) One deputy marshal who shall be an intermediate typist-clerk, and who shall receive a minimum salary of three hundred twenty-five dollars ($325) a month with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) a month to a maximum salary of three hundred ninety-five dollars ($395) a month.

SEC. 5. Section 73586 of said code is amended to read:

Official reporter

73586. The judge may appoint one official reporter pursuant to Section 73194 who shall be an attache of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, he shall receive a salary of seven hundred ten dollars ($710) a month, which shall be a charge against the general fund of the county. He shall be a member of any retirement system maintained by Contra Costa County, and, for such purpose, the salary here provided shall be deemed his entire compensation.

CHAPTER 1050

An act to amend Sections 74082, 74083, 74084, 74085, 74086, and 74087 of the Government Code, relating to municipal courts.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 74082 of the Government Code is amended to read:

Salaries: Clerk

74082. There shall be one clerk who shall receive a minimum salary of six hundred seventy-six dollars ($676) monthly with annual increments of thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), and thirty-nine dollars ($39) a month to a maximum salary of eight hundred twenty-one dollars ($821) a month.

SEC 2. Section 74083 of said code is amended to read:

74083. The clerk shall appoint:

(a) One chief deputy, who shall receive a minimum salary of five hundred five dollars ($505) a month with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) a month to a maximum salary of six hundred thirteen dollars ($613) a month. Deputy clerks

(b) Three deputy clerks who shall be court clerks, each of whom shall receive a minimum salary of four hundred eighty-one dollars ($481) a month with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-eight dollars ($28) a month to a maximum of five hundred eighty-four dollars ($584) a month.

(c) Eight deputy clerks, (grade II), each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) a month with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) a month to a maximum of three hundred ninety-five dollars ($395) a month.

(d) Three deputy clerks, each of whom shall receive a minimum salary of two hundred eighty-one dollars ($281) a month with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) a month to a maximum of three hundred forty-one dollars ($341) a month. Within six months from the effective date of this section, notwithstanding any other provision of this code, the civil service commission of the county shall prescribe the working hours, duties and responsibilities of all deputies, attaches, and employees of the clerk's office, including those of the clerk.

SEC. 3. Section 74084 of said code is amended to read:

Marshal

74084. There shall be one marshal who shall receive a minimum salary of six hundred seventy-six dollars ($676) a month with annual increments of thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), and thirty-nine dollars ($39) a month to a maximum of eight hundred twenty-one dollars ($821) a month.

Notwithstanding any other provision of law if the office of marshal becomes vacant by reason of death, resignation, or expiration of term, the marshal shall be appointed by a majority of the judges. The marshal so appointed or reappointed shall receive a salary of eight hundred twenty-one dollars ($821) a month. For the purposes of Section 31982 the entrance into service shall be deemed the effective date of the marshal's appointment or reappointment.

SEC. 4. Section 74085 of said code is amended to read:

74085. The marshal shall appoint: Deputy marshals

(a) One chief deputy marshal who shall be paid a minimum salary of five hundred five dollars ($505) a month with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) a month to a maximum of six hundred thirteen dollars

($613) a month, and who shall be first in authority under the marshal and shall take care of all nightwork.

(b) Five deputy marshals, each of whom shall be paid a minimum salary of four hundred thirty-six dollars ($436) a month with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) a month to a maximum of five hundred thirty dollars ($530) a month.

(c) One deputy marshal, who shall be a senior clerk, and who shall receive a minimum salary of three hundred seventy-six dollars ($376) a month with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) a month to a maximum of four hundred fifty-eight dollars ($458) a month.

(d) One deputy marshal, who shall be an intermediate typist-clerk, and who shall receive a minimum salary of three hundred twenty-five dollars ($325) a month with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) a month to a maximum of three hundred ninety-five dollars ($395) a month. The primary duties of such deputy shall be the processing of all types of legal documents which are to be served by the marshal's office and the bookkeeping in connection with the receipt and disbursement of any and all funds in connection with said process.

(e) One deputy marshal, who shall be a typist-clerk, and who shall receive a minimum salary of two hundred eighty-one dollars ($281) a month with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) a month to a maximum of three hundred forty-one dollars ($341) a month.

(f) Ten deputies who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

SEC. 5. Section 74086 of said code is amended to read:

Official reporters

74086. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attaches of the court. In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of seven hundred ten dollars ($710) a month, which shall be a charge against the general fund of the county.

SEC. 6. Section 74087 of said code is amended to read:

Additional reporters

74087. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 and 69953, inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings, the official

reporters pro tempore shall in all cases receive thirty-seven dollars ($37) a day, which shall upon order of the court be a charge against the general fund of the county.

CHAPTER 1051

An act to amend Sections 74612, 74613, and 74614 of the Government Code, relating to San Pablo Municipal Court.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 74612 of the Government Code is amended to read:

Salaries: Clerk, etc

74612. The judge may fill as many of the following positions at the indicated monthly salaries as he deems necessary for the proper administration of justice:

One clerk of the court, four hundred eighty-one dollars ($481), five hundred five dollars ($505), five hundred thirty dollars ($530), five hundred fifty-six dollars ($556), five hundred eighty-four dollars ($584);

One courtroom clerk, four hundred eighty-one dollars ($481), five hundred five dollars ($505), five hundred thirty dollars ($530), five hundred fifty-six dollars ($556), five hundred eighty-four dollars ($584);

One chief deputy clerk, three hundred forty-one dollars ($341), three hundred fifty-eight dollars ($358), three hundred seventy-six dollars ($376), three hundred ninety-five dollars ($395), four hundred fifteen dollars ($415);

Two intermediate typist-clerks, three hundred twenty-five dollars ($325), three hundred forty-one dollars ($341), three hundred fifty-eight dollars ($358), three hundred seventy-six dollars ($376), three hundred ninety-five dollars ($395);

One typist-clerk, two hundred eighty-one dollars ($281), two hundred ninety-five dollars ($295), three hundred ten dollars ($310), three hundred twenty-five dollars ($325), three hundred forty-one dollars ($341).

One court reporter, seven hundred ten dollars ($710), which shall be in lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, and who shall be an attache of said court eligible for membership in the County Employees Retirement Association of Contra Costa County for which purpose his salary shall be deemed his entire compensation.

SEC. 2. Section 74613 of said code is amended to read:

Marshal

74613. There shall be one marshal. His monthly salary shall be in the following range: six hundred forty-four dollars ($644), six hundred seventy-six dollars ($676), seven hundred ten dollars ($710), seven hundred forty-five dollars ($745), seven hundred eighty-two dollars ($782).

SEC. 3. Section 74614 of said code is amended to read:

Deputy marshals

74614. The marshal may fill as many of the following positions at the indicated monthly salaries as he deems necessary for the proper administration of justice:

Two deputy marshals, four hundred thirty-six dollars ($436), four hundred fifty-eight dollars ($458), four hundred eighty-one dollars ($481), five hundred five dollars ($505), five hundred thirty dollars ($530);

One intermediate typist-clerk, three hundred twenty-five dollars ($325), three hundred forty-one dollars ($341), three hundred fifty-eight dollars ($358), three hundred seventy-six dollars ($376), three hundred ninety-five dollars ($395).

CHAPTER 1052

An act to amend Section 15151 of the Health and Safety Code, relating to housing.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 15151 of the Health and Safety Code is amended to read:

15151. The provisions of this part which relate to apartment houses and hotels apply in all parts of the State. The provisions of this part which relate to dwellings apply only in cities and in the unincorporated area of any county in which the board of supervisors finds that the application of such provisions to such area is necessary to the health and safety of the people therein and by resolution based upon such finding adopts the provisions of this part relating to dwellings.

CHAPTER 1053

An act to amend Section 810.52 of the Agricultural Code, relating to asparagus.

In effect September 18, 1959

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

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

SECTION 1. Section 810.52 of the Agricultural Code is amended to read:

810.52. Bunches of asparagus classified according to the following designated grades shall contain the number of stalks indicated in each classification and shall weigh not less than two pounds net when packed. Not less than 12 bunches of asparagus so classified may be packed in standard container No. 51 or 52.

Colossal, not more than 14 stalks to a bunch.

Jumbo, 15 to 20 stalks to a bunch.

Extra select, 21 to 28 stalks to a bunch.
Select, 29 to 42 stalks to a bunch.
Extra fancy, 43 to 67 stalks to a bunch.
Fancy, 68 to 100 stalks to a bunch.

For the reasons stated in Section 810.5 stalks of asparagus produced in the area south and east of San Gorgonio Pass which are less than 7¼ inches in length when marked with grade classification, shall be classified according to the following designated grades:

Mammoth, not more than 17 stalks to a bunch.
Giant, 18 to 24 stalks to a bunch.
Fancy regal, 25 to 34 stalks to a bunch.
Regal, 35 to 52 stalks to a bunch.
Fancy standard, 53 to 78 stalks to a bunch.
Standard, 79 to 115 stalks to a bunch.

"Crooks" when packed in bunches shall have no more than 67 stalks to a bunch.

The number of stalks of asparagus packed in bunches shall not vary more than 10 percent from the count of the grade classification as marked, except that one bunch in standard container No. 51 or standard container No. 52 or 10 percent, by count, of the bunches in any other container or bulk lot may exceed this tolerance.

CHAPTER 1054

An act to amend Sections 73871, 73872, 73873, and 73874 of, and to add Sections 73873.1 and 73874.1 to, the Government Code, relating to officers and attaches of the Municipal Court of North Sacramento.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 73871 of the Government Code is amended to read:

73871. There shall be two judges.

Judges

SEC. 2. Section 73872 of said code is amended to read:

73872. There shall be one clerk who shall be secretary of the court, who shall receive a salary of six hundred fifty dollars ($650) a month.

Clerk

SEC. 3. Section 73873 of said code is amended to read:

73873. The clerk may appoint:

Salaries

Deputy clerks

(a) Three deputy clerks who shall receive a salary of four hundred two dollars ($402) a month, with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(b) Four deputy clerks who shall receive a salary of three hundred forty-seven dollars ($347) a month, with annual in-

crements of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of four hundred twenty-three dollars ($423) a month.

(c) Three deputy clerks who shall receive a salary of three hundred dollars ($300) a month, with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred sixty-four dollars ($364) a month.

SEC. 4. Section 73873.1 is added to said code, to read:

Salaries upon consolidation

73873.1. In the event of consolidation of the municipal courts of Sacramento County the clerk and each deputy clerk appointed pursuant to Section 73873 shall receive the increments to which his length of service in this and superseded courts entitles him, and in no event shall the clerk or any deputy clerk receive less salary than he received immediately prior to the ninety-first day after the final adjournment of the 1959 Legislature.

SEC. 5. Section 73874 of said code is amended to read:

Marshal

73874. There shall be one marshal who shall receive a salary of six hundred dollars ($600) a month. The marshal may appoint:

(a) One sergeant, who shall receive a salary of four hundred sixty-seven dollars ($467) a month, with annual increments of twenty-three dollars ($23), twenty-five dollars ($25), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixty-seven dollars ($567) a month.

(b) Two deputy marshals, who shall receive a salary of four hundred two dollars ($402) a month, with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(c) One deputy marshal clerk who shall be a stenographer, and who shall receive a salary of three hundred forty-seven dollars ($347) a month, with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of four hundred twenty-three dollars ($423) a month.

(d) One deputy marshal clerk who shall receive a salary of three hundred dollars ($300) a month, with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred sixty-four dollars ($364) a month.

SEC. 6. Section 73874.1 is added to said code, to read:

Salaries upon consolidation

73874.1. In the event of consolidation of the municipal courts of Sacramento County the marshal, the sergeant, and each deputy marshal appointed pursuant to Section 73874 shall receive the increments to which his length of service in this and superseded courts entitles him, and in no event shall the marshal, the sergeant or any deputy receive any less salary than he received immediately prior to the ninety-first day after the final adjournment of the 1959 Legislature.

CHAPTER 1055

An act to amend Section 811.1 of the Agricultural Code, relating to cantaloupes.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 811.1 of the Agricultural Code is amended to read:

811.1. All cantaloupes shall be packed in regular compact arrangement in standard containers numbers 39, 40, 41, 42, 43, 44 or 44A. All such containers shall be closed and the number of cantaloupes in each container shall be one of the "standard pack counts" listed in Section 829.3 for each such container.

As used in this section "closed" or "lidded" as applied to containers of cantaloupes means (1) in the case of fibreboard containers that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container and (2) in the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material similar to that used in the construction of the sides and bottom of said containers, securely attached to the top.

This section shall not apply to cantaloupes in a retail establishment in possession of a retailer for the purpose of resale directly to consumers; nor to cantaloupes sold by a producer regularly engaged in the production of cantaloupes directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the cantaloupes were produced. As used in this section "consumer" means a person who buys cantaloupes for use as food and not for resale.

CHAPTER 1056

An act to amend Sections 811, 828.55, and 829.3 of and to repeal Section 829.31 of the Agricultural Code, relating to vegetable standards.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 811 of the Agricultural Code is amended to read:

811. Cantaloupes shall be mature but not overripe, not poorly netted, and free from mold, decay, and insect injury

Cantaloupes

which has penetrated or damaged the edible portion of the cantaloupe; and free from serious damage, due to bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, wilting, or other causes. Damage to any one cantaloupe is not serious unless it affects the edible portion of the individual cantaloupe.

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

Cantaloupes when packed shall be virtually uniform in size and there shall be approximately the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

"Mature" in the case of cantaloupes means that the appearance of the outside indicates maturity and the arils which surround the seed during the development of maturity have been absorbed and, in addition, that the juice of the edible portion shall contain not less than 8 percent soluble solids as determined by the standard hand refractometer.

The soluble solids content of the edible portion of cantaloupes shall be determined by extracting the juice from two plugs of the flesh, one from each of opposite sides of the melons, and taken at approximately one-half of the distance between the stem and blossom ends. The plugs shall be approximately one-half inch in diameter; and that portion of the plug three-eighths of an inch from the outside edge of the rind shall not be included as the edible portion of the plug of flesh.

All containers of cantaloupes shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the cantaloupes, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

SEC. 2. Section 828.55 of said code is amended to read:

Cantaloupe crates

828.55.

39	Standard cantaloupe crate	12	12	$21\frac{7}{8}$ or $22\frac{1}{8}$
40	Pony cantaloupe crate	11	11	$21\frac{7}{8}$ or $22\frac{1}{8}$
41	Jumbo cantaloupe crate	13	13	$21\frac{7}{8}$ or $22\frac{1}{8}$
42	Cantaloupe crate	$13\frac{1}{2}$	13	$22\frac{1}{2}$
43	Cantaloupe container	9 or $9\frac{1}{2}$	13	$21\frac{7}{8}$ or 22
44	Cantaloupe container	9 or 10	13	22 or $22\frac{3}{8}$
44A	Special cantaloupe crate	$12\frac{1}{2}$	$14\frac{1}{2}$	$21\frac{5}{8}$

SEC. 3. Section 829.3 of said code is amended to read:

Standard packs

829.3. 13. Cantaloupes, Numbers 39, 40, 41, 42, 43, 44, or 44A. The following counts of cantaloupes when packed, are

hereby established as standard packs for the respective standard containers as follows:

Standard pack counts	Container number	Standard container name
27, 36, or 45	39	Standard cantaloupe crate
45 or 54	40	Pony cantaloupe crate
18, 23, 27, 36, 41, or 45	41	Jumbo cantaloupe crate
18, 23, 27, 36, 41, or 45	42	Cantaloupe crate
12, 15, 18, 24, or 30	43	Cantaloupe container
12, 15, 18, 24, or 30	44	Cantaloupe container
18, 23, 27, 36, 41, or 45	44A	Special cantaloupe crate

SEC. 4. Section 829.31 of said code is repealed. Repeal

CHAPTER 1057

An act to amend Sections 14095 and 14455.5 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor June 17, 1959. Filed with Secretary of State June 17, 1959.] In effect September 18, 1959

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

SECTION 1. Section 14095 of the Health and Safety Code is amended to read:

14095. The district board may contract with other governmental agencies. The district board may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department. Contracts and agreements

SEC. 2. Section 14455.5 of said code is amended to read:

14455.5. The commission may enter into contracts with cities or other fire protection districts regarding the joint use of fire apparatus and equipment. The commission may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department. Same

CHAPTER 1058

An act to amend Section 1326 of the Penal Code, relating to subpoenas in criminal cases.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 1326 of the Penal Code is amended to read:

1326. The process by which the attendance of a witness before a court or magistrate is required is a subpoena; it may be signed and issued by:

1. A magistrate before whom a complaint is laid or his clerk or the district attorney, for witnesses in the State.

2. The district attorney, or upon request of the grand jury, any judge of the superior court, for witnesses in the State, in support of an indictment or information, to appear before the court in which it is to be tried.

3. The district attorney or the clerk of the court in which a criminal action is to be tried, or if there is no clerk, the judge of the court; and the clerk or judge must, at any time, upon application of the defendant, and without charge, issue as many blank subpoenas, subscribed by him, for witnesses in the State, as the defendant may require.

CHAPTER 1059

An act to add Sections 1998, 1998.1, 1998.2, 1998.3, 1998.4 and 1998.5 to the Code of Civil Procedure, relating to subpoena of hospital records.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 1998 is added to the Code of Civil Procedure, to read:

Subpoena duces tecum

1998. (a) Except as provided in Section 1998.4, when a subpoena duces tecum is served upon the custodian of records or other qualified witness from a licensed or county hospital or hospital in an institution under the jurisdiction of the Department of Corrections in an action in which the hospital is neither a party nor the place where any cause of action is alleged to have arisen and such subpoena requires the production of all or any part of the records of the hospital relating to the care or treatment of a patient in such hospital, it shall be sufficient compliance therewith if the custodian or other officer of the hospital shall, within five days after the receipt of such subpoena, deliver by mail or otherwise a true and correct copy

(which may be a photographic or microphotographic reproduction) of all the records described in such subpoena to the clerk of court or to the court if there be no clerk or to such other person as described in subdivision (a) of Section 2018, together with the affidavit described in Section 1998.1.

(b) The copy of the records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of witness and date of subpoena clearly inscribed thereon; the sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, directed as follows:

If the subpoena directs attendance in court, to the clerk of such court, or to the judge thereof, if there be no clerk; if the subpoena directs attendance at a deposition or other hearing, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition or at his place of business; in other cases, to the officer, body, or tribunal conducting the hearing, at a like address.

(c) Unless the parties to the action or proceeding otherwise agree, or unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of the records shall remain sealed and shall be opened only at the time of trial, deposition, or other hearing, upon the direction of the judge, officer, body, or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, deposition, or hearing. Records which are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom received.

SEC. 2. Section 1998.1 is added to said code, to read:

Affidavit

1998.1. The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following: (a) that the affiant is the duly authorized custodian of the records and has authority to certify said records, (b) that the copy is a true copy of all the records described in the subpoena, (c) that the records were prepared by the personnel of the hospital, staff physicians, or persons acting under the control of either, in the ordinary course of hospital business at or near the time of the act, condition or event. If the hospital has none of the records described, or only part thereof, the custodian shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Section 1998.

SEC. 3. Section 1998.2 is added to said code, to read:

Admissibility

1998.2. The copy of the records shall be admissible in evidence to the same extent as though the original thereof were offered and the custodian had been present and testified to the matters stated in the affidavit. The affidavit shall be admissible in evidence and the matters stated therein shall be presumed true in the absence of a preponderance of evidence to the contrary. When more than one person has knowledge of the facts, more than one affidavit may be made.

SEC. 4. Section 1998.3 is added to said code, to read:

Interpretation

1998.3. Sections 1998, 1998.1, 1998.2, 1998.4, and 1998.5 shall not be interpreted to require tender or payment of more than one witness and mileage fee or other charge unless there shall be an agreement to the contrary.

SEC. 5. Section 1998.4 is added to said code, to read:

Personal attendance

1998.4. The personal attendance of the custodian or other qualified witness and the production of the original records shall be required if the subpoena duces tecum contains a clause which reads:

"The procedure authorized pursuant to subdivision (a) of Section 1998, and Section 1998.1 and 1998.2 of the Code of Civil Procedure will not be deemed sufficient compliance with this subpoena."

SEC. 6. Section 1998.5 is added to said code, to read:

Multiple subpoenas

1998.5. In the event more than one subpoena duces tecum is served upon the custodian of records or other qualified witness from a licensed or county hospital or hospital in an institution under the jurisdiction of the Department of Corrections and the personal attendance of the custodian or other qualified witness is required pursuant to Section 1998.4 of the Code of Civil Procedure the witness shall be deemed to be the witness of the party serving the first such subpoena duces tecum.

CHAPTER 1060

An act to add Sections 13392.3, 13392.4, 13392.5, and 13392.6 to the Government Code, relating to slaughter, or purchase or sale of slaughtered animals, by state agencies.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 13392.3 is added to the Government Code, to read:

Slaughter by humane methods

13392.3. After June 30, 1960, no state agency shall slaughter any cattle, calves, horses, mules, sheep, swine, or other livestock by any methods other than humane methods; nor shall any state agency contract for, purchase, procure, or sell all or any portion of such animals slaughtered by any methods other than humane methods.

For the purposes of this section, humane methods are defined to be the following:

All cattle, calves, horses, mules, sheep, swine, and other livestock shall be rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective before being shackled, hoisted, thrown, cast, or cut, or shall be prepared, handled or slaughtered in accordance with ritual requirements of the Jewish or any other

religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

SEC. 2. Section 13392.4 is added to said code, to read:

13392.4. After June 30, 1960, every person who supplies any state agency with livestock products derived from any of the animals enumerated in Section 13392 3 shall file with the Department of Finance a sworn statement that such animals were slaughtered by humane methods For the purposes of this section, the slaughtering of animals by methods designated by regulations of the Department of Agriculture or in accordance with the ritual requirements of the Jewish or any other religious faith as set forth in Section 13392 3 shall be deemed a sufficient compliance with the requirements of law. The regulations adopted under this section shall conform so far as possible to the regulations of the United States Department of Agriculture governing humane methods of slaughtering. **Statement**

SEC. 3. Section 13392.5 is added to said code, to read:

13392.5. To assist the Department of Finance and other state agencies in the enforcement of the provisions of Section 13392.3, the Department of Agriculture is authorized and directed to perform the following duties: **Duties**

(a) Designate, on or before December 31, 1959, and at such times thereafter as it deems advisable, methods of slaughter and of handling in connection with slaughter, with respect to each species of livestock, which conform to the provisions of Section 13392.3. If deemed more effective, the department may designate methods which are not in conformity with that section. Designations by the department subsequent to December 31, 1959, shall be adopted in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code.

(b) Provide, through co-operation with the United States Department of Agriculture in the enforcement of Public Law 85-765 and by means of appropriate regulations, suitable methods of identifying the carcasses of animals inspected and passed under Article 1 (commencing at Section 301) of Chapter 1 of Division 3 of the Agricultural Code that have been slaughtered by humane methods. Animals slaughtered and handled in connection with slaughter, in conformity with the methods designated under subdivision (a) of this section shall be deemed, for the purposes of this subdivision, to have been slaughtered by humane methods.

SEC. 4. Section 13392 6 is added to said code, to read:

13392.6. Nothing in Sections 13392.3 to 13392 5, inclusive, shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. To protect the freedom of religion, ritual slaughtering and the handling or other preparation of livestock for ritual slaughtering are **"Ritual slaughtering"**

deemed to be humane. For the purposes of this section, the term "ritual slaughtering" means the slaughtering of animals by methods in accordance with the ritual requirements of any religious faith as set forth in Section 13392.3.

CHAPTER 1061

An act to add Section 5303 to, to add Chapter 6, comprising Sections 5500 through 5506, to Division 6 of Title 1 of, and to amend Sections 5302 and 29917 of the Government Code; to amend Section 21809 of the Education Code as enacted by the Legislature at its 1959 Regular Session; to amend Section 55525 of the Water Code; to amend Section 4790 of the Health and Safety Code; and to amend Section 7 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915); relating to signatures, countersignatures, and facsimile signatures or seals on public obligations.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 5303 is added to the Government Code, to read:

Signature by deputy

5303. Whenever under any law of this State, or under the provisions of any ordinance, resolution or order, bonds of any public body are required or permitted to be signed or countersigned manually by any public officer who is permitted by law to have a deputy, such bonds may be signed or countersigned on behalf of such officer by any deputy of such officer who has been authorized by such officer in writing so to sign or countersign.

SEC. 2. Section 5302 of said code is amended to read:

Mechanical reproduction of signature

5302. Wherever any statute requires that any bond issued by a public body be signed, manually by two or more officers or other individuals, all such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to such bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of this code.

SEC. 3. Chapter 6, comprising Sections 5500 through 5506, is added to Division 6 of Title 1 of the Government Code, to read:

CHAPTER 6. UNIFORM FACSIMILE SIGNATURES OF PUBLIC OFFICIALS ACT

5500. As used in this chapter: Definitions

(a) "Public security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by any county, city, or public district.

(b) "Instrument of payment" means a check, draft, warrant, or order for the payment, delivery, or transfer of funds.

(c) "Authorized officer" means any official of this State or any of its departments, agencies, or other instrumentalities, or any county, city, or public district whose signature to a public security or instrument of payment is required or permitted, or any deputy of such official who has been authorized by such official in writing to affix the official's signature.

(d) "Facsimile signature" means the reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

5501. Any authorized officer may, after filing with the Secretary of State his manual signature certified by him under oath, execute or cause to be executed with a facsimile signature in lieu of his manual signature: Authorized executions by facsimile signature

(a) Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed; and

(b) Any instrument of payment.

Upon compliance with this section by the authorized officer, his facsimile signature has the same legal effect as his manual signature.

5502. When the seal of this State or any of its departments, agencies, or other instrumentalities, or of any county, city, or public district, is required in the execution of a public security or instrument of payment, the authorized officer may cause the seal to be printed, engraved, stamped, or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal. Facsimile seal

5503. Any person who with intent to defraud uses on a public security or an instrument of payment; Felony

(a) A facsimile signature, or any reproduction of it, of any authorized officer, or

(b) Any facsimile seal, or any reproduction of it, of this State or any of its departments, agencies, or other instrumentalities, or of any county, city, or public district, is guilty of a felony.

5504. This act shall be so construed as to effectuate its general purpose to make uniform the law of states which enact it. Construction

5505. This chapter may be cited as the Uniform Facsimile Signature of Public Officials Act. Short title

5506. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provi- Severability

sion or application, and to this end the provisions of this chapter are severable.

SEC. 4. Section 29917 of said code is amended to read:

Bond signatures

29917. The bonds shall be signed by the chairman of the board of supervisors or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifth vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the clerk thereof. The coupons of said bonds shall be signed by the treasurer or auditor. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code.

SEC. 5. Section 21809 of the Education Code is amended to read:

Same

21809. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any. Said bonds shall be signed by the chairman of the board of supervisors, or by such other member thereof as the board of supervisors shall, by resolution adopted by a four-fifths vote of all its members, authorize and designate for that purpose, and also signed by the treasurer or auditor of the county, and shall be countersigned by the county clerk or the clerk of the board of supervisors or by a deputy of either of such officers. The coupons of said bonds shall be signed by the treasurer or auditor. Unless the board of supervisors otherwise provides, all such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code. All expense incurred for the preparation, sale, and delivery of the school bonds including the preparation of the certified copy of the transcript for the successful bidder and legal fees of independent bond counsel retained by the school district issuing the bonds are legal charges against the funds of the school district issuing the bonds and may be paid from the proceeds of sale of the bonds.

SEC. 6. Section 55525 of the Water Code is amended to read:

Same

55525. The bonds shall be signed by the chairman of the board and countersigned by the auditor of the county, and the seal of the county shall be affixed thereto. All such signatures and countersignatures, except one, may be printed, litho-

graphed, engraved, or otherwise mechanically reproduced. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code.

SEC. 7. Section 4790 of the Health and Safety Code is amended to read:

Same

4790. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code.

SEC. 8. Section 7 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Bonds

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designate in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), except that on issues in which the amounts to be matured annually are scheduled in amounts of five thousand dollars ($5,000) or multiples thereof, the board of supervisors may provide that the purchaser may, at his option, and at the time of the submission of his bid, request that bonds in the denomination of five thousand dollars ($5,000) or multiples thereof be issued in lieu of the equivalent amount of bonds of lesser denomination, and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles County, and the seal of said district shall be affixed thereto. Such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically

reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

CHAPTER 1062

An act to amend Sections 306, 320, 332, 351, 362, 365, 369, 374, 382, 388, 397, 407, 408, 409, 410, 415, 422, 435, 440, 446, 453, 456, 460, 467, 470, 476, 487, 492, 493, 494, 506, 521, 528, and 529 of, to amend and renumber Sections 553 and 614 of, to add Article 2 (commencing at Section 250) to Chapter 2 of Division 1 of, and to add Sections 486, 514, 543.1, 544, 545, 546, 547.1, 548, 549, 550, 551, 552, 553.1, 554, 555, 556.1, 557.1, 558.1, 559.1, 560.1, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589 and 590 to, the Streets and Highways Code, relating to state highways, providing for a California Freeway and Expressway System and for the periodic review of highway needs of all classifications of streets and highways and in connection therewith to add certain additional mileage to the State Highway System.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Article 2 (commencing at Section 250) is added to Chapter 2 of Division 1 of the Streets and Highways Code, to read:

Article 2. The California Freeway and Expressway System

Legislative declaration

250. It is hereby declared to be essential to the future development of the State of California to establish and construct a statewide system of freeways and expressways and connections thereto without regard to present jurisdiction over the highways, roads, and streets that might be included. It is the intent, further, that the California Freeway and Expressway System be completed with provision for control of access

to the extent necessary to preserve the value and utility of the facilities to be constructed.

Same

251. It is further declared to be essential to the future development of the State of California that the deficiencies on the State Highway System not a part of the California Freeway and Expressway System and deficiencies on connections to the State Highway System be corrected simultaneously with the highways in the California Freeway and Expressway System in proportion to the relative deficiencies and the needs of traffic service.

Same

252. The Legislature recognizes that the dynamic growth of this State will require periodic review of the California Freeway and Expressway System. The Legislature recognizes further that all highway planning and construction work should be correlated with a plan to provide a comprehensive system of access-controlled freeways and expressways throughout the State, and that the California Freeway and Expressway System established by this article has been selected and developed as a result of scientific studies by all levels of government in the State of California.

California Freeway and Expressway System

253. The California Freeway and Expressway System is hereby established and shall be composed of the following highways:

All of the Federal Interstate Highway System in California except those portions in the City and County of San Francisco described as follows:

(a) Interstate Route No. 280 from the San Mateo county line to the Golden Gate Bridge.

(b) Interstate Route No. 480 from Bay and Embarcadero Streets to the Golden Gate Bridge.

(c) Interstate Route No. 80 from Interstate Route No. 280 to State Highway Route 2.

U. S. 6 from:

(a) U. S. 99 near Los Angeles to U. S. 395 near Inyokern.

(b) U. S. 395 near Bishop to the Nevada state line.

U. S. 40 Alternate in its entirety.

U. S. 50 from Sacramento to the Nevada state line.

U. S. 60 from Route 26, the San Bernardino Freeway, to U. S. 99 near Beaumont.

U. S. 95 from U. S. 60 near Blythe to U. S. 66 near Needles.

U. S. 97 in its entirety.

U. S. 99 from:

(a) Brawley to Indio.

(b) Wheeler Ridge south of Bakersfield to Sacramento.

U. S. 99E from Roseville to Red Bluff.

U. S. 101 from:

(a) Los Angeles to south of San Jose.

(b) Route 225 in San Francisco to the San Francisco-Oakland Bay Bridge.

(c) The Golden Bate Bridge to the Oregon state line north of Crescent City.

U. S. 101 Alternate from U. S. 101 near Capistrano Beach to U. S. 101 near Oxnard.

U. S. 101 Bypass from the junction of U. S. 101 south of San Jose to the junction U. S. 101 at Alemany Boulevard in San Francisco.

U. S. 199 in its entirety.

U. S. 299 in its entirety.

U. S. 395 all of the route in California except that portion from Johnstonville to near Ravendale in Lassen County.

U. S. 399 from Ventura to Maricopa.

U. S. 466 from Route 56 north of Morro Bay to Barstow.

Route 3 from Sacramento to Route 98 near North Sacramento.

Route 5 from Hayward to Santa Cruz.

Route 9 from:

(a) Route 79 near Saticoy to Federal Aid Interstate Route 210 near San Fernando.

(b) Federal Aid Interstate Route 210 near Glendora to Route 190.

Route 10 from Route 238 near Coalinga to Sequoia National Park.

Route 11 from Route 75 to Route 53.

Route 12 from Route 286 to Route 2.

Route 13 from Route 109 to Route 23.

Route 15 from U. S. 101 near Ukiah to Interstate Route 80 near Emigrant Gap.

Route 17 from Auburn to Grass Valley.

Route 19 from Federal Aid Interstate Route 5 near Santa Ana to Route 77.

Route 20 from:

(a) Redding to Lassen National Park.

(b) Route 83 near Old Station to Route 29 west of Susanville.

(c) Route 29 near Susanville to Route 73 near Ravendale.

Route 23 from U. S. 395 near Topaz Lake to U. S. 50 near Meyers.

Route 24 from:

(a) Route 4 near Lodi to San Andreas.

(b) Route 23 near Woodfords to the Nevada state line.

Route 25 from Nevada City to Route 83 near Sattley.

Route 26 from Calexico to Route 201.

Route 29 from Red Bluff to Johnstonville, except between Mineral and Morgan Springs.

Route 34 from near Ione to Route 23 near Picketts in Hope Valley.

Route 38 from Route 11 near Mays Junction to Route 37 near Truckee.

Route 40 from Route 13 to Route 23 near Mono Lake. The portion within Yosemite is not a state highway.

Route 41 from Route 138 near Mendota to General Grant National Park.

Route 43 from Newport Beach to Route 31 at Victorville except the portion on the north side of Big Bear Lake.

Route 50 from Route 90 to Route 238 near Woodland.

Route 55 from Route 5 to Route 105.

Route 56 from:

(a) U. S. 101 near Las Cruces to U. S. 101 near Pismo.

(b) U. S. 101 near San Luis Obispo to San Simeon.

(c) Carmel to the south boundary of San Francisco.

(d) U. S. 101 near Richardson Bay to near Valley Ford.

(e) Route 48 to U. S. 101 near Leggett Valley.

Route 57 from:

(a) Route 2 near Santa Maria to Route 238.

(b) Bakersfield to Route 23 near Freeman.

Route 58 from Route 238 to Route 4 near Bakersfield.

Route 59 from Route 4 near Gorman to Route 31 near Cajon Pass.

Route 62 from Route 171 near Buena Park to Federal Aid Interstate Route 210.

Route 64 from Route 2 near San Juan Capistrano to Route 26 near Indio.

Route 65 from:

(a) Route 34 near Jackson to Route 11 near Placerville.

(b) Route 18 near Mariposa to Route 125 near Oakhurst.

Route 75 from:

(a) Oakland to Route 4 near Stockton via Walnut Creek and Antioch.

(b) Route 4 near Stockton to Route 249 near Farmington.

Route 76 from Route 125 to Huntington Lake.

Route 77 from Route 78 near Temecula to Route 19 near Pomona.

Route 78 from:

(a) Route 12 to Route 198.

(b) Route 278 to Route 77 near Temecula.

Route 80 from U. S. 101 west of Santa Barbara to U. S. 101 near Zaca.

Route 82 from Route 20 near Weaverville to Route 3 near Yreka.

Route 87 from Route 21 near Wick's Corner to Route 3 near Chico.

Route 88 from Route 15 near Colusa to Route 47 near Hamilton City.

Route 89 from Route 243 south of Kelseyville to Route 15 near Upper Lake.

Route 104 from Route 1 near Cotati to near Forestville.

Route 105 from Route 56 near Half Moon Bay to Route 5 near Hayward.

Route 107 from Route 5 to Route 56 via the Dumbarton Bridge.

Route 110 from Route 75 near Brentwood to Route 249 near Waterford.

Route 114 from Route 68 to Route 5.

Route 115 from junction Routes 5 and 239 near Moorpark Avenue to Route 68 near Story Road.

Route 119 from Paicines to Hollister.

Route 123 from:

(a) Route 32 to Route 4 near Merced.

(b) Route 4 near Merced to Route 249.

Route 125 from Route 33 to Yosemite.

Route 126 from Route 41 near Kerman to Route 125.

Route 127 from Route 23 to Route 31 via Death Valley.

Route 132 from Route 134 near Tulare to Route 249.

Route 134 from Route 4 to Route 129.

Route 139 from Route 238 to Route 33.

Route 140 from Route 4 south of Bakersfield to Route 58.

Route 146 from Route 187 east of Brawley to Route 64 near Blythe.

Route 155 from Route 2 near Newbury Park to Route 79 near Fillmore.

Route 161 from Route 2 to Federal Aid Interstate Route 210.

Route 162 from Route 158 to Route 61.

Route 164 from Route 60 near Torrance to Route 158 near Lawndale.

Route 165 from San Pedro to Route 4 in Los Angeles.

Route 168 from south of Route 172 to Federal Aid Interstate Route 210.

Route 170 from:

(a) Route 60 to Route 158.

(b) Route 26 to Federal Aid Interstate Route 210.

Route 174 from Route 158 to Route 166.

Route 175 from Route 158 to Route 43 in Santa Ana Canyon.

Route 184 from Route 60 to Route 43.

Route 187 from:

(a) Route 146 east of Brawley to Route 26 near Brawley.

(b) Route 26 near Brawley to Route 26 near Indio via the north shore of Salton Sea.

(c) Route 64 near Palm Desert to Route 26 near Whitewater.

(d) Route 26 near Whitewater to Route 43 near Lucerne Valley via Morongo Valley.

Route 194 from Route 64 near Hemet to Route 26 near Beaumont.

Route 195 from Route 2 to Route 77.

Route 200 from Route 2 to Jamacha Road.

Route 201 from Route 26 to Route 187 east of Brawley.

Route 212 from Route 23 to near the San Bernardino County line.

Route 226 from Route 258 near San Leandro to Route 5.

Route 235 from:

(a) Route 5 in Oakland to Route 75 near Lafayette.

(b) Route 75 near Lafayette to Route 75 near Concord.

Route 239 from Route 2 south of San Jose to Route 5.

Routes 6, 8, 18, 22, 32, 39, 47, 48, 49, 51, 53, 54, 61, 66, 69, 74, 79, 83, 86, 91, 97, 99, 103, 106, 108, 109, 113, 117, 118, 122, 129, 135, 143, 151, 153, 159, 160, 167, 171, 172, 176, 179, 185, 190, 192, 193, 196, 197, 198, 205, 206, 207, 208, 210, 221, 225, 227, 228, 229, 232, 233, and 237 in their entirety and Routes 243 to and including 290 in their entirety.

Designation by Highway Commission

254. As specific locations are determined by the California Highway Commission for portions of state highways included in the California Freeway and Expressway System, the commission shall designate the particular portion as a part of the California Freeway and Expressway System and the planning and design of such highways shall include provision for such access control as the department and the commission determine essential to protect the investment of any improvements made and to permit the ultimate development of a full freeway or an expressway when traffic and other conditions require. Such declaration by the California Highway Commission shall have the effect of declaring the particular portion affected a freeway within the meaning of Section 100.2.

Easements of access

255. Nothing contained in this article shall prevent the department, either by acquisition or by condemnation, from terminating easements of access to any state highway not in the California Freeway and Expressway System, provided that such action by the department shall not have the effect of including the highway in the California Freeway and Expressway System.

Report

256. The department shall review the California Freeway and Expressway System and shall report to the Legislature at or prior to the 1963 Regular Session and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution, as to the progress made in developing the system and as to revisions that should be made in the system. Such studies shall be made without regard to whether particular routes are included in the State Highway System. If provision is made by an interim committee or committees of the Legislature for an advisory committee of local officials to work with the department in connection with such studies, the department shall co-operate with such an advisory committee to the fullest extent.

"Freeway" and "expressway"

257. For the purpose of this article only, and to distinguish between the terms "freeway" and "expressway," the word "freeway" shall mean a divided arterial highway for through traffic with full control of access and with grade separations at intersections, while the word "expressway" shall mean an arterial highway for through traffic which may have partial control of access, but which may or may not be divided or have grade separations at intersections.

SEC. 2. Section 306 of said code is amended to read:

Route 6

306. Route 6 is from:

(a) Route 7 to Sacramento.

(b) Route 49 near Napa to Route 7 near Davis.

SEC. 3. Section 320 of said code is amended to read:

Route 20 320. Route 20 is from:

(a) Route 1 near Arcata to Lassen National Park via Weaverville and Redding.

(b) Route 83 near Old Station to Route 29 west of Susanville.

(c) Route 29 near Susanville to Route 73 near Ravendale.

SEC 4. Section 332 of said code is amended to read:

Route 32 332. Route 32 is from Route 56 near Watsonville to Route 249 near Sharon via Hecker Pass and Pacheco Pass.

SEC 5. Section 351 of said code is amended to read:

Route 51 351. Route 51 is from Route 56 near Valley Ford to Route 8 near Sonoma via Santa Rosa.

SEC. 6. Section 362 of said code is amended to read:

Route 62 362. Route 62 is from Route 171 near Buena Park to Route 61 via San Gabriel Canyon.

SEC. 7. Section 365 of said code is amended to read:

Route 65 365. Route 65 is from:

(a) Auburn to Sonora via Placerville, Diamond Springs, El Dorado, Jackson, San Andreas and Angels.

(b) Route 40 near Moccasin Creek to Route 125 near Oakhurst.

SEC. 8. Section 369 of said code is amended to read:

Route 69 369. Route 69 is from:

(a) San Jose to the Richmond-San Rafael Bridge Toll Plaza including a connection to Route 5 near Warm Springs.

(b) Point San Quentin to Route 56 near Point Reyes Station.

SEC. 9. Section 374 of said code is amended to read:

Route 74 374. Route 74 is from Route 6 near Napa to Route 7 near Cordelia via Vallejo and Benicia including a connection from Vallejo to Route 7 near the Carquinez Bridge.

SEC. 10. Section 382 of said code is amended to read:

Route 82 382. Route 82 is from Route 20 near Weaverville to Montague.

SEC. 11. Section 388 of said code is amended to read:

Route 88 388. Route 88 is from:

(a) Route 15 near Colusa to Route 47 near Hamilton City.

(b) Route 15 near Sycamore to Route 87 near Knights Landing.

SEC. 12. Section 397 of said code is amended to read:

Route 97 397. Route 97 is from Route 4 near Stockton to Route 54 near Waite's Station including a connection to Route 34 south of Ione.

SEC. 13. Section 407 of said code is amended to read:

Route 107 407. Route 107 is from:

(a) Route 56 to a point near Sunol on the highway described in subdivision (b) of this section.

(b) Route 108 near Scotts Corners to Route 75 near Walnut Creek.

SEC. 14. Section 408 of said code is amended to read:

Route 108 408. Route 108 is from Route 5 near Mission San Jose to Route 75 near Brentwood.

SEC. 15. Section 409 of said code is amended to read:

409. Route 109 is from Route 238 near Crows Landing to Route 13 between Salida and Riverbank. Route 109

SEC. 16. Section 410 of said code is amended to read:

410. Route 110 is from Route 75 near Brentwood to Route 65 via Modesto, including a connection to Route 238 southwest of Vernalis. Route 110

SEC. 17. Section 415 of said code is amended to read:

415. Route 115 is from: Route 115

(a) The intersection of Route 5 and Route 239 near Moorpark Avenue to Route 68 near Story Road.

(b) Route 68 near San Jose to Mount Hamilton.

SEC. 18. Section 422 of said code is amended to read:

422. Route 122 is from Route 238 near Gustine to Route 4 near Merced. Route 122

SEC. 19. Section 435 of said code is amended to read:

435. Route 135 is from: Route 135

(a) The junction of Route 33 and Route 139 near Wasco to Route 10 near Hanford.

(b) The Kings County line north of Hanford to Route 4 near Selma.

SEC. 20. Section 440 of said code is amended to read:

440. Route 140 is from: Route 140

(a) Taft to Route 4 near Greenfield.

(b) Route 4 south of Bakersfield to Route 58.

SEC. 21. Section 446 of said code is amended to read:

446. Route 146 is from: Route 146

(a) Route 187 east of Brawley to Route 64 near Blythe.

(b) Route 64 near Blythe to Route 58 near Needles.

(c) Route 58 west of Needles northerly to the Nevada state line.

SEC. 22. Section 453 of said code is amended to read:

453. Route 153 is from Hueneme to Route 9 near Somis. Route 153

SEC. 23. Section 456 of said code is amended to read:

456. Route 156 is from Route 60 near Topanga Beach but north of the intersection of Sunset Boulevard and Route 60 to Route 9 at or near Chatsworth. Route 156

SEC. 24. Section 460 of said code is amended to read:

460. Route 160 is from Route 158 near Inglewood to Route 2 in Los Angeles. Route 160

SEC. 25. Section 467 of said code is amended to read:

467. Route 167 is from Route 165 in San Pedro to Route 9 in Pasadena via Long Beach, and including a bridge, with at least four lanes, from San Pedro at or near Boschke Slough to Terminal Island. Route 167

SEC. 26. Section 470 of said code is amended to read:

470. Route 170 is from Route 60 near Seal Beach to Route 9 near Duarte. Route 170

SEC. 27. Section 476 of said code is amended to read:

476. Route 176 is from Route 174 near Norwalk to Route 43 in Santa Ana Canyon. Route 176

SEC. 28. Section 486 is added to said code, to read:

Route 186 486. Route 186 is from Route 194 to Route 19 near Moreno.

SEC 29. Section 487 of said code is amended to read:

Route 187 487. Route 187 is from:

(a) Route 26 near Whitewater to Route 43 near Lucerne Valley via Morongo Valley.

(b) Route 26 near Whitewater to Route 64 near Palm Desert.

(c) Route 26 near Indio via the north shore of Salton Sea, to Route 26 near Brawley.

(d) Route 26 near Brawley to Route 27 near Holtville.

(e) Route 27 near Holtville to Route 202 near Bonds Corners.

SEC 30. Section 492 of said code is amended to read:

Route 192 492. Route 192 is from Route 77 to Route 190 near Upland.

SEC 31. Section 493 of said code is amended to read:

Route 193 493. Route 193 is from Route 43 near Corona to Route 31 near Devore.

SEC 32. Section 494 of said code is amended to read:

Route 194 494. Route 194 is from Route 78 east of Temecula to Route 26 near Beaumont via the vicinity of Hemet.

SEC. 33. Section 506 of said code is amended to read:

Route 206 506. Route 206 is from Route 257 near Emeryville to Route 75 near Lake Temescal.

SEC. 34. Section 614 of said code is amended and renumbered to read:

Route 210 510. Route 210 is from:

(a) Route 28 near Canby to the Oregon line near Hatfield.

(b) A point on the highway specified in subdivision (a) of this section near Hatfield to Route 72 near Dorris.

SEC. 35. Section 514 is added to said code, to read:

Route 214 514. Route 214 is from Route 239 near Woodside to Route 68 at the Harbor Boulevard Interchange in Redwood City.

SEC. 36. Section 521 of said code is amended to read:

Route 221 521. Route 221 is from Route 60 northwest of the Los Angeles International Airport to Route 170.

SEC. 37. Section 528 of said code is amended to read:

Route 228 528 Route 228 is from Route 258 near San Lorenzo to Route 5 near Hayward.

SEC. 38. Section 529 of said code is amended to read:

Route 229 529. Route 229 is from Route 56 near Pacifica to Route 68 near San Bruno.

SEC. 39. Section 553 of said code is amended and renumbered to read:

Route 235 535. Route 235 is from:

(a) A connection with Route 69 near 42d Avenue to a connection with Route 5 near High Street in Oakland.

(b) From Route 5 in Oakland to Route 75 near Lafayette.

(c) From Route 75 near Lafayette to Route 75, described in Section 375(a), near Concord.

SEC. 41. Section 588 is added to said code, to read:

Route 288 588. Route 288 is from Route 3 to Route 249 near Fair Oaks.

SEC. 42. Section 543.1 is added to said code, to read:

543.1. Route 243 is from Route 89 south of Kelseyville to Route 49 near Lower Lake. Route 243

SEC. 43. Section 544 is added to said code, to read:

544. Route 244 is from Route 7 near Vacaville to Route 6 near Berryessa Reservoir. Route 244

SEC. 44. Section 545 is added to said code, to read:

545. Route 245 is from Route 232 near Catlett to Route 87 near Tudor. Route 245

SEC. 45. Section 546 is added to said code, to read:

546. Route 246 is from Route 238 near Elkhorn to Route 17 near Auburn. Route 246

SEC. 46. Section 547.1 is added to said code, to read:

547.1. Route 247 is from Route 4 near Elk Grove to Route 246 near Antelope. Route 247

SEC. 47. Section 548 is added to said code, to read:

548. Route 248 is from Route 238 near Sacramento to Route 247 south of Route 54. Route 248

SEC. 48. Section 549 is added to said code, to read:

549. Route 249 is from Route 10 near Exeter to Route 17 near Roseville on a route along the easterly side of the San Joaquin Valley to be selected by the California Highway Commission, which route may include all or portions of any existing state highway route or routes. Route 249

SEC. 49. Section 550 is added to said code, to read:

550. Route 250 is from Route 104 near Forestville to Route 1. Route 250

SEC. 50. Section 551 is added to said code, to read:

551. Route 251 is from Route 1 near Greenbrae to Route 69 near Point San Quentin. Route 251

SEC. 51. Section 552 is added to said code, to read:

552. Route 252 is from Route 69 near Nicasio to Route 1 near Novato. Route 252

SEC. 52. Section 553.1 is added to said code, to read:

553.1. Route 253 is from: Route 253

(a) Route 68 near the south city limits of San Francisco to Route 224 near the San Francisco-Oakland Bay Bridge.

(b) Route 68 near Alemany Boulevard to the route described in subdivision (a) of this section.

SEC. 53. Section 554 is added to said code, to read:

554. Route 254 is from: Route 254

(a) Route 235 to Route 75 near Orinda.

(b) Route 75 near Orinda to Route 69 in Richmond via San Pablo.

SEC. 54. Section 555 is added to said code, to read:

555. Route 255 is from Route 235 near Burton to Route 107 near Alamo. Route 255

SEC. 55. Section 556.1 is added to said code, to read:

556.1. Route 256 is from Route 75 near Walnut Creek to Route 75 near Pittsburg. Route 256

SEC. 56. Section 557.1 is added to said code, to read:

Route 257 557.1. Route 257 is from Route 69 near West Grand Avenue in Oakland to Route 69 near Albany.

SEC. 57. Section 558.1 is added to said code, to read:

Route 258 558.1. Route 258 is from:

(a) Route 107 near Newark to Route 226 near San Leandro.

(b) Route 226 near the Oakland International Airport to Route 5.

SEC. 58. Section 559.1 is added said code, to read:

Route 259 559.1. Route 259 is a connection between Route 105 and Route 5 near Castro Valley.

SEC. 59. Section 560.1 is added to said code, to read:

Route 260 560.1. Route 260 is from Route 238 to Route 4 north of the Calaveras River.

SEC. 60. Section 561 is added to said code, to read:

Route 261 561. Route 261 is from Route 238 near French Camp to Route 4.

SEC. 61. Section 562 is added to said code, to read:

Route 262 562. Route 262 is from Asilomar Beach State Park to Route 56.

SEC. 62. Section 563 is added to said code, to read:

Route 263 563. Route 263 is from Route 119 near Paicines to Route 41 near Mendota.

SEC. 63. Section 564 is added to said code, to read:

Route 264 564. Route 264 is from Route 238 to Route 4 south of Greenfield.

SEC. 64. Section 565 is added to said code, to read:

Route 265 565. Route 265 is from Route 60 near Malibu Beach to Route 4 south of San Fernando.

SEC. 65. Section 566 is added to said code, to read:

Route 266 566. Route 266 is from Route 9 near Sunland to Route 58, including a connection to Route 61 north of La Canada.

SEC. 66. Section 567 is added to said code, to read:

Route 267 567. Route 267 is from Route 59 to Route 266 near the San Bernardino county line.

SEC. 67. Section 568 is added to said code, to read:

Route 268 568. Route 268 is from Route 59 to Route 43.

SEC. 68. Section 569 is added to said code, to read:

Route 269 569. Route 269 is from Route 61 to Route 23 south of Palmdale.

SEC. 69. Section 570 is added to said code, to read:

Route 270 570. Route 270 is from Terminal Island to Route 173.

SEC. 70. Section 571 is added to said code, to read:

Route 271 571. Route 271 is a connection between Route 170 and Route 168 near Pico Rivera.

SEC. 71. Section 572 is added to said code, to read:

Route 272 572. Route 272 is from Route 19 near City of Industry to Route 26 near Pomona.

SEC. 72. Section 573 is added to said code, to read:

Route 273 573. Route 273 is from Route 60 near Huntington Beach to Route 179 near Santa Ana.

SEC. 73. Section 574 is added to said code, to read:

574. Route 274 is from Route 77 near Chino to Route 190 near Upland. Route 274

SEC. 74. Section 575 is added to said code, to read:

575. Route 275 is from Route 26 to Route 190 near Mountain View Avenue. Route 275

SEC. 75. Section 576 is added to said code, to read:

576. Route 276 is from Route 78 east of Riverside to Route 193 south of Devore. Route 276

SEC. 76. Section 577 is added to said code, to read:

577. Route 277 is from Route 78 east of Temecula to Route 64 east of Anza. Route 277

SEC. 77. Section 578 is added to said code, to read:

578. Route 278 is from Route 2 north of La Jolla to Route 198. Route 278

SEC. 78. Section 579 is added to said code, to read:

579. Route 279 is from Route 2 east of La Jolla to Route 198 near Santee. Route 279

SEC. 79. Section 580 is added to said code, to read:

580. Route 280 is from Route 2 near Sweetwater River to Route 12 near El Cajon. Route 280

SEC. 80. Section 581 is added to said code, to read:

581. Route 281 is from Route 2 near the south end of San Diego Bay to east of United States Naval Auxiliary Air Station, Brown Field. Route 281

SEC. 81. Section 582 is added to said code, to read:

582. Route 282 is from: Route 282

(a) Route 281 near United States Naval Auxiliary Air Station, Brown Field, to Route 198 near La Mesa.

(b) Route 198 near La Mesa to Route 277.

SEC. 82. Section 583 is added to said code, to read:

583. Route 283 is from: Route 283

(a) Route 241 near the north city limits of National City to Route 2.

(b) Route 2 to Route 77 near United States Naval Air Station, Miramar.

SEC. 83. Section 584 is added to said code, to read:

584. Route 284 is from Route 2 to Route 241 via Switzer Canyon. Route 284

SEC. 84. Section 585 is added to said code, to read:

585. Route 285 is from Route 241 south of Route 200 to Route 282 near Sweetwater Reservoir. Route 285

SEC. 85. Section 586 is added to said code, to read:

586. Route 286 is from Sunset Cliffs Boulevard near Mission Bay southeasterly to Route 2. Route 286

SEC. 86. Section 587 is added to said code, to read:

587. Route 287 is from Route 5 to Route 56 via Ocean Street, Second Street and Chestnut Street in Santa Cruz. Route 287

SEC. 87. Section 589 is added to said code, to read:

589. Route 289 is easterly of the Bayshore Freeway from San Jose to the highway described in subdivision (a) of Section 553.1, the Hunters Point Freeway. Route 289

SEC. 88. Section 590 is added to said code, to read:

Route 290

590. Route 290 is from Route 60 northwest of Santa Monica to Route 4 near Tunnel Station.

Purpose

SEC. 89. It is the purpose of the Legislature in extending lengths of routes presently in the State Highway System and in adding routes to the State Highway System in this act that additional mileage be incorporated into the State Highway System in order that said mileage may become a part of the California Freeway and Expressway System. There shall be no expenditures made on the extensions of state highways added by this act or on any state highways added by this act other than planning, design, maintenance, right-of-way acquisition and right-of-way clearance until the 1963-64 Fiscal Year.

CHAPTER 1063

An act to amend Section 16475 of the Government Code, relating to special fund investments, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 16475 of the Government Code is amended to read:

Apportionment of interest

16475. Interest earned and other increment derived from investments made pursuant to this article shall, on order of the State Controller, be deposited in the Surplus Money Investment Fund. The State Controller, after deducting expenses incurred under this article by the State Treasurer in investing in securities or inactive bank deposits and in collecting bonds and bond coupons, shall apportion as of December 31st and June 30th of each year to the following funds in the State Treasury all interest earned or increment derived from the investments authorized by this article and deposited in the Surplus Money Investment Fund during the six calendar months ending with such dates:

(a) The General Fund;

(b) Each fund into which are deposited or which contains moneys collected from any tax now or hereafter imposed by the State upon the manufacture, sale, distribution, or use of motor vehicle fuel, for use in motor vehicles upon the public streets and highways;

(c) Each fund into which are deposited or which contains moneys collected from motor vehicle and other vehicle registration license fees or from any other tax or license fee now or hereafter imposed by the State upon vehicles, motor vehicles or the operation thereof, except those taxes and license fees which, by the provisions of Section 4 of Article XXVI of the

Constitution of this State are exempted from the provisions of Section 2 of said Article XXVI;

(d) Each fund into which are deposited or which contains moneys collected under the provisions of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans, and fines imposed by any court for the violation of any such law;

(e) Every other fund in respect to which the Board of Control determines that interest received under this article and allocated on the basis of amounts in such fund would become available for use for a purpose for which the fund is established; provided, that this shall not apply to funds composed primarily of moneys derived from the General Fund.

Such apportionments shall be made by the State Controller in the following manner:

(1) All money not apportioned to the funds referred to in (b), (c), (d), and (e) herein shall be apportioned to the General Fund.

(2) There shall be apportioned to each of the funds referred to in (b), (c), (d), and (e) herein an amount directly proportionate to the respective amounts transferred from such funds to the Surplus Money Investment Fund and the length of time such amounts remained therein.

SEC. 2. This act shall become operative on July 1, 1959. Operative date

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

This act will permit the recoupment of the costs of governmental services incurred in the investment of Special Fund money, and will result in substantial savings to the General Fund. In order to insure the greatest savings possible, on the basis of audit recommendations, the act must be operative at the commencement of the forthcoming fiscal year so that it may be integrated with fiscal year operations. It is essential, therefore, that the act go into immediate effect.

CHAPTER 1064

An act to convey certain tide and submerged lands to the County of Sonoma, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof, and to repeal Chapter 1406 of the Statutes of 1951.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.] In effect September 18, 1959

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

SECTION 1. There is hereby granted to the County of Sonoma, and to its successors all of the right, title, and inter-

est of the State of California, held by said State by virtue of its sovereignty in and to all of the tide and submerged lands bounded and described as follows:

That part of Bodega Harbor, in Sonoma County, California, situated inside and landward of a straight line beginning at the southwesterly end of the South Jetty at the entrance to said Bodega Harbor at its intersection with Bodega Head, running thence north to a point in the North Jetty on the sand spit locally known as "Doran Park"; said tide and submerged lands lie bayward of the ordinary high water mark as meandered and shown on the United States General Land Office Plat for Bodega Ranch, and specifically described on said plat between stations; and by courses numbered 79 to 131, both inclusive, as surveyed by the U. S. Surveyor General for California and dated November 21, 1857.

To be forever held by said county, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said county, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and said county, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said county under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said county hereunder.

(b) That said lands shall be improved by said county without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State, and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

(h) Within 10 years from the effective date of this act said county may present to the State Lands Commission a plan for the improvement and development of said lands. If the commission determines that the plan and the improvements contemplated therein would, if completed, constitute substantial improvement within the meaning of subdivision (g) of this section, it shall conditionally approve the plan. Completion of the improvements thus conditionally approved, if completed within 10 years of the effective date of this act, and a determination of such completion by the commission, shall constitute a conclusive determination that the lands have been "substantially improved" within the meaning of subdivision (g), and, upon such determination by the commission, subdivision (g) and the conditions expressed therein shall be of no force or effect. Such improvements must be completed within the 10 year period, but such determination of their completion by the commission may be made after the 10 year period has elapsed.

SEC. 2. There is hereby reserved to the State of California the area lying between points No. B98 and B99, as surveyed

by the U. S. Surveyor General for California and dated November 21, 1857, an area described as follows:

Beginning at a point on the survey line of Bodega Rancho which is approximately P + B98, thence S 1°, 04′ E, 100′ + to a point on the mean high tide line of Bodega Bay; thence along said high tide line S 47° 42′ E, 800.0′ to a point, thence S 56° 12′ E, 172.9′ to a point still on said high tide line. Thence leaving said high tide line N 51° 50′ E to a point on the approximate survey line of Bodega Rancho, between Station B98 and B99; thence in a northwesterly direction along the said Bodega Rancho line to the point of beginning, and also any accretions bayward which has taken place since the date of this deed which was recorded October 22, 1935, Book 394, Page 229, Records of Sonoma County.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Nothing contained in this act shall preclude the county from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

SEC. 5. Chapter 1406 of the Statutes of 1951 is repealed.

CHAPTER 1065

An act to add Section 32401 to the Water Code, relating to county water districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 32401 is added to the Water Code, to read:

32401. The board may by ordinance order the inclusion within the district of all, or any part, of lands owned by the district which are entirely within the county in which the district is located, without the filing of a petition for inclusion, the publication of notice of hearing, the holding of a hearing, or other proceedings. The inclusion ordinance shall contain a description of the land included in the district sufficient to identify the land and a statement that the inclusion will be for the best interest of the district.

CHAPTER 1066

An act to add Section 206.5 to the Labor Code and to add Section 7110.1 to the Business and Professions Code, relating to the payment of wages.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 206.5 is added to the Labor Code, to read:

Release of claim for wages

206.5. No employer shall require the execution of any release of any claim or right on account of wages due, or to become due, or made as an advance on wages to be earned, unless payment of such wages has been made. Any release required or executed in violation of the provisions of this section shall be null and void as between the employer and the employee and the violation of the provisions of this section shall be a misdemeanor.

SEC. 2. Section 7110.1 is added to the Business and Professions Code, to read:

Disciplinary action

7110.1. The requiring of an execution of release of any claim or the causing of the execution of any such release in violation of Section 206.5 of the Labor Code is a cause for disciplinary action.

CHAPTER 1067

An act to add Article 3.5 (commencing with Section 1221) to Chapter 1, of Division 6, of the Military and Veterans Code, relating to the construction of halls, buildings and meeting places by veterans' memorial districts.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 3.5 (commencing with Section 1221) is added to Chapter 1, Division 6, of the Military and Veterans Code, to read:

Article 3.5. Construction and Alteration of Halls, Buildings and Meeting Places

Construction contracts. Estimates

1221. No contract for the construction or alteration of any hall, building or meeting place shall be let until such time as professional estimates of the cost of such construction or alteration have been submitted to, considered, and approved by a majority of the board at an official meeting.

Same Fund limitation

1222. No contract shall be let for the construction or alteration of any hall, building or meeting place unless such project can be completed and be ready for occupancy and use with the funds the district has on hand.

Same: Plans

1223. No contract for the construction or alteration of any hall, building or meeting place is valid, and no district funds shall be paid for any work done under such a contract or for any labor or materials furnished under such contract, unless the plans and specifications comply in every particular with the provisions of the Uniform Building Code and the building code and regulations of the city or county in which the building is to be located.

Reports

1224. If the cost of construction or alteration under the contract is ten thousand dollars ($10,000) or more, from time to time, as the work of construction or alteration progresses, a certified architect or a certified structural engineer, hired by the district, shall make reports showing, of his own personal knowledge, that the work during the period covered by the report has been performed and materials used and installed, in every particular, in accordance with the approved plans and specifications.

CHAPTER 1068

An act to add Section 6523.2 to the Health and Safety Code, relating to sanitary districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 6523.2 is added to the Health and Safety Code, to read:

6523.2. In order to effect its powers, it may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation is found to exist.

Prior to termination of service, however, the district board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the county or as known to the clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefor and the date the district board shall hold a hearing upon such intended termination. Such hearing shall not be held less than 10 days subsequent to the giving of notice as herein required.

CHAPTER 1069

An act to amend Sections 5871, 5875, and 5876 of the Streets and Highways Code, relating to sidewalks, curbs, and other street improvements.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5871 of the Streets and Highways Code is amended to read:

Application of chapter

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, and curbs in front of properties in any block where a sidewalk, gutter, pavement, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 50 percent of the front footage of the block, as show by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements.

As used in this chapter, "sidewalks and curbs" includes "gutters" and includes "pavement" to the centerline of the street.

SEC. 2. Section 5875 of said code is amended to read:

Duty to construct

5875. The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs or both for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than fifty percent (50%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, shall have the duty of constructing or causing the construction of a sidewalk or curb or both in front of his property upon notice so to do by the superintendent of streets.

SEC. 3. Section 5876 of said code is amended to read:

Notice to construct

5876. When the superintendent of streets finds that sidewalks or curbs or both have been constructed in front of properties constituting more than fifty percent (50%) of the frontage in any block, or where a petition signed by the owners of more than fifty percent (50%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, said superintendent of streets may, and upon the instructions of the legislative body of the city shall, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no curb or sidewalk has been constructed theretofore, to construct or cause to be constructed a curb or sidewalk or both in front of his property.

CHAPTER 1070

An act to amend Section 6010 of the Revenue and Taxation Code, relating to sales and use taxes.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 6010 of the Revenue and Taxation Code is amended to read:

6010. "Purchase" means and includes:

(a) Any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," "lease," or "rental" includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) When performed outside this State or when the customer gives a resale certificate pursuant to Article 3 of Chapter 2 of this part, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(d) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

CHAPTER 1071

An act to amend Section 13092 of the Education Code, and Section 13320 of the Education Code as proposed by Senate Bill No. 2, relating to the employment of certificated employees by school districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 13092 of the Education Code is amended to read:

Employment in more than one district

13092. A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 850 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a posi-

tion or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

Where there are two or more districts, each having an average daily attendance of 850 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

SEC. 2. Section 13320 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Same

13320. A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 850 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

Where there are two or more districts, each having an average daily attendance of 850 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

Effect Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 13092 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1072

An act to amend Sections 14309 and 14376 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the employment after retirement of certificated employees by school districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 14309 of the Education Code is amended to read:

Employment after retirement

14309. Except as otherwise provided in this section and Section 14376, no person retired for service shall accept employment in a status requisite for membership in the Retirement System (including, with respect to persons retired after October 1, 1945, a status in which the person may elect membership in this or another retirement system, and only while such status includes the right of election), or in any teaching capacity in a public school, within two years after the effective date of retirement, and in any event not until after notifying the Retirement Board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination, that he is no longer incapacitated. If any person fails to comply with these requirements, the employment shall be invalid. At any time prior to July 1, 1947, or prior to the termination of the war in which the United States of America was, on June 16, 1944, engaged, whichever is the earlier, any person heretofore or hereafter retired for service or after attaining an age at which the classification of persons as permanent employees of school districts ceases and who was not otherwise retired because of bodily or mental infirmity may, after giving notice to the Retirement Board at its office in Sacramento, accept employment in any status requisite for membership in the Retirement System or in any teaching capacity in a public school.

SEC. 2. Section 14376 of said code is amended to read:

Same

14376. Any person who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a teacher in a rest home for the aged, or in a community center operated exclusively for the aged, for not to exceed 90 teaching days in any one fiscal year and may be paid not to exceed one thousand five hundred dollars ($1,500) in any one fiscal year. Such employment shall not operate to reinstate the person as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be re-employed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the

Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools shall be conclusive evidence of his passing the physical examination required by this section.

CHAPTER 1073

An act to amend Section 537.5 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 537.5 of the Code of Civil Procedure is amended to read:

537.5. In cases of attachment the clerk of the court with whom the complaint is filed, if requested by plaintiff in writing at the time of filing the complaint, shall not make public the fact of the filing of the complaint, or of the issuance of the attachment, until after the filing of the return of service of the writ of attachment, except that if the return of service of the writ of attachment is not made within one year after the filing of the complaint in the action in which the writ is issued, the clerk of the court with whom the complaint is filed shall make available to the public the records and documents in such action. However, the clerk of such court shall make the entire file in the action available for inspection at any time to any party named in the complaint, or to his attorney.

The request by plaintiff that the fact of filing of a complaint or issuance of an attachment not be made public may take the form of a notation to that effect, made by rubber stamp or other suitable means, at the top of the first page of the complaint filed with the clerk.

CHAPTER 1074

An act to add Article 3 (commencing at Section 35050) to Chapter 1 of Part 4 of Division 13 of the Water Code, relating to elections in California water districts.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 3 (commencing at Section 35050) is added to Chapter 1 of Part 4 of Division 13 of the Water Code, to read:

Article 3. Nomination and Appointment of Officers

Nomination petition

35050. Not less than 35 days before a general election a petition signed by three or more voters, together with the affidavits required by this section, may be filed at the district office requesting that the names of persons specified in the petition be placed on the ballot as candidates for the offices specified.

The nomination petition and affidavits shall be substantially in the following form:

Nomination Petition

We, the undersigned voters of _____ of the _____ Water District, hereby nominate _____ for the office of _____ of said district.

Name	Date	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____

Affidavit of Circulator

State of California } ss.
County of _____ }

_____, being duly sworn deposes and says:

That he circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

_____
Signature of circulator

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
Notary Public in and for the County of _____ State of California

Affidavit of Nominee

State of California } ss.
County of _____ }

_____, being duly sworn, says that he is the above-named nominee for the office of _____, that he will accept the office in the event of his election, that he desires his name to appear on the ballot as follows:

_____
(Print name above)

and that he desires the following designation to appear on the ballot under his name:

_____
(Print desired designation above)

_____
(Signature of nominee)

Subscribed and sworn to before me this _____ day of _____, 19___.

_____

Notary Public in and for the County of _____ State of California

35051. Only names of persons properly nominated shall be printed on the ballots, but a blank space for each office to be filled shall be left after the names of the candidates in which voters may write another name if they desire. Ballots

35052. All nominating petitions shall be preserved by the secretary in the district office. Preservation of petitions

35053. Nothing in this article or in any general election law shall prohibit a person seeking nomination as a candidate for a district office from circulating his nomination petition. Circulation of petitions

35054. If, on the thirty-fourth day prior to the day fixed for the district general election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for such office, or in the case of directors to be elected from the district at large the number of nominees for director does not exceed the number of offices of director to be filled at the election, the board in its discretion may by resolution order that an election not be held for such offices and request that the board of supervisors of the county in which the district, or the greatest portion thereof, is situated, appoint to such office or offices the person or persons nominated, or if no person has been nominated for an office, any qualified person. The board of supervisors shall make such appointments. Appointment in lieu of election

35055. The persons appointed shall qualify and take office and serve as if elected at a general election. Persons appointed

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CHAPTER 1075

An act to amend Sections 61400, 61401, 61402, 61403, 61430, 61431, and 61432 of, and to add Sections 61402.5 and 61402.6 to, the Government Code, relating to community services district general elections.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.] In effect September 18, 1959

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

SECTION 1. Section 61400 of the Government Code is amended to read:

61400. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections so far as they may be applicable shall govern all district elections except: Applicability of Elections Code

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of elections in general law cities are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to elections in general law cities shall control.

(b) Inconsistent provisions of this division shall control over any provision of the Elections Code.

SEC. 2. Section 61401 of said code is amended to read:

First general district election

61401. The first general district election shall be held on the same day as specified in the Government Code for the holding of general elections in general law cities, or may be consolidated with the next state direct primary, either of which election is held more than six months subsequent to the date of formation of the district.

SEC. 3. Section 61402 of said code is amended to read:

Succeeding general district elections

61402. Succeeding general district elections shall be held on the same day as general elections in general law cities, or may be consolidated with the succeeding state direct primaries.

SEC. 4. Section 61402.5 is added to said code, to read:

Consolidated elections

61402.5. If the general district election is consolidated with the state direct primary, the district shall not later than the first day on which a candidate for a judicial office may file his declaration of intention to become a candidate as provided for in Article 1 (commencing with Section 10600) of Chapter 3 of Division 12 of the Elections Code, file with the board of supervisors, and a copy with the county clerk or registrar of voters, a resolution of its governing board requesting the board of supervisors to grant permission to consolidate the general district election with the state direct primary. The resolution shall set forth the number of vacancies to be filled at that election and it shall contain the names of those incumbent directors who then hold the offices at the time the resolution is filed.

If such permission is granted then only one form of ballot shall be used. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, conducted, and issued, provided that if there is but one person to be elected to an office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected, or, if there are two or more persons to be elected to an office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

If, on the sixty-fifth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be filled at *that election*, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolu-

tion entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such case, the publication provided for in Article 6 (commencing with Section 2699) of Chapter 2 of Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated, as the circumstances may warrant.

The district shall bear any additional costs of the election caused by the consolidation.

SEC. 5. Section 61402.6 is added to said code, to read:

Provisions applicable

61402.6. If the election is not consolidated with the state direct primary and is held on the same day as specified in the Government Code for the holding of general elections in general law cities, Section 61402.5 of this code pertaining to the conduct of the consolidated election shall not be applicable to the manner of conduct of the general district election and all remaining sections of this chapter and of Chapter 2 (commencing with Section 61430) of this part shall control.

SEC. 6. Section 61403 of said code is amended to read:

Nomination petitions

61403. Nominations for the office of director shall be made by petition of five or more registered electors filed with the secretary not earlier than 75 days nor later than 12 o'clock noon on the fifty-fourth day before the election.

The secretary shall publish notice pursuant to Section 6066 of this code that such petitions may be received. Notice shall be published at least seven days prior to the final date for receiving petitions.

SEC. 7. Section 61430 of said code is amended to read:

Election not held

61430. If on the fiftieth day prior to a general district election one person only has been nominated for each of the positions of director to be filled at that election, or if no person has been so nominated for any one or more of said offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board, an election shall not be held.

SEC. 8. Section 61431 of said code is amended to read:

Publication

61431. In such case the publication provided for in Section 61405 shall instead of calling an election state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of director; if no person has been nominated for said position, the board of supervisors will appoint any qualified person or persons.

SEC. 9. Section 61432 of said code is amended to read:

Appointment in lieu of election

61432. If pursuant to Section 61430 a district election is not held, the board of supervisors of the county in which the district, or the largest part thereof in area, is situated shall at its next regular meeting appoint to the positions of directors those persons nominated, or if no persons have been nominated for said positions, the board of supervisors shall appoint any qualified person or persons, and such person or persons shall qualify, take office, and serve exactly as if elected at a general district election.

CHAPTER 1076

An act to amend Sections 6340 and 6361 of the Business and Professions Code, relating to county law libraries.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959]

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

SECTION 1. Section 6340 of the Business and Professions Code is amended to read:

Establishment and maintenance

6340. Each board of law library trustees shall establish and maintain a law library at the county seat of the county in which it is appointed and may lease suitable quarters therefor or construct quarters pursuant to the provisions of this chapter, and may provide leased or constructed quarters with suitable furniture and utility services.

SEC. 2. Section 6361 of said code is amended to read:

Quarters

6361. The board of supervisors of the county in which the law library is established shall provide sufficient quarters for the use of the library upon request of the board of law library trustees, except that the board of supervisors need not provide such quarters when the board of law library trustees determines it has sufficient funds, over and above those necessary for operation and maintenance expenses, to provide its own quarters. Such provision may include, with the room or rooms provided, suitable furniture, window shades, floor coverings, lighting, heat and telephone and janitor service.

CHAPTER 1077

An act to add Section 1265 to Article 1 of Chapter 5 of Division 1 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959]

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

SECTION 1. Section 1265 is added to Article 1 of Chapter 5 of Division 1 of the Unemployment Insurance Code, to read:

1265. Notwithstanding any other provisions of this division, payments to an individual under a plan or system established by an employer which makes provisions for his employees generally, or for a class or group of his employees, for the purpose of supplementing unemployment compensation benefits shall not be construed to be wages or compensation for personal services under this division and benefits payable under this division shall not be denied or reduced because of the receipt of payments under such arrangements or plans.

This amendment is hereby declared to be merely a clarification of the original intention of the Legislature and is not a substantive change, and is in conformity with the existing administrative interpretation of the law.

CHAPTER 1078

An act to amend Sections 31461.1, 31558.1, 31620.1, 31630.1, 31639.15, 31700, 31701, 31721.5, and 31780.5 of the Government Code, relating to retirement systems.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31461.1 of the Government Code is amended to read:

Average compensation

31461.1. The average compensation during any period of service as a member of the State Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

SEC. 2. Section 31558.1 of said code is amended to read:

Safety members

31558.1. Notwithstanding Section 31558 and regardless of age at entry into the system, a person shall become a safety member on the first day of the calendar month following his entrance into service in a position, the principal duties of which consist of active law enforcement or active fire suppression as defined in Sections 31469.3, 31470.2, and 31470.4, if such first day of the calendar month is within 90 days of last rendering service in active police or active fire suppression work as a member of the State Employees' Retirement System or a retirement system established under this chapter in another county and the person retains his membership in such other system.

SEC. 3. Section 31620.1 of said code is amended to read:

Age

31620.1. For purposes of this article, age at time of entrance into the retirement system for a person who enters within 90 days after last rendering service as a member of the State Employees' Retirement System or another retirement system established under this chapter and who retains his membership in such other system, shall be his age at entry into such other system.

SEC. 4. Section 31630.1 of said code is amended to read:

Same

31630.1. For purposes of this article, age at time of entrance into the retirement system for a person who enters within 90 days after last rendering service as a member of the State Employees' Retirement System or another retirement system established under this chapter and who retains his membership in such other system, shall be his age at entry into such other system.

SEC. 5. Section 31639.15 of said code is amended to read:

Same

31639.15. For purposes of this article, age at time of entrance into the retirement system for a person who enters within 90 days after last rendering service as a member of the State Employees' Retirement System or another retirement system established under this chapter and who retains his membership in such other system, shall be his age at entry into such other system.

SEC. 6. Section 31700 of said code is amended to read:

Elections

31700. Any member, whether over or under the minimum age of voluntary service retirement, who leaves county service after completing five years of service or who leaves county service and within 90 days becomes a member of the State Employees' Retirement System, or a retirement system established under this chapter in another county, may elect in writing, within 180 days after leaving county service, to leave his accumulated contributions in the retirement fund and be granted a deferred retirement allowance to become effective either:

(a) Upon the option of the member, at any time at which he could have retired had he remained in county service in a full-time position, or

(b) Not later than the first day of the month following that in which he attains the compulsory retirement age.

SEC. 7. Section 31701 of said code is amended to read:

Withdrawal of contributions

31701. Any member may elect to rescind in writing his election and withdraw his accumulated contributions pursuant to Section 31628 at any time before the effective date of his retirement except that if within 90 days after discontinuing service under this system, he became a member of the State Employees' Retirement System or a system established in another county under this chapter, he may not rescind or withdraw any of his accumulated contributions while in service as such a member.

SEC. 8. Section 31721.5 of said code is amended to read:

31721.5. Any member who elects, pursuant to Section 31700, to leave his accumulated contributions on deposit shall be retired for disability, regardless of age or length of service, and receive a disability retirement allowance under this article based on the service credited to him at the time of retirement during any period thereafter in which he receives a disability retirement allowance under the State Employees' Retirement System or a retirement system established under this chapter in another county, subject to the following conditions:

Disability retirement following withdrawal from system

(1) That such allowance shall not be paid if the period intervening between the last service credited under this system and his becoming a member in such other system exceeds 90 days.

(2) That such allowance shall not exceed an amount which when added to the allowance paid under the other system equals the allowance which would be paid if the member's service were credited under such other system if retirement is for disability not arising out of or in the course of employment subject to such other system; provided, however, that the allowance shall in any event be no less than an annuity which is the actuarial equivalent of the member's contributions.

(3) That such allowance shall be an annuity which is the actuarial equivalent of the member's accumulated contributions where retirement under the other system is for disability arising out of and in the course of employment subject to such other system.

SEC. 9. Section 31780.5 of said code is amended to read:

31780.5. Upon death before retirement of a member who has elected pursuant to Section 31700 to leave his accumulated contributions on deposit and who dies while in service as a member of the State Employees' Retirement System or a retirement system established pursuant to this chapter in another county, the death benefit provided in Section 31781 shall be paid to his designated beneficiary subject to the following conditions:

Payments to beneficiary

(1) That such death benefit shall not be paid if the period intervening between the last service credited under this system and his becoming a member in such other system exceeds 90 days.

(2) That where death is not the result of a disease or injury arising out of and in the course of employment, the amount of such death benefit shall not exceed an amount which when added to the death benefit payable for the member under such other system equals the maximum death benefit under this system.

(3) That such death benefit shall consist solely of the member's accumulated contributions if the death is the result of disease or injury arising out of and in the course of his employment as a member of such other system.

CHAPTER 1079

An act to amend Sections 4730, 4845.20, 4845.21, 4845.32, and 4845.34 of, to amend and renumber Sections 4845.31 and 4845.35 of, and to add Sections 4845.31 and 4845.35 to, the Health and Safety Code, relating to county sanitation districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 4730 of the Health and Safety Code is amended to read:

Governing body

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the sanitation district, is a member of the board. A member of the governing body of each sanitary district, the whole or part of which is included in the sanitation district, is a member of the board.

If the sanitation district includes territory which is unincorporated and not included in a sanitary district, then the presiding officer of the county board of supervisors is a member of the board.

The governing body of each city and the board of supervisors shall each select one of its members, other than its presiding officer, as an alternate director to act as a member of the district board in place of the presiding officer during his absence, inability or refusal to act.

If the sanitation district includes unincorporated territory and all or part of one city and no sanitary district, or unincorporated territory and one sanitary district and no city, then the presiding officer and one other member of the board of supervisors are members of the board, unless the population included in the city or sanitary district is more than half of the population of the whole sanitation district, in which case the presiding officer of the board of supervisors and the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district, as the case may be, constitute the board of directors.

If the total number of cities and sanitary districts included in the sanitation district in whole or in part is two and if the sanitation district does not include any territory not in cities or sanitary districts, then the district board includes the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district having the greatest population and the presiding officer of the governing body of the city or one member of the governing body of the sanitary district having the least population.

If the total number of cities and of sanitary districts wholly or in part within the sanitation district is two or more, and if, in addition, the district contains unincorporated territory, then the district board includes the presiding officer of the board of supervisors, the presiding officer of the governing board of each city, and a member of the governing board of each sanitary district.

If the district includes no territory which is in cities or sanitary districts, then the county board of supervisors is the board of directors of the district.

If the territory of the district lies wholly within a city, the legislative body of said city is the board of directors of the district.

A city within a sanitation district, the sewered portion of which city lies entirely within a sanitary district, shall have no representation on the board.

Notwithstanding the foregoing provisions of this section, whenever a sanitation district includes unincorporated territory and all or part of one city and no sanitary district, the governing body of such city may designate the board of supervisors of the county as the district board of directors, unless the population of the incorporated portion of the sanitation district is more than half of the population of the whole district. If the population of the incorporated portion of the sanitation district is more than half of the population of the whole district, the board of supervisors of the county may designate the governing body of the city as the district board of directors.

The term "sanitary district" as used in this section shall mean a sanitary district formed prior to the formation of the sanitation district in which it is included in whole or in part.

SEC. 2. Section 4845.20 of said code is amended to read:

Withdrawal of unincorporated territory from district

4845.20. All or any portion of the unincorporated territory within a district, or all or any portion of territory within a district which territory was, subsequent to the formation of the district, included within a city by annexation, incorporation, or otherwise, may be withdrawn from the district when all of the following conditions exist:

(a) The district has been in existence for at least one year;

(b) In the event the district has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of the election or upon receipt of the verified petition, or upon the adoption of the resolution, by the board of supervisors, the property within any territory withdrawing from the district shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof, except as otherwise provided in Section 4845 37.

Provided, however, that no portion of a city shall be withdrawn from a sanitation district under the provisions of this article if such city is in its entirety within one or more sanitation districts.

SEC. 3. Section 4845.21 of said code is amended to read:

Election

4845.21. The withdrawal may be effected by the vote of majority of the qualified electors of the territory seeking to withdraw voting at an election on the proposition to withdraw, in which case the election procedure as hereafter provided in Sections 4845.22 to and including Section 4845.28 shall be followed, or by verified petition presented to the board of supervisors in the manner as hereafter provided in this article, or by resolution of intention of the board of supervisors as hereafter provided in this article.

SEC. 4. Section 4845.31 of said code is amended and renumbered to read:

Petition

4845.30. A verified petition signed by the owners of real property in the portion to be excluded, said owners owning more than fifty percent (50%) in value of the assessed real property, shall be presented to the board of supervisors of the county within which the district is located. Said petition shall contain the following:

(a) A legal description of the area to be withdrawn together with a map thereof;

(b) The amount of indebtedness of a district presently outstanding, if any;

(c) Factual data establishing that the exclusion will not interfere with the operation of the sewage system in the balance of the district;

(d) A statement by the county assessor of said county that the petition appears to be signed by the owners of more than 50 percent of value of the assessed real property of the area described in the petition as appears from the current assessment roll of the county or city within which the area to be withdrawn is situated.

SEC. 5. Section 4845.31 is added to said code, to read:

Initiation of proceedings by resolution

4845.31. In lieu of a petition for withdrawal, a board of supervisors desiring to exclude a part of a district may initiate proceedings by adopting a resolution of its intention to exclude certain designated territory from the district. The resolution shall contain a statement of the intention to exclude a part of the district and a legal description of the area to be excluded.

SEC. 6. Section 4845.32 of said code is amended to read:

Hearing and notice

4845 32. Upon receipt of such petition, or upon the adoption of such resolution of intention, the board of supervisors shall set the same for hearing on a day not less than 20 days nor more than 35 days thereafter. The clerk of the board of supervisors shall cause a notice of the hearing, which shall contain a description of the property to be excluded, to be published once prior to the date fixed for such hearing, in a newspaper of general circulation circulated within the district and within the area proposed to be withdrawn which the board deems most likely to give notice to the inhabitants thereof and of the district as a whole or, if no such newspaper exists, the clerk shall cause such notice to be posted in three public places within the area proposed to be excluded.

SEC. 7. Section 4845.34 of said code is amended to read:

Finding re withdrawal

4845.34. At the time designated, the board of supervisors shall hear the petition, if any, or the resolution of intention, and any person interested therein and may adjourn the hearing from time to time not to exceed 60 days. The board of supervisors, if it finds that the portion of the district sought, or intended, to be withdrawn will not be benefited by remaining in the district, and that the territory not sought, or intended, to be withdrawn will be benefited by continuing as a district, may upon the conclusion of final hearing upon said petition, or said resolution of intention, grant or order such withdrawal, describing the area withdrawn, from the district; and subject to Sections 54900 to 54903, inclusive, of the Government Code said portion thereafter is no longer a portion of the district for any purpose, except that in the event district indebtedness or district expense is outstanding and owing on the date of the order granting or ordering said exclusion, the property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extingishment of said indebtedness or expense, except as otherwise provided in Section 4845.37.

SEC. 8. Section 4845.35 of said code is amended and renumbered to read:

Territory included within city

4845.37. Territory included within a city by annexation, incorporation, or otherwise may be withdrawn from the district through any of the procedures specified in this article, without the territory, subsequent to withdrawal, being subject to any further taxes by the district for the payment of maintenance, operating, or expenses other than the payment of principal and interest on bonds outstanding at the time of withdrawal, if the board of supervisors finds, at a hearing held after a petition for withdrawal is presented to the board pursuant to Section 4845.22 and prior to calling an election for withdrawal pursuant to Section 4845.23 or at the hearing required by Section 4845.34, by a resolution duly adopted, that the territory proposed to be withdrawn is not benefited by any services performed by the district.

SEC. 9. Section 4845.35 is added to said code, to read:

Objection to withdrawal

4845.35. If the area is proposed to be excluded by resolution of intention of the board of supervisors pursuant to Section 4845.31, and if written objection to the withdrawal of the territory signed by the owners of more than 50 percent in value of the assessed real property in the portion to be excluded is filed with the board of supervisors, the board of supervisors shall adopt an order abandoning the proposed exclusion without prejudice to further proceedings under this article.

CHAPTER 1080

An act to amend Section 32130.5 of the Health and Safety Code, relating to local hospital districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 32130.5 of the Health and Safety Code is amended to read:

32130.5. The first board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within two years from the date of borrowing with interest at a rate not to exceed 5 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section and Section 32130 during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor or auditors of the county or counties in which the district lies for the following fiscal year.

The provisions of Section 32130 are applicable in respect to any indebtedness incurred under this section to the extent that they are consistent with this section.

CHAPTER 1081

An act to add Section 32136 to the Health and Safety Code, relating to local hospital districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 32136 is added to the Health and Safety Code, to read:

32136. The board of directors may, without following the bidding provisions in Section 32132 hereof, let contracts for work to be done or for materials and supplies to be furnished, sold or leased to the district, if it first determines that an emergency exists warranting such expenditure due to fire, flood, storm, epidemic, or other disaster and is necessary to protect the public health, safety, welfare, or property.

CHAPTER 1082

An act to amend Section 27401 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to municipal libraries.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 27401 of the Education Code is amended to read:

27401. The legislative body of any municipality in which a public library is established pursuant to this chapter (commencing at Section 27301), shall in making the annual tax levy and as part thereof, if the construction and maintenance of the library has not been otherwise provided for, levy a tax for the purpose of construction and maintaining the library and purchasing property necessary therefor. The tax shall be in addition to other taxes, the levy of which is permitted in the municipality. After two years from the establishment of new libraries, where the construction and maintenance thereof has not been otherwise provided, in municipalities of the first, second, and third classes, as they were classified on June 11, 1909, the tax levy shall not exceed two mills on the dollar of assessed valuation, and in municipalities of the fourth, fifth, and sixth classes, as they were classified on June 11, 1909, the levy shall not exceed three mills on the dollar of assessed valuation. As used in this section, maintenance includes preserving, repairing and altering existing structures.

CHAPTER 1083

An act to add Section 20568.1 to, and to amend Sections 26965, 26966 and 26967 of, the Water Code, relating to irrigation districts.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20568.1 is added to the Water Code, to read:

20568.1. No person may sign for the owner of property or the owner of an undivided interest therein without the authorization of the owner. Signatures

SEC. 2. Section 26965 of said code is amended to read:

26965. A protest against the inclusion of land, signed by not less than 3 percent of the holders of title to the land within the district who are also the holders of title to not less than 3 percent in value of the land within the district according to Protest

the last equalized assessment of the district, may be presented to the board prior to the commencement of the hearing of the inclusion petition. Signatures may be added to the protest during the hearing, including any adjournments of the hearing, until the board has adopted an inclusion resolution.

SEC. 3. Section 26966 of said code is amended to read:

Withdrawal of protest or signatures

26966. Prior to or at the hearing of the inclusion petition, including any adjournments of such hearing, until the board has adopted an inclusion resolution, the protest or any signatures to it may be withdrawn.

SEC. 4. Section 26967 of said code is amended to read:

Resolution

26967. If, during the time specified in Section 26966, the protest is not withdrawn or sufficient signatures to it are not withdrawn so that those remaining constitute less than 3 percent of the holders of title to all of the land within the district or hold less than 3 percent in value of the land within the district according to the last equalized assessment of the district, or if the board deems it not for the best interests of the district to include in it any of the land described in the petition for inclusion, the board shall adopt a resolution stating the facts and describing the land proposed to be included in the district.

CHAPTER 1084

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

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

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

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

(a) Be a citizen of the United States.

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

(c) Be of good moral character.

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

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

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

(2) Reached the age of 23 years and have attained in apparent intellectual ability the equivalent of at least two years

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

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

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

(g) Have either:

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 1085

An act to amend Section 3800 of the Fish and Game Code, relating to nonprotected birds.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 3800 of the Fish and Game Code is amended to read:

3800. Nonprotected birds are: (a) English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or black-billed magpies (Pica pica hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); and starlings (Sturnus vulgaris).

(b) Yellow-billed magpies (Pica nuttalli).

The provisions of subdivision (b) of this section shall be in effect until the ninety-first day after adjournment of the 1961 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 1086

An act to amend Sections 19 and 19a and add Section 19b to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage districts.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 19 of the Drainage District Act of 1903 is amended to read:

SEC. 19. Forty-five days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a similar notice of the same in a conspicuous place in the office of the said board, specifying the polling-places of each precinct, and the names of the members of the boards of election, for each precinct. Prior to the time for posting such notices, the board must appoint for each precinct, from the electors thereof, one inspector and one judge and one clerk, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed, or any of them do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour, may appoint the board, or supply the place of an absent member thereof. The board of directors must in its order appointing the board of election, designate the place within each precinct where the election must be held.

SEC. 2. Section 19a of said act is amended to read:

SEC. 19a. Not less than 30 days before an election for directors or a director, as provided in this act, any 10 or more electors in the district may file with the secretary of the board of directors a petition nominating a candidate for director or as many candidates as there are directors to be elected; provided, that if the directors are to be elected by divisions, any five electors of a division may file with the secretary such a petition nominating a candidate for director for that division. The secretary shall prepare for the election a ballot in substantially the form prescribed by law for use at elections of county officers and shall print thereon the names of the candidates nominated as herein provided, and no others, but there shall be sufficient blank spaces left on the ballot in which

electors may write other names as candidates for the respective offices to be filled, if they so desire.

SEC. 3. Section 19b is added to said act, to read:

Sec. 19b. If, on the thirtieth day prior to the day fixed for the general election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the general election be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held for such office in which only one person has been nominated or in which no one has been nominated, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated, at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint to such office or offices wherein only one person has been nominated the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at such district election for such office. In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held for such office and that the board of supervisors will appoint, or has appointed, the elective officers to serve for the ensuing term for such office, and the notice specified by Section 19 need not be given.

If more than one person has been nominated for any office, an election shall be held for such office and notice given as provided in Section 19.

CHAPTER 1087

An act to amend Section 2210 of the Business and Professions Code, relating to the practice of medicine.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 2210 of the Business and Professions Code is amended to read:

2210. An applicant may apply for a physician's and surgeon's certificate in accordance with this article, if he comes within the provisions of this article and if his application is based on a commission as a medical officer:

(a) In the United States Army, Navy, or Public Health Service, other than in a medical reserve corps of such services.

(b) In any of the Armed Forces of the United States during the period December 7, 1941, to December 31, 1946, and who was a bona fide resident of California at the time of entering the Armed Forces.

CHAPTER 1088

An act to amend Section 2005 of the Fish and Game Code, relating to the taking of fish and game.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2005 of the Fish and Game Code is amended to read:

2005. It is unlawful to use an artificial light to assist in the taking of game birds, game mammals, or game fish, except that this section shall not apply to sport fishing in ocean waters or other waters where night fishing is permitted if the lights are not used on or as part of the fishing tackle, commercial fishing, nor to the taking of mammals the taking of which is governed by Article 2 (commencing with Section 4180) of Chapter 3, Part 3, Division 4.

It is unlawful for any person, or one or more persons, to throw or cast the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest upon any game mammal while having in his possession or under his control any firearm or weapon whereby such mammal could be killed, even though the mammal is not killed, injured, shot at, or otherwise pursued. The provisions of this section do not apply in a case where the headlights of a motor vehicle operated in a usual manner on a highway cast a light on such a mammal near or on such highway and there is no attempt or intent to locate the mammal.

It is unlawful to use or possess at any time any infrared or similar light used in connection with an electronic viewing device sometimes designated as a sniperscope to assist in the taking of birds, mammals, amphibia, or fish.

CHAPTER 1089

An act to amend Section 12704 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 15704 of the Business and Professions Code is amended to read:

12704. The department shall prescribe a form of weight and measure certificates to be used by public weighmasters. The certificate used by a public weighmaster shall be known as the "state certificate of weights and measures" and no other form of certificate shall be used by public weighmasters.

The certificate shall state thereon:

(a) The kind of product or article.

(b) The number of units of the product or article.

(c) The date on which the product or article was weighed, measured or counted.

(d) The owner, agent or consignee.

(e) Either the gross weight of the product and the vehicle or container thereof, or the tare weight of the unladen vehicle or container, or both such gross and tare weights; or the true net weight, measure, or count of the product. The provisions of this section shall apply in all respects to the transportation of part loads of products, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Such weight certificate on part loads shall show, in addition to the net weight, both of the gross weights used in the computation of the net weight of each part load.

(f) The vessel, railroad or other means by which the product was received. If motor vehicle carrier is used, the license number of any vehicle or trailer shall be stated on the certificate.

(g) Any trade or other mark thereon.

(h) The name of the city or town where such product or article was weighed, measured or counted.

(i) The complete signature of the weighmaster or deputy weighmaster who weighed, measured or counted the product or article.

(j) Such other information as may be necessary to identify the product or distinguish it from a like kind.

It shall be unlawful for a public weighmaster to use a public weighmaster certificate form purchased by him for use in connection with his service as a public weighmaster until a sample of such form has been inspected and approved in writing by the department. Such approval shall not be required of a public weighmaster when using public weighmaster certificate forms for which approval has been previously received by the printer, stationer or other supplier whose business includes the supplying of such approved forms.

Public weighmaster certificate forms shall be the property of the State and all unused public weighmaster certificate forms shall be forfeited and returned to the department by any person who has served as a public weighmaster upon termination of the performance of his duties as public weighmaster.

CHAPTER 1090

An act to add Section 4601.5 to the Welfare and Institutions Code, relating to medical services to public assistance recipients.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4601.5 is added to the Welfare and Institutions Code, to read:

4601.5. Itemized bills for service under this chapter shall be submitted not more than six months after the month in which the service is rendered.

CHAPTER 1091

An act to amend Sections 74302 and 74303 of the Government Code, relating to the municipal court in the Cities of San Carlos and Redwood City.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 74302 of the Government Code is amended to read:

Salaries Clerk

74302. There shall be one clerk who shall receive a salary of five hundred forty-nine dollars ($549) a month, a semi-annual increment of thirty-two dollars ($32) and annual increments thereafter of thirty-three dollars ($33), thirty-five dollars ($35) and thirty-seven dollars ($37) to a maximum of six hundred eighty-six dollars ($686) a month.

SEC. 2. Section 74303 of said code is amended to read:

Same Deputy clerks

74303. The clerk may appoint:

(a) One chief deputy clerk who shall receive a salary of four hundred thirty-nine dollars ($439) a month, a semi-annual increment of twenty-five dollars ($25) and annual increments thereafter of twenty-seven dollars ($27), twenty-eight dollars ($28) and thirty dollars ($30) to a maximum of five hundred forty-nine dollars ($549) a month.

(b) Two deputy clerks, grade III, each of whom shall receive a salary of three hundred seventy-one dollars ($371) a month, a semi-annual increment of twenty-one dollars ($21) and annual increments thereafter of twenty-three dollars ($23), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of four hundred sixty-four dollars ($464) a month.

(c) Five deputy clerks, grade II, each of whom shall receive a salary of three hundred thirty-two dollars ($332) a month, a semi-annual increment of nineteen dollars ($19) and

annual increments thereafter of twenty dollars ($20), twenty-one dollars ($21) and twenty-three dollars ($23) to a maximum of four hundred fifteen dollars ($415) a month.

(d) Five deputy clerks, grade I, each of whom shall receive a salary of two hundred ninety-seven dollars ($297) a month, a semi-annual increment of seventeen dollars ($17) and annual increments thereafter of eighteen dollars ($18), nineteen dollars ($19) and twenty dollars ($20) to a maximum of three hundred seventy-one dollars ($371) a month.

CHAPTER 1092

An act to amend Sections 72702, 72702.5, 72703, 72704, 72704.5, 72705, 72705.5, 72751, 72752, 72753, 72754, 72755, and 72760 of the Government Code, relating to the officers and attaches of municipal courts of Los Angeles County.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 72702 of the Government Code is amended to read:

Salaries: Clerk

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 55 of the salary schedule provided in Section 72705.

SEC. 2. Section 72702.5 of said code is amended to read:

Chief deputy clerk

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 50 of the salary schedule provided in Section 72705.

SEC. 3. Section 72703 of said code is amended to read:

Deputy clerks

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 47.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 47.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 47.

(d) One deputy clerk who shall be chief accountant, and who shall receive a monthly salary at a rate specified in Schedule 46

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(f) One deputy clerk who shall be assistant chief accountant, and who shall receive a monthly salary at a rate specified in Schedule 43.

(g) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 45.

(h) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 44.

(i) One deputy clerk who shall be assistant secretary and jury commissioner, who shall receive a monthly salary at a rate specified in Schedule 45.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 4. Section 72704 of said code is amended to read:

Same

72704. The clerk may also appoint:

(a) Three deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(b) Forty-nine deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 42 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(c) One deputy clerk, secretary to the presiding judge, who shall receive a monthly salary at a rate specified in Schedule 38. Appointment to said position shall be at step C of said schedule.

(d) Nine deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 37. Appointments to said positions shall be at step C of said schedule.

(e) Forty-nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(f) Six deputy clerks, bookkeeping machine operator, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(g) Eighty-six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(h) One hundred fifty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 30. Appointments to such positions shall be at step C of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 5. Section 72704.5 of said code is amended to read:

Same

72704.5. The clerk may also appoint the following deputy clerks as needed:

One head tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 42.

One supervising tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 40.

Two intermediate tabulating machine operators who shall receive a monthly salary at a rate specified in Schedule 37.

Three tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

Two supervising key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

Twenty-eight key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 32

SEC. 6. Section 72705 of said code is amended to read:

Salary schedule

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Schedule number	Step A	Step B	Step C	Step D	Step E
27	$246	$259	$273	$288	$303
28	259	273	288	303	319
29	273	288	303	319	337
30	288	303	319	337	355
31	303	319	337	355	375
32	319	337	355	375	395
33	337	355	375	395	417
34	355	375	395	417	440
35	375	395	417	440	464
36	395	417	440	464	489
37	417	440	464	489	516
38	440	464	489	516	545
39	464	489	516	545	575
40	489	516	545	575	608
41	516	545	575	608	641
42	545	575	608	641	677
43	575	608	641	677	715
44	608	641	677	715	755
45	641	677	715	755	797
46	677	715	755	797	842
47	715	755	797	842	889
48	755	797	842	889	940
49	797	842	889	940	992
50	842	889	940	992	1,048
51	889	940	992	1,048	1,107
52	940	992	1,048	1,107	1,170
53	992	1,048	1,107	1,170	1,236
54	1,048	1,107	1,170	1,236	1,306
55	1,107	1,170	1,236	1,306	1,380
56	1,170	1,236	1,306	1,380	1,458
57	1,236	1,306	1,380	1,458	1,540
58	1,306	1,380	1,458	1,540	1,627

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, during the period of such service, shall draw the compensation of the step in the next higher numbered schedule which will increase his basic compensation by one step; any deputy clerk of grade III classification who in addition to the above is re-

quired to work a night shift shall receive a two-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

(b) Any deputy clerk grade IV assigned to the division occupied by the presiding judge or whose regular assignment includes the supervision of clerical personnel at a multiple division branch court located more than 10 miles from the principal office of the court, during the period of such assignment, shall receive compensation at the step rate of a higher numbered salary schedule which will increase his basic compensation by two steps. Not more than seven additional deputy clerks grade IV, while assigned to supervisory duties in other divisions of the court, and, at each branch court of three or more divisions, one deputy clerk grade III assigned as office supervisor shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step.

(c) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(d) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(e) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 7. Section 72705.5 of said code is amended to read:

72705.5. Effective July 1, 1960, each respective salary schedule number attached to a position mentioned in Sections

Salary increase

72702 to 72704.5, inclusive, shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72705.

SEC. 8. Section 72751 of said code is amended to read:

Officers and attaches

72751. In each municipal court district having five judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 48.

The clerk may appoint:

(a) Seven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 30. Appointments to said positions shall be at step C of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(d) Seven deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(e) One chief cashier-bookkeeper who shall receive a monthly salary at a rate specified in Schedule 42.

(f) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 43.

(g) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 43.

(h) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 43.

(i) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 43.

SEC. 9. Section 72752 of said code is amended to read:

Same

72752. In each municipal court district having three judges authorized by law the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 47.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 30. Appointments to said positions shall be at step C of said schedule.

(b) Six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(d) Five deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 43.

SEC. 10. Section 72753 of said code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attaches shall be appointed and compensated as follows: Same

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 47.

The clerk may appoint:

(a) Eight deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 30. Appointments to said positions shall be at step C of said schedule.

(b) Four deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(d) Three deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 43.

SEC. 11. Section 72754 of said code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attaches shall be appointed and compensated as follows: Same

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 45.

The clerk may appoint:

(a) Three deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 30. Appointments to said positions shall be at step C of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 35.

(d) Two deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 41; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 12. Section 72755 of said code is amended to read:

72755. In those positions for which this article provides a five-step rate of compensation, the provisions of this section shall apply. Five-step rate of compensation

(a) Except in the case of transfer, demotion, promotion or where otherwise specifically provided, original appointments to such positions shall be at the rate designated for step A of the salary schedule pertaining to the position occupied.

(b) The initial rate of compensation shall be increased to the next higher step of the schedule applicable to the position occupied upon the completion of six months' continuous service in the same position. Upon the completion of each ensuing 12 months of such service, such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(c) A step advancement shall not be granted to any person if his superior finds that his work has been unsatisfactory and so notifies the Civil Service Commission.

(d) When a person is promoted to a position on a five-step basis, he shall receive the first-step rate in the salary schedule of the new position which results in an increase in salary.

(e) A person demoted to a lower position shall be entitled to receive whichever of the following rates is lower:

1. Step E of the salary schedule pertaining to the position to which he is demoted.

2. The same rate of pay which he was receiving prior to demotion.

(f) The appointing power who demotes a person for disciplinary reasons may specify any step rate in the salary schedule pertaining to the lower position except that it shall not be higher than the step rate held by the employee in the higher position.

(g) If a person begins employment between the first and fifteenth of any calendar month, inclusive, his step advancement shall be calculated from the first day of that month. Where a person begins employment on or after the sixteenth day of a calendar month, the step advancement shall be calculated from the first of the next month.

(h) Upon demotion, a person shall retain the anniversary date held in the higher position.

(i) Any deputy clerk grade III who is necessarily assigned to the regular duties of a deputy clerk grade IV because of an absence of such deputy clerk grade IV shall, for any period of such assignment in excess of 30 calendar days, receive compensation at the rate of that higher numbered salary schedule which will increase his basic compensation by two steps.

SEC. 13. Section 72760 of said code is amended to read:

Salary increase

72760. Effective July 1, 1960, each respective salary schedule number attached to a position mentioned in Sections 72751, 72752, 72753, and 72754 shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72756.

Operative date

SEC. 14. The provisions of this act shall become operative October 1, 1959.

CHAPTER 1093

An act to amend Section 21365.5 of the Government Code, relating to benefits payable on the death of a member eligible to retire under the State Employees' Retirement System.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21365.5 of the Government Code is amended to read:

21365.5. Upon the death while in state service, other than state service as defined in Section 20801.1, and before the effective date of his retirement of a member who has attained the minimum age for voluntary service retirement applicable to him in his employment at the time of death, and who is credited with 20 or more years of state service, a monthly allowance equal to one-half of the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage.

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit or a benefit under Section 21337 is payable.

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person or, such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such right is mailed to him by this system, to receive in lieu of further payments of the allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the State so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "dependent surviving husband" means a husband that was married to the member for at least one year prior to the member's death and whose income from all other sources was less than one-half the earnings of the member, and "child" includes a posthumously born child of the member.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 1094

An act to amend Section 21407 of, and to add Sections 21407.5, and 21407.6 to, the Public Utilities Code, relating to the use of intoxicating liquor, and drugs by the operators of aircraft.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 21407 of the Public Utilities Code is amended to read:

Recklessness, etc.

21407. It is unlawful for any person to operate an aircraft in the air, or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging operation of aircraft in violation of this section, the court in determining whether the operation

was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

SEC. 2. Section 21407.5 is added to said code, to read:

21407.5. It is unlawful for any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor or narcotics. Liquor or narcotics

SEC. 3. Section 21407.6 is added to said code, to read:

21407.6. (a) Any person convicted under Section 21407.5 shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment. Penalties

Any person convicted under Section 21407.5 shall be punished upon a second or any subsequent conviction by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000), without being granted probation by the court and without having the court suspend the execution of the sentence.

(b) Any person convicted under Section 21407.5 and who, when so operating an aircraft, has done any act forbidden by law or neglects any duty imposed by law in the operation of such aircraft, which act or neglect proximately causes bodily injury to any person other than himself shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

CHAPTER 1095

An act to amend Section 32100 of the Health and Safety Code, relating to local hospital districts.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 32100 of the Health and Safety Code is amended to read:

32100. The elective officers of a local hospital district shall be a board of hospital directors consisting of five members, each of whom shall be a registered voter residing in the district and whose term shall be four years, with the exception of the first board. The first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. Upon their appointment,

the first board so appointed shall so classify themselves by lot that two members thereof shall go out of office the first Tuesday in January next following the election or appointment if no election is held and qualification of their successors as herein provided, and three members will go out of office two years thereafter. Any vacancy upon said board shall be filled by appointment by the remaining members of said board of directors. Any person appointed to fill such vacancy shall hold office for the unexpired term.

CHAPTER 1096

An act to amend Section 32132 of the Health and Safety Code, relating to local hospital districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 32132 of the Health and Safety Code is amended to read:

32132. The board of directors shall let any contract involving an expenditure of more than two thousand five hundred dollars ($2,500) for work to be done or for materials and supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids; provided, however, that the provisions of this section shall not apply to medical or surgical equipment or supplies or to professional services.

Bids need not be secured for change orders which do not materially change the scope of the work as set forth in a contract previously made; provided, that such contract was made after compliance with bidding requirements, and such change orders do not total more than 5 percent of such contract.

As used in this section, "medical or surgical equipment or supplies" includes only equipment or supplies commonly, necessarily, and directly used by or under the direction of a physician and surgeon in caring for or treating a patient in a hospital.

CHAPTER 1097

An act to amend Sections 89 and 112 of the Code of Civil Procedure, relating to municipal and justice courts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 89 of the Code of Civil Procedure is amended to read:

Original jurisdiction of civil cases Municipal courts

89. 1. Municipal courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three thousand dollars ($3,000) or less, except cases which involve the legality of any tax, impost, assessment, toll or municipal fine.

(b) In actions for dissolution of partnership, where the total assets of the partnership do not exceed three thousand dollars ($3,000); in actions of interpleader, where the amount of money, or the value of the property involved, does not exceed three thousand dollars ($3,000).

(c) To cancel or rescind a contract, when such relief is sought in connection with an action to recover money, not exceeding three thousand dollars ($3,000), or property of a value not exceeding three thousand dollars ($3,000), paid or delivered under or in consideration of such contract; to revise a contract where such relief is sought in an action upon such contract, of which action the court otherwise has jurisdiction.

(d) In all proceedings in forcible entry or forcible or unlawful detainer, where the rental value is three hundred dollars ($300) or less per month, and where the whole amount of damages claimed is three thousand dollars ($3,000) or less.

(e) In all actions to enforce and foreclose liens on personal property, where the amount of such liens is three thousand dollars ($3,000) or less.

(f) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2, Title 4, Part 3 of this code, where the amount of such liens is three thousand dollars ($3,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property, by action or actions in a municipal court, aggregates an amount in excess of three thousand dollars ($3,000), the municipal court, in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by Section 399 of this code, with respect to the change of place of trial.

(g) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers, where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in Section 564, subdivision 4 of the Code of Civil Procedure; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner pro-

vided in Section 2422 of the Civil Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

(h) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor, where the interest claimed adversely is of a value not exceeding three thousand dollars ($3,000) or the debt denied does not exceed three thousand dollars ($3,000).

2. Each municipal court shall have jurisdiction of all cases in equity to try title to personal property when the amount involved is not more than three thousand dollars ($3,000) and of all cases in equity when pleaded as defensive matter, in any case properly pending in such municipal courts.

SEC. 2. Section 112 of the Code of Civil Procedure is amended to read:

Same: Justice courts

112. Justice courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five hundred dollars ($500) or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine;

(b) In all proceedings in forcible entry, or forcible or unlawful detainer where the rental value is one hundred twenty-five dollars ($125) or less per month, and where the whole amount of damages claimed is five hundred dollars ($500) or less, and in such proceedings any competent evidence may be given and any question properly involved therein may be determined;

(c) In all cases to enforce and foreclose liens on personal property where the amount of such liens is five hundred dollars ($500) or less;

(d) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to appoint receivers in the cases mentioned in Section 547a of this code, or any amendment thereof, and to make all orders and perform all acts mentioned in said sections in connection with such cases.

(e) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor, where the interest claimed adversely is of a value not exceeding five hundred dollars ($500) or the debt denied does not exceed five hundred dollars ($500).

CHAPTER 1098

An act to amend Sections 74182, 74183, 74184 and 74185 and to repeal Section 74186 of, and to add Sections 74186, 74187, 74188, 74189, 74190, and 74191 to, the Government Code, relating to municipal courts.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 74182 of the Government Code is amended to read:

74182. There shall be one clerk, to be appointed by the judges of the court, who shall be secretary of the court and who shall receive eight hundred dollars ($800) monthly.

Salaries: Clerk

SEC. 2. Section 74183 of said code is amended to read:

74183. The clerk shall appoint:

(a) One chief deputy clerk who shall be in charge of the civil division of the court and who shall receive six hundred dollars ($600) monthly.

Deputy clerks

(b) Six deputy clerks grade III (criminal division) each of whom shall receive four hundred two dollars ($402) a month with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(c) One deputy clerk, grade III (civil division), who shall receive four hundred two dollars ($402) a month with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(d) One deputy clerk, grade III, who shall be in charge of the traffic violations bureau of the court and who shall receive four hundred two dollars ($402) a month with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(e) Five deputy clerks, grade II (criminal division), each of whom shall receive three hundred forty-seven dollars ($347) a month with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of four hundred twenty-three dollars ($423) a month.

(f) Six deputy clerks, grade II (civil division), each of whom shall receive three hundred forty-seven dollars ($347) a month with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of four hundred twenty-three dollars ($423) a month.

(g) Three deputy clerks, grade I (criminal division), each of whom shall receive three hundred dollars ($300) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred sixty-four dollars ($364) a month.

SEC. 3. Section 74184 of said code is amended to read:

Marshal

74184. There shall be one marshal, to be appointed by the judges of the court, who shall receive eight hundred dollars ($800) monthly.

SEC. 4. Section 74185 of said code is amended to read:

74185. The marshal shall appoint:

Deputy marshals

(a) Three deputy marshals (sergeants) each of whom shall receive four hundred sixty-seven dollars ($467) a month with annual increments of twenty-three dollars ($23), twenty-five dollars ($25), twenty-five dollars ($25) and twenty-seven dollars ($27) to a maximum of five hundred sixty-seven dollars ($567) a month.

(b) Two deputy marshals (bailiffs) each of whom shall receive four hundred two dollars ($402) a month with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23) and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(c) One deputy marshal (clerk grade III), who shall receive four hundred two dollars ($402) with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(d) One deputy marshal (clerk grade II), who shall receive three hundred forty-seven dollars ($347) a month with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of four hundred twenty-three dollars ($423) a month.

(e) One deputy marshal (clerk grade I), who shall receive three hundred dollars ($300) a month, with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred sixty-four dollars ($364) a month.

Repeal

SEC. 5. Section 74186 of said code is repealed.

SEC. 6. Section 74186 is added to said code, to read:

Consolidation

74186. Notwithstanding any other provisions of this code, in the event of the consolidation of the municipal court district embracing the City of Sacramento and the municipal court district embracing the City of North Sacramento prior

to the ninety-first day following the adjournment of the 1961 Regular Session of the Legislature, the provisions of Section 74187 to 74191, inclusive, shall apply to the consolidated district.

SEC. 7. Section 74187 is added to said code, to read:

74187. There shall be six judges. Judges

SEC. 8. Section 74188 is added to said code, to read:

74188. There shall be one clerk, to be appointed by the judges of the court, who shall be secretary of the court and who shall receive eight hundred dollars ($800) monthly. Clerk

SEC. 9. Section 74189 is added to said code, to read:

74189. The clerk shall appoint: Deputy clerks

(a) Two assistant clerks each of whom shall receive six hundred fifty dollars ($650) monthly.

(b) Eleven deputy clerks, grade III, each of whom shall receive four hundred two dollars ($402) a month with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(c) Fifteen deputy clerks, grade II, each of whom shall receive three hundred forty-seven dollars ($347) a month with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of four hundred twenty-three dollars ($423) a month.

(d) Six deputy clerks, grade I, each of whom shall receive three hundred dollars ($300) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred sixty-four dollars ($364) a month.

SEC. 10. Section 74190 is added to said code, to read:

74190. There shall be one marshal, to be appointed by the judges of the court, who shall receive eight hundred dollars ($800) monthly. Marshal

SEC 11. Section 74191 is added to said code, to read:

74191. The marshal shall appoint: Deputy marshals

(a) One chief deputy marshal who shall receive six hundred dollars ($600) a month.

(b) Four deputy marshals (sergeants), each of whom shall receive four hundred sixty-seven dollars ($467) a month with annual increments of twenty-three dollars ($23), twenty-five dollars ($25), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixty-seven dollars ($567) a month.

(c) Four deputy marshals, each of whom shall receive four hundred two dollars ($402) a month with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(d) One deputy marshal (clerk grade III) who shall receive four hundred two dollars ($402) a month with annual incre-

ments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred ninety dollars ($490) a month.

(e) Two deputy marshals (clerk grade II) each of whom shall receive three hundred forty-seven dollars ($347) a month with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of four hundred twenty-three dollars ($423) a month.

(f) Two deputy marshals (clerk grade I) each whom shall receive three hundred dollars ($300) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred sixty-four dollars ($364) a month.

CHAPTER 1099

An act to repeal Section 170.5 of the Code of Civil Procedure, relating to peremptory challenges of judges.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 170.5 of the Code of Civil Procedure is repealed.

CHAPTER 1100

An act to amend Section 2421.5 of the Education Code and Section 1722 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 16, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 1722 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Territory annexed to city

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

(b) Territory annexed to a city which is part of a unified school district shall not become a part of any school district within the city pursuant to Section 1721 unless prior to the annexation, the governing boards of the affected districts

agree in writing that the territory shall become part of the city school district. In order for the agreement to be effective, a certified copy thereof shall be filed with the city council prior to the adoption of the resolution specified in Section 35117 or Section 35306 of the Government Code, and such resolution shall contain a statement that the annexed territory shall become part of the city school district.

(c) Territory annexed to a city which is part of a union high school district or a joint union high school district shall not become a part of any school district within the city pursuant to Section 1721 unless prior to the annexation, the governing board of the city school district, the governing board of the elementary district, and the governing board of the high school, joint union high school, and union high school district in which the territory is situated agree in writing that the territory located in the elementary district shall become part of the city school district. If an agreement between the elementary school board and the city school board cannot be arrived at, the matter will be referred to the State Board of Education whose decision in this matter shall be final.

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

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

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

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

SEC. 2. Section 2421.5 of the Education Code is amended to read:

Same

2421.5. (a) Territory annexed to a city which is not contiguous to a school district within the city shall not become a part of any school district within such city pursuant to Section 2421.

(b) Territory annexed to a city which is part of a unified school district shall not become a part of any school district within the city pursuant to Section 2421 unless prior to the annexation, the governing boards of the affected districts agree in writing that the territory shall become part of the city school district. In order for the agreement to be effective, a certified copy thereof shall be filed with the city council prior to the adoption of the resolution specified in Section 35117 or Section 35306 of the Government Code, and such resolution shall contain a statement that the annexed territory shall become part of the city school district.

(c) Territory annexed to a city which is part of a union high school district or a joint union high school district shall not become a part of any school district within the city pursuant to Section 2421 unless prior to the annexation, the governing board of the city school district, the governing board of the elementary district, and the governing board of the high school, joint union high school, and union high school district in which the territory is situated agree in writing that the territory located in the elementary district shall become part of the city school district. If an agreement between the elementary school board and the city school board cannot be arrived at, the matter will be referred to the State Board of Education whose decision in this matter shall be final.

(d) Territory annexed to a city which is contiguous to a city school district within such city, except as otherwise provided in subdivisions (b) and (c) of this section, shall not become part of any elementary, high school, junior college, or any other school district within said city as provided in Section 2421 unless proceedings are had and completed for the annexation or inclusion of such territory to the school district in the manner provided elsewhere in this code, or unless the resolution required by Section 35117 of the Government Code in the case of proceedings for the annexation of inhabited territory, or the resolution required by Section 35306 of the Government Code in proceedings for the annexation of uninhabited territory contains a statement that the annexed territory shall become part of the school district of the city.

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

The provisions of subdivision (a), (b), (c), or (d) of this section, as the case may be, apply to any proceedings to annex territory to a city which have not been completed on or before the effective date of the amendment of this section at the 1955

Regular Session of the Legislature, except proceedings in which the resolution provided for in Section 35117 of the Government Code has been adopted, or in which the city legislative body or the board of supervisors has approved the annexation by ordinance, or resolution, as the case may be, for other city annexation proceedings.

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

Operative date, Effect Stats 1959, Ch. 2

SEC. 3. Section 1 of this act becomes operative when the Education Code enacted by the Legislature at its 1959 Regular Session takes effect, at which time Section 2421 5 of the Education Code, as amended by Section 2 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are a number of city annexations pending wherein long "fingers" are being extended out from the annexing city to reach territory with high assessed valuations, which territory is annexed to the city for school and other purposes. Such a procedure has a serious financial impact upon small, outlying school districts to the detriment of the educational program offered by such districts to the children therein. Such outlying districts have at present no way of effectively objecting to this drastic reduction of their tax base and accompanying reduction in the educational program of the districts. To prevent the lowering of the quality and scope of the educational program offered children of these districts, it is necessary that this act take effect immediately.

CHAPTER 1101

An act to amend Sections 2079 and 6019 of the Insurance Code, relating to the standard form fire insurance policy.

[Approved by Governor June 19, 1959 Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2079 of the Insurance Code is amended to read:

Added clauses Standard form

2079. Clauses may be added to the standard form:

(a) Covering subject matter and risks not otherwise covered; provided that clauses covering loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the standard policy issued pursuant to Section 2071 may be insured under said policy only by a

written endorsement providing such insurance, with such endorsement affixed to said standard policy.

(b) Assuming greater liability than is otherwise imposed on the insurer.

(c) Granting insured permits and privileges not otherwise provided.

(d) Waiving any of the matters which may be waived and which avoid the policy or suspend the insurance.

(e) Waiving any of the requirements imposed on the insured after loss.

(f) As provided in Section 3047.

SEC. 2. Section 6019 of said code is amended to read:

Same Policy

6019. Clauses may be added to the policy:

(a) Covering property and risks not otherwise covered; provided that clauses covering loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the standard policy issued pursuant to Section 6010 may be insured under said policy only by a written endorsement providing such insurance, with such endorsement affixed to said standard policy.

(b) Assuming greater liability than is otherwise imposed on the insurer.

(c) Granting the insured permits and privileges not otherwise provided.

(d) Waivers of any of the matters voiding the policy or suspending the insurance.

(e) Waivers of any of the requirements imposed on the insured after loss.

CHAPTER 1102

An act to add Sections 33049, 33201.5, 33730.5, 33748 and 33749 to, to amend Sections 33202, 33231.5, 33331, 33502, 33503, 33700, 33701, 33703, 33704, 33730, 33731, 33732, 33736, 33745, 33746, 33747, 33850, and 33980 and to amend the heading of Chapter 3 and the heading of Article 3 of Chapter 3, Part 1, Division 24 of, and to repeal Section 33280, Articles 4 (commencing at Section 33530) and 5 (commencing at Section 33560) of Chapter 3 of Part 1 of Division 24, and Section 33982 of, the Health and Safety Code, relating to community redevelopment and urban renewal, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 16, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 33201.5 is added to the Health and Safety Code, to read:

Certified copy of resolution

33201.5. The agency shall cause a certified copy of the resolution to be filed in the Office of the Secretary of State.

Agencies which already are transacting business and exercising powers under this part at the time of the enactment of this section shall, within ninety (90) days after this section becomes effective cause a certified copy of the resolution to be filed in the Office of the Secretary of State.

SEC. 2. Section 33730.5 is added to said code, to read:

33730.5. The notice shall: Notice

(a) Describe specifically the boundaries of the proposed redevelopment project area; and

(b) State the day, hour and place when and where any and all persons having any objections to the proposed redevelopment plan or who deny the existence of blight in the proposed project area, or the regularity of any of the prior proceedings may appear before the legislative body and show cause why the proposed plan should not be adopted.

SEC. 3. Section 33748 is added to said code, to read:

33748. After the adoption of the redevelopment plan by the legislative body there shall be recorded with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part. Recordation in compliance with the provisions of Section 27295 of the Government Code shall, to the extent applicable, be effected as promptly as practicable following the adoption of the plan by the legislative body. Recordation

SEC. 4. Section 33749 is added to said code, to read:

33749. After the adoption of a redevelopment plan for a project area by the legislative body, all applicants for building permits in the area for a period of two years thereafter shall be advised by the building department of the community that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area. Notice to applicants

SEC. 5. Section 33202 of said code is amended to read:

33202. In any proceeding involving the validity or enforcement of, or relating to, any contract by an agency, the agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the filing with the Secretary of State of such a resolution. Agency contracts

Agencies which transacted business and exercised powers prior to the enactment of Section 33201.5 shall, in any proceeding involving the validity of, or enforcement of, or relating to, any contract by an agency, be conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of such a resolution or upon proof that a copy of such resolution has been filed with the Secretary of State.

SEC. 6. Section 33231.5 of said code is amended to read:

33231.5. As an alternative to the appointment of five (5) members of the agency, the legislative body may, at the time of the adoption of a resolution pursuant to Section 33201 or Alternative to appointment

33203 of this part, declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency shall be vested in the legislative body of the community.

A legislative body which has declared itself to be the agency pursuant to this section may at any time by resolution determine that it shall no longer function as an agency, in which event, the mayor or chairman of the board of supervisors with the approval of the legislative body shall appoint five (5) resident electors of the community as members of the agency.

A chartered city may enact its own procedural ordinance and exercise the powers granted by this part.

An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which such community is authorized to act, and such community is hereby authorized to carry out or perform such powers or functions for the agency.

SEC. 6.1. Section 33331 of said code is amended to read:

Report and recommendation

33331. If one agency is designated, it shall obtain the report and recommendation of the planning commission of each community on the redevelopment plan and its conformity to the master or general plan of each community before presenting the redevelopment plan to the respective legislative bodies for adoption.

SEC. 6.2. The heading of Chapter 3, Part 1, Division 24 of said code is amended to read:

CHAPTER 3. PRELIMINARY REDEVELOPMENT PLANS

SEC. 6.3. The heading of Article 3, Chapter 3, Part 1, Division 24 of said code is amended to read:

Article 3. Selection of Project Area and Formulation of Preliminary Plans

SEC. 7. Section 33502 of said code is amended to read:

Preliminary plan

33502. The planning commission shall submit the preliminary plan for each project area to the agency and the agency shall base the redevelopment plan upon the preliminary plan. The agency shall make an analysis of the preliminary plan and submit the same to the legislative body with the redevelopment plan pursuant to Section 33711.

SEC. 8. Section 33503 of said code is amended to read:

Co-operation

33503. The agency and planning commission shall cooperate in the selection of project areas and in the preparation of the preliminary plan.

SEC. 9. Section 33700 of said code is amended to read:

Redevelopment plan

33700. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations.

Before the adoption of a redevelopment plan by the agency, the agency shall conduct a public hearing on it. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown by the records of the assessor for the community. The notice shall be mailed both by first class mail and by certified mail with return receipt requested.

Each assessee whose property would be subject to acquisition by purchase or condemnation under the plan shall be sent a statement to that effect attached to his notice of the hearing. Alternatively, a list or map of all properties which would be subject to acquisition by purchase or condemnation under the plan may be mailed to assessees with the notices of hearing.

SEC. 10. Section 33701 of said code is amended to read:

Participation by owners

33701. Every redevelopment plan shall provide for participation in the redevelopment of property in the project area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area.

With respect to each redevelopment project, each agency shall, within a reasonable time before its adoption of the redevelopment plan adopt and make available for public inspection rules to implement the operation of this section in connection with the plan.

SEC. 11. Section 33703 of said code is amended to read:

Conformity to master plan

33703. A redevelopment plan for a project area shall conform to the master or general community plan insofar as the latter applies to the project area. The agency shall consult with the planning commission of the community in formulating redevelopment plans.

SEC. 12. Section 33704 of said code is amended to read:

Report and recommendation by planning commission

33704. Before the redevelopment plan of each project area is submitted to the legislative body, it shall be submitted to the planning commission for its report and recommendation concerning the redevelopment plan and its conformity to the master or general community plan adopted by the planning commission or the legislative body. Within 30 days after a redevelopment plan is submitted to it for consideration, the planning commission shall make and file its report and recommendation with the agency.

If the planning commission does not report upon the redevelopment plan within 30 days after its submission by the

agency, the planning commission shall be deemed to have waived its report and recommendations concerning the plan and the agency may proceed to act upon the plan without the report and recommendations of the planning commission.

SEC. 13. Section 33730 of said code is amended to read:

Public hearing

33730. The legislative body shall consider the redevelopment plan of a project area submitted by the agency and all evidence and testimony for or against the adoption of the plans at a public hearing, notice of which shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies.

SEC. 14. Section 33731 of said code is amended to read:

Determination by legislative body

33731. On the question of the adoption of the redevelopment plan submitted by the agency, the legislative body shall determine:

(a) Whether the plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(b) Whether the adoption and carrying out of the redevelopment plan is economically sound and feasible.

SEC. 15. Section 33732 of said code is amended to read:

Objections to plan

33732. At any time not later than the hour set for hearing objections to the proposed redevelopment plan, any person may file in writing with the clerk of the legislative body a statement of his objections to the proposed plan. At the hour set in the notice required by Section 33730.5 for hearing objections, the legislative body shall proceed to hear and pass upon all written and oral objections. The legislative body may adjourn the hearing from time to time. If no objections in writing have been delivered to the clerk of the legislative body prior to the hour set for the hearing thereon, if no oral objections are presented during the hearing thereon, or if the objections are overruled by the legislative body, the legislative body may proceed to adopt the plan. The decision of the legislative body shall be final and conclusive, and it shall thereafter be conclusively presumed that the project area is a blighted area as defined by Sections 33041 through 33044 and that all prior proceedings have been duly and regularly taken.

SEC. 16. Section 33736 of said code is amended to read:

Condemnation

33736. If the plan provides for the condemnation of any real property, the legislative body shall not adopt the plan unless it contains a finding by the agency that the condemnation of such property is necessary to the execution of the plan and adequate provisions for payment for property so acquired as provided by law.

SEC. 17. Section 33745 of said code is amended to read:

Alternative provisions

33745. If the redevelopment plan adopted provides for participation in the redevelopment of property in the area by the owners of such property, and the owners fail or refuse to enter into a binding agreement for participation in accordance with the rules adopted by the agency pursuant to Section

33701, the alternative provisions provided for in Section 33702 become effective as the official redevelopment plan of the project area.

SEC. 18. Section 33746 of said code is amended to read:

Judicial review

33746. The findings and determinations of an agency and of a legislative body or of either of them, in the adoption and approval of any redevelopment plan may be judicially reviewed by a court of competent jurisdiction. Such action must be brought within 60 days after the date of adoption of the ordinance approving the plan. No action shall be brought prior to the adoption of the final redevelopment plan.

SEC. 19. Section 33747 of said code is amended to read:

Amendments

33747. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency.

Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown by the records of the assessor for the community, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed both by first class mail and by certified mail with return receipt requested. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

After receiving the recommendation of the agency concerning such changes in the plan, and not sooner than 30 days after the submission of changes to the planning commission, the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the agency. If after such hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plans thus amended.

Amendments to a plan adopted pursuant to this section shall be recorded in compliance with Section 27295 of the Government Code as promptly as practicable following adoption by the legislative body.

SEC. 20. Section 33850 of said code is amended to read:

Administrative expenses

33850. At any time after the agency created for any community becomes authorized to transact business and exercise its powers, the legislative body of the community may appropriate to the agency such amounts as the legislative body deems necessary for the administrative expenses and overhead of the agency. The money appropriated may be paid to the agency as a grant to defray the expenses and overhead, or as a loan to be repaid upon such terms and conditions as the legislative body may provide.

In addition to the common understanding and usual interpretation of the term, "administrative expense" includes, but is not limited to, expenses of redevelopment planning and dissemination of redevelopment information.

SEC. 21. Section 33980 of said code is amended to read:

Urban renewal project

33980. In connection with the planning and undertaking of any urban renewal project, the agency, the community, the legislative body, the planning commission, and all public officers, agencies and bodies shall have all the powers, duties, rights, privileges and immunities which they have in respect to a redevelopment plan or a redevelopment project, in the same manner as though all the provisions of this part applicable to a redevelopment plan or a redevelopment project were applicable to an urban renewal plan or an urban renewal project.

Repeals

SEC 22. Section 33280, Articles 4 (commencing at Section 33530) and 5 (commencing at Section 33560) of Chapter 3 of Part 1 of Division 24, and Section 33982 of said code are repealed.

SEC 23. Section 33049 is added to said code, to read:

State policy

33049. It is hereby declared to be the policy of the State that in undertaking community redevelopment or urban renewal projects under this part (commencing at Section 33000) there shall be no discrimination because of race, color, religion, national origin, or ancestry.

Applicability

SEC 24. This act shall be applicable to redevelopment plans or projects and urban renewal plans or projects commenced after its effective date, and to such plans or projects commenced prior to its effective date on which no agency hearing has been held.

Urgency

SEC 25. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The redevelopment of blighted areas is being unnecessarily delayed and property in project areas subjected to possible condemnation but not actually condemned for long periods

of time by the present cumbersome procedure required by law. This act provides a shorter procedure for the benefit of property in project areas.

In order that projects that are urgently needed for the protection of the public peace, health, and safety may be undertaken without further delay, it is imperative that this act take effect immediately.

CHAPTER 1103

An act to add Section 2224.5 to the Welfare and Institutions Code, relating to the responsibility of relatives under the Old Age Security Law.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2224.5 is added to the Welfare and Institutions Code, to read:

2224.5. The obligation of a relative to contribute to the support of an applicant for or recipient of aid under this chapter shall be enforced by civil action and not by criminal prosecution. No relative shall be held criminally responsible for a refusal or failure to contribute or to submit or return any form required of him under this chapter.

CHAPTER 1104

An act to amend Section 1352 of the Labor Code, relating to hours of employment of women and minors.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1352 of the Labor Code is amended to read:

1352. The provisions of this article in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, licensed vocational nurses in hospitals, or clinical laboratory technologists, clinical laboratory technicians, or X-ray laboratory technicians in hospitals during an emergency; provided, that any such licensed vocational nurse, technologist or technician who, by reason of an emergency, is permitted or required by her employer to work in excess of the maximum hours prescribed by other provisions of this article, shall be paid, for time worked in excess of such hours, at a rate of not less than one and a half times her straight

time rate of pay, nor the harvesting, curing, canning, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or deterioration. Emergency within the meaning of this section means an unpredictable or unavoidable occurrence at unscheduled intervals, requiring immediate action. The exception provided herein shall be effective only in cases where the employer, upon learning of the emergency, exercises reasonable diligence to provide immediately relief for the employee required to work over the prescribed number of hours.

CHAPTER 1105

An act to amend Sections 11529, 11532, 11532.3 and 11532.7 of the Insurance Code, relating to mutualized insurers.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 11529 of the Insurance Code is amended to read:

Acquisition of own stock

11529. In carrying out any such plan, the insurer may acquire any shares of its own stock by gift, bequest or purchase. Any shares so acquired shall, unless as a result of such acquisition all of the shares of the insurer shall have been acquired, be acquired in trust for the policyholders of the class or classes for whose benefit the plan provides that the stock of the insurer shall be acquired as hereinafter provided. Such shares shall be assigned and transferred on the books of such insurer to three or more trustees appointed by the insurer and approved by the commissioner under a trust agreement approved by the commissioner. Such trustees shall hold such stock in trust until all of the outstanding shares of capital stock of such insurer have been acquired, but for not longer than 30 years with such extensions of not more than five years each as may be granted by the commissioner. Such extensions may be granted by the commissioner if the plan so provides and if in his opinion the plan of acquisition of all of such stock can be completed within a reasonable period. Such trustees shall vote such stock at all corporate meetings at which stockholders have the right to vote. When all of the outstanding shares of capital stock of such insurer have been acquired, all said shares shall be canceled, the certificate of amendment of

the insurer's articles of incorporation giving effect thereto shall be filed in accordance with the provisions of Article 3, Chapter 1, Part 8, Division 1, Title 1, of the Corporations Code, and the insurer shall become a nonstock corporation for the profit of its members and such trust shall thereupon terminate. Thereafter such corporation shall be conducted for the mutual benefit, ratably, of its policyholders of the class or classes for whose benefit the stock was acquired and shall have power to issue nonassessable policies on a reserve basis subject to all provisions of law applicable to incorporated life insurers or life and disability insurers, as the case may be, issuing nonassessable policies on a reserve basis. Policies so issued may be upon the basis of full or partial participation therein as agreed between the insurer and the insured.

Upon the termination of any such voting trust, either in accordance with its terms or as hereinabove provided, such plan of mutualization shall terminate, unless theretofore completed. Upon such termination, unless the plan of mutualization provides for the disposition of the shares acquired by the insurer under such plan or for the disposition of the proceeds thereof, the shares held by such trustees shall be disposed of in accordance with an order of the superior court of the county in which is located the principal office of such insurer, made upon a verified application of the commissioner.

SEC. 2. Section 11532 of the Insurance Code is amended to read:

Rights, etc., after mutualization

11532. Such insurer, after mutualization, shall be a continuation of the original insurer, and such mutualization shall not affect such insurer's certificate of authority nor existing suits, rights or contracts except as provided in said plan for the acquisition of the outstanding shares of the capital stock of such insurer, approved as provided in this chapter. Such insurer, after mutualization, shall exercise all the rights and powers and perform all the duties conferred or imposed by law upon insurers writing the classes of insurance written by it, and to protect rights and contracts existing prior to mutualization, subject to the effect of said plan. The board of directors of such insurer, prior to mutualization, may adopt amendments to its bylaws to take effect upon mutualization.

SEC. 3. Section 11532.3 of said code is amended to read:

Notice of meetings

11532.3. Notice of all meetings of members whether annual or special shall be given in writing to the members entitled to vote by the secretary, or an assistant secretary, or other person charged with that duty, or if there be no such officer, or in case of his neglect or refusal, by any director or member. At the option of the insurer such notice may be imprinted on premium notices or receipts or on both.

A notice may be given by such insurer to any member either personally, or by mail, or other means of written communication, charges prepaid, addressed to such member at his address appearing on the books of the insurer, or given by

him to the insurer for the purpose of notice. If a member gives no address, notice shall be deemed to have been given him if sent by mail or other means of written communication addressed to the place where the principal office of the insurer is situated, or if published at least once in some newspaper of general circulation in the county in which said office is located.

Notice of any meeting of members shall be sent to each member entitled thereto not less than seven days before such meeting, unless the bylaws provide otherwise.

Notice of any meeting of members shall specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted.

Notice of an annual meeting to be held at the time and place specified in Section 11532.1 shall be sufficiently given if published at least once in each of four successive weeks in a newspaper of general circulation in the county in which the principal office of such insurer is located, and if so published no other notice of such meeting shall be required.

SEC 4. Section 11532.7 of said code is amended to read:

Terms of office

11532.7. The articles of incorporation or the bylaws may provide that the directors may be divided into two or more classes whose terms of office shall expire at different times, but no term shall continue longer than six years. In the absence of such provisions, each director, except members of the board of directors at the time the insurer is mutualized, shall be elected for a term of one year. All directors shall hold office for the term for which they are elected and until their successors are elected and qualified. A director may, but need not be a member or policyholder of the insurer of which he is acting as director. Vacancies in the board of directors may be filled by a majority of the remaining directors, though less than a quorum, and each director so elected shall hold office until the next annual meeting.

CHAPTER 1106

An act to amend Sections 9168, 9169, 9201, and 9211 of the Public Resources Code, relating to soil conservation districts.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. Section 9168 of the Public Resources Code is amended to read:

Bonds Approval

9168. The bonds shall be approved by a judge of the superior court of the principal county, recorded in the office of the county recorder of the principal county, and filed with the county clerk of that county.

SEC. 2. Section 9169 of said code is amended to read:

Same Form

9169. The bonds shall be in the form prescribed for bonds of county officers and the premiums on the bonds shall be paid

by the district. The directors shall not be sureties on such bonds.

SEC. 3. Section 9201 of said code is amended to read:

9201. Not less than 60 days prior to the election, any five or more landowners of the district may file with the board of supervisors of the county in which is situated all or the greatest portion of the land in the district a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land within the district. As used in this section, a landowner or owner of land is a person who is shown as such upon the last equalized assessment roll of the county or counties within whose boundaries the district is situated. Petition

SEC. 4. Section 9211 of said code is amended to read:

9211. The directors elected shall qualify within 20 days after receiving their certificates of election by taking the oath. The premiums on bonds required by Section 9167 shall be paid by the district. Directors

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CHAPTER 1107

An act to amend Section 14151 of the Health and Safety Code, relating to local fire districts.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.] In effect September 18, 1959

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

SECTION 1. Section 14151 of the Health and Safety Code is amended to read:

14151. The district board may, for any purpose for which the district is authorized to expend funds without the necessity of calling or holding an election in the district, borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing four years thereafter. Such indebtedness shall not exceed 85 percent of the estimated tax income for the years in which the loan is in effect.

CHAPTER 1108

An act making an appropriation to the State School Fund of amounts constituting surplus from estates of deceased persons in the Unclaimed Property Fund in the State Treasury.

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.] In effect September 18, 1959

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

SECTION 1. The sum of three hundred ninety-five thousand seven hundred eighty-one dollars and sixty-six cents

($395,781.66) in the Unclaimed Property Fund in the account maintained in that fund for surplus from the estates of deceased persons, is hereby appropriated to the State School Fund to be expended for the purposes prescribed for expenditure of the State School Fund by the State Constitution and by state law.

CHAPTER 1109

An act to require the sale of certain lands now in the possession and control of the San Francisco Port Authority.

In effect September 18, 1959

[Approved by Governor June 19, 1959. Filed with Secretary of State June 19, 1959.]

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

SECTION 1. The San Francisco Port Authority is authorized and directed to sell, on behalf of the State, to the Redevelopment Agency of the City and County of San Francisco all right, title, and interest of the State in the state lands described as follows:

(a) Beginning at the point of intersection of the southerly line of Broadway and the easterly line of Davis Street; running thence southerly along said line of Davis Street to the southerly line of Pacific Avenue; thence at a right angle easterly along said line of Pacific Avenue to the northeasterly line of Block "G" as said Block "G" is shown on map entitled "Monument Map of the Fifty Vara District of the City and County of San Francisco" filed in the office of the Recorder of the City and County of San Francisco, State of California, January 7, 1910, and recorded in Map Book "G" at page 151, said Block "G" being also known as Assessor's Block 170; thence northwesterly along the northeasterly line, extended northwesterly, of said Block "G," the northeasterly line, and its extension northwesterly, of Block "K" according to map hereinabove referred to, said Block "K" being also known as Assessor's Block 169, and the northeasterly line of Block "L" according to map hereinabove referred to, said Block "L" being also known as Assessor's Block 168, to the southerly line of Broadway; thence westerly along said line of Broadway to the point of commencement.

Being all of fractional blocks "K" and "L" as shown on map hereinabove referred to, also known as Assessor's Blocks 169 and 168, and portions of Pacific Avenue and Drumm Street.

(b) Pacific Avenue between the easterly line of Front Street and the westerly line of Davis Street, and that portion thereof lying east of the easterly line of Davis Street; Clark Street between the easterly line of Front Street and the westerly line of Davis Street, and that portion thereof lying east of the easterly line of Davis Street; that portion of Jackson Street lying east of the easterly line of Drumm Street, and a

triangular parcel adjoining the same on the south lying between the southerly line of Jackson Street, the easterly line of 50 Vara Block "G" produced southerly, and the northeasterly line of 50 Vara Block "E"; those portions of Oregon Street lying between the easterly line of Battery Street and the westerly line of Drumm Street and east of the easterly line of Drumm Street; that portion of Merchant Street lying between the easterly line of Battery Street and the westerly line of Front Street; those portions of Commercial Street lying between the easterly line of Battery Street and the westerly line of Front Street, between the easterly line of Front Street and the westerly line of Davis Street, between the easterly line of Davis Street and the westerly line of Drumm Street, and that portion lying east of the easterly line of Drumm Street; that portion of Sacramento Street lying east of the easterly line of Drumm Street; that portion of Drumm Street lying north of the northerly line of Jackson Street; those portions of Front Street and Davis Street lying between the northerly line of Washington Street and the southerly line of Jackson Street; those portions of Front Street and Ceylon Street lying between the northerly line of Clay Street and the southerly line of Washington Street; that portion of Market Street lying northeast of the northeasterly line of Steuart Street, extended northwesterly.

SEC. 2. The Legislature hereby finds and declares that the lands described in Section 1 have ceased to be tide and submerged lands and are therefore free of the public trust for navigation, commerce, and fisheries.

SEC. 3. The lands described in Section 1 shall be conveyed to the Redevelopment Agency of the City and County of San Francisco free of any previously existing public trust for navigation, commerce, and fisheries or any other use, trust, condition or restriction which may have been imposed upon the lands.

SEC. 4. The lands described in Section 1 shall be sold at a price established by agreement after independent appraisals between the San Francisco Port Authority and the Redevelopment Agency of the City and County of San Francisco, with the approval of the State Director of Finance. The Port Authority may require as additional consideration that the City and County of San Francisco shall agree to provide such access streets to the waterfront as may be necessary. A deed or quitclaim deed executed by the San Francisco Port Authority shall be sufficient to convey title of said lands to the Redevelopment Agency of the City and County of San Francisco. The deed or quitclaim deed shall reserve to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserve to the State of California and persons authorized by the State, the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed,

subject to the provision that the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals, shall be with the consent of the grantee and shall not disturb the surface, or the ground within 100 feet of the surface of the real property conveyed.

SEC. 5. The Redevelopment Agency of the City and County of San Francisco is authorized to bring or defend any action to establish its title to the lands described in Section 1. Any suit against the State, or against any agency of the State, to establish title in the Redevelopment Agency of the City and County of San Francisco is authorized, and consent to any such suit is given.

SEC. 6. Service of summons in any actions or suits pursuant to Section 4 or 5 shall be made upon the President of the San Francisco Port Authority and upon the Attorney General, and the Attorney General shall represent the State in any such actions or suits.

SEC. 7. Any money received from the sale of the lands described in Section 1 shall be paid into the State Treasury to the credit of the San Francisco Harbor Improvement Fund. Said money shall be used by the San Francisco Port Authority for the purpose of acquiring land of at least equal value which shall be subject to the public trust for navigation, commerce, and fisheries.

SEC. 8. No statute requiring a conditional transfer of state land, or a transfer subject to reversion upon breach of condition, shall apply to the transfer provided for by this act.

CHAPTER 1110

An act to amend Section 28158 of the Government Code, relating to compensation for public services in counties of the fifty-eighth class.

In effect September 18, 1959

[Approved by Governor June 23, 1959. Filed with Secretary of State June 23, 1959]

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

SECTION 1. Section 28158 of the Government Code is amended to read:

28158. In a county of the fifty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, two thousand dollars ($2,000) a year.

(b) The district attorney, three thousand nine hundred dollars ($3,900) a year.

(c) Each supervisor, one thousand two hundred dollars ($1,200) a year, and twenty cents ($0.20) a mile for traveling from his residence to the county seat, going only. Only one mileage shall be allowed for any regular session of the board.

(d) Each grand juror, seven dollars ($7), and each trial juror in the superior court five dollars ($5) for each day's attendance, and thirty cents ($0.30) for each mile actually traveled one way as such juror. The per diem and mileage of the jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the superior court.

CHAPTER 1111

An act to add Chapter 6 (commencing at Section 50970) to Part 5 of Division 15 of, and to repeal Section 50902 and Article 11 (commencing at Section 51485) of Chapter 2 of Part 7 of Division 15 of, the Water Code, relating to reclamation districts.

[Approved by Governor June 23, 1959. Filed with Secretary of State June 23, 1959]

In effect September 18 1959

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

SECTION 1. Chapter 6 (commencing at Section 50970), is added to Part 5 of Division 15 of the Water Code, to read:

CHAPTER 6. CO-OPERATION WITH THE UNITED STATES

Co-operation with Federal Government

50970. A district may co-operate and contract with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any act of Congress heretofore or hereafter enacted permitting co-operation.

Purposes

50971. The co-operation and contract may be for any or all of the following purposes:

(a) Construction, acquisition, purchase, extension, operation or maintenance of works and facilities for irrigation, storage, drainage, flood control or either or any of these, or the use or enjoyment of any such works or facilities, or any rights or interests therein.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the United States.

(d) To receive or borrow money from the United States and provide for the repayment thereof, for the purpose of constructing projects, distribution systems or other works for the district or for any distribution district or improvement district formed therein, which said works shall be used for the storage, regulation, control, development and distribution of water for irrigation of land or for the use, control and distribution of drainage water within the district or for flood control purposes.

Enforcement of contract

50972. A district may carry out and perform the terms of any contract so made.

Election

50973. A proposal to enter into a contract with the United States under terms of this chapter shall be authorized at an election. The board, by order entered upon its records, shall order a special election to be held at some place in the district to be designated by the board, and at such special election the board shall submit to the landowners the question of whether the contract shall be entered into by the district.

Election procedure

50974. Proceedings at the election shall be had insofar as applicable in the manner provided in the case of elections provided for in Chapter 3 (commencing at Section 50800) of Part 4 of this division.

Notice

50975. Notice of the election shall specify:

(a) The time and place of election.

(b) The purpose of the election.

(c) A brief statement of the general purpose of the contract.

(d) The amount of money to be paid to the United States under the contract.

Ballots

50976. The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the amount of money to be paid to the United States under the contract with the words "Contract—Yes" and "Contract—No."

Execution of contract

50977. The board may execute the contract on behalf of the district if a majority of the votes cast at the election favor the contract.

Assessment

50978. Without limiting the generality of Section 50971, when a contract has been executed with the United States under this chapter, the board may, by resolution, provide for an assessment upon the land to be benefited by such contract to pay all or any portion of the amounts to become due under the contract. Such assessment may be levied and collected in the same manner as any other district assessment might be levied and collected, as deemed appropriate by the board.

As an alternative to such levy of an assessment, or in addition thereto, the board may derive all or a portion of the amounts to be paid to the United States under the contract by the collection of charges from the persons to or for whom the water was furnished, under the provisions of Section 50911.

Validity of contract

50979. A district may submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof, the authority of the district to make the contract, and the authority for and validity of any sale, or conveyance, under the contract. The validation proceedings shall be had as in the ordinary case of the judicial determination of the validity of district bonds with like effect.

Repeal

SEC. 2. Section 50902 of said code is repealed.

Same

SEC 3. Article 11 (commencing at Section 51485) of Chapter 2 of Part 7 of Division 15 of said code is repealed.

CHAPTER 1112

An act to repeal Sections 11501, 11502, 11712, 11713 and 11714 of, and to amend Sections 11500, 11530, 11557, 11715.5 and 11715.6 of, and to add Sections 1103.1, 11501, 11502, 11503, 11531, 11532 to the Health and Safety Code and to add a new Article 2.5 (commencing with Section 11540) to Chapter 5 of Division 10 of said code, relating to narcotics, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1959. Filed with Secretary of State June 23, 1959] In effect immediately

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

SECTION 1. Sections 11501, 11502, 11712, 11713 and 11714 of the Health and Safety Code are hereby repealed. Repeals

SEC. 2. Section 11003.1 is added to the Health and Safety Code, to read:

11003.1. "Marijuana" as used in this division means all parts of the plant Cannabis sativa L. (commonly known as marijuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. "Marijuana"

SEC. 3. Section 11500 of the Health and Safety Code is amended to read:

11500. Except as otherwise provided in this division, every person who possesses any narcotic other than marijuana except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice in this State, shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years. Possession without prescription, etc.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than tw years nor more than 20 years.

SEC. 4. Section 11501 is added to said code, to read:

11501. Except as otherwise provided in this division, every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any narcotic other than marijuana except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice Transports, etc

in this State shall be punished by imprisonment in the county jail for not more than one year, or in the state prison from five years to life.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life.

SEC. 5. Section 11502 is added to said code, to read:

Solicits, etc.

11502. Every person who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall violate any provision of this division, or who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison not less than five years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

SEC. 6. Section 11503 is added to said code, to read:

Sells, etc.

11503. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any narcotic to any person, or offers, arranges, or negotiates to have any narcotic unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

SEC. 7. Section 11530 of said code is amended to read:

Plants, etc.

11530. Every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, or who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the county jail for not

more than one year, or in the state prison for not more than 10 years.

If such person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

SEC. 8. Section 11531 is added to said code, to read:

Transports, etc.

11531. Every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any marijuana shall be punished by imprisonment in the county jail for not more than one year, or in the state prison from five years to life.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life.

SEC. 9. Section 11532 is added to said code, to read:

Minors, etc.

11532. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any marijuana to a minor, is guilty of a felony punishable by imprisonment in the state prison for not less than five years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

SEC. 10. *Article 2.5 (commencing with Section 11540)* is added to Chapter 5 of Division 10 of said code, to read:

Article 2.5. Lophophora

Lophophora plants

11540. Every person who plants, cultivates, harvests, dries, or processes any plant of the genus Lophophora, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

SEC. 11. Section 11557 of said code is amended to read:

Place of sale, etc.

11557. Every person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

SEC. 12. Section 11715.5 of said code is amended to read:

Alien

11715.5. When there is reason to believe that any person arrested for violation of Sections 11500, 11501, 11502, 11503, 11530, 11531, 11532, 11540, 11557, 11715, or 11721, may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

SEC. 13. Section 11715.6 of said code is amended to read:

Probation

11715.6. In no case shall any person convicted of violating Sections 11500, 11501, 11502, 11503, 11530, 11531, 11532, 11540, 11557, or 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court, if such person has been previously convicted of any offense described in this division except Section 11721, or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been

punishable as an offense described in this division except Section 11721.

SEC. 14. The provisions of this act shall become operative on July 1, 1959. Operative date

SEC. 15. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The amendments to the Health and Safety Code that are made by this act are designed to clarify the law relating to narcotic offenses and to facilitate the enforcement thereof. The protection of the public against narcotic offenders is of vital and immediate importance, and it is essential that the changes made in the law by this act become effective at the earliest possible date.

CHAPTER 1113

An act to add Section 21156 to the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1959. Filed with Secretary of State June 23, 1959] In effect immediately

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

SECTION 1. Section 21156 is added to the Government Code, to read:

21156. Notwithstanding Section 21150, any person retired under this part may, without reinstatement from retirement or any loss or interruption of benefits under this part, serve as an elective officer or member of the governing body of a contracting agency; provided, the compensation for such office does not exceed one hundred dollars ($100) per month.

Section 21102.5 shall not apply to a retired person whose election or appointment to office is authorized by this section.

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

Many communities urgently need, for service in policymaking positions on the governing bodies of various water districts and other agencies, experienced and qualified men who have sufficient income to permit such service for a minimum compensation, which is designed to pay the out-of-pocket expenses of such public servants. To obtain and maintain such men it will be necessary that the addition to the Government Code provided by this act be made effective immediately.

CHAPTER 1114

An act to add Chapter 2.5 (commencing at Section 32500) to Part 8 of Division 12 of the Water Code, relating to county water districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 23, 1959. Filed with Secretary of State June 23, 1959.]

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

SECTION 1. Chapter 2.5 (commencing at Section 32500) is added to Part 8 of Division 12 of the Water Code, to read:

CHAPTER 2.5. INCLUSION OF UNINHABITED TERRITORY

Article 1. In General

Uninhabited territory

32500. Uninhabited territory within a county in which a county water district in whole or in part is situated may be added to a district pursuant to the provisions of this chapter.

Same Defined

32501. For the purposes of this chapter, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board.

Same Unincorporated territory

32502. Uninhabited territory may consist of unincorporated territory only or of incorporated territory lying within the boundaries of one or more cities, or of both unincorporated and incorporated territory; however, incorporated territory lying within the boundaries of any city may be added to a district in accordance with the provisions of this chapter only if upon the annexation of the uninhabited territory the entire corporate area of the city will be included in the district.

Same

32503. Uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the district.

Article 2. Initiation by Petition

Petition to annex

32510. Proceedings for the annexation of uninhabited territory to any district may be initiated by petition. The petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by the owners of not less than one-fourth of the land in the territory by area and by assessed value as shown on the last equalized assessment roll of the county in which the territory is situated.

Trust property

32511. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this chapter, when authorized by the proper court, which authorization may be made without notice.

32512. The last equalized assessment roll of the county in which the territory proposed to be annexed is located is prima facie evidence of the ownership of the land or lands lying within the territory proposed to be annexed. Evidence of ownership

32513. The petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that the area be annexed to such county water district pursuant to the provisions of this chapter. Contents of petition

32514. The secretary shall present the petition to the board of directors of the district at its next meeting, and the board, without delay, shall pass a resolution giving notice of the proposed annexation. The resolution shall state that the petition has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within the territory may file with the secretary of the district, at any time prior to the hour set for the hearing, written protest to the annexation of the territory, or to the annexation of the territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear protests. Resolution

Article 3. Initiation by Resolution

32520. The board of directors of any district by resolution may initiate proceedings for the annexation of uninhabited territory to the district. Resolution Initiation of proceedings

32521. The resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this chapter, shall state the reason for proposing the annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within the territory may file with the secretary of the district, at any time prior to the hour set for the hearing thereof, written protest to the annexation of the territory, or the annexation of the territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear the protests. Same Contents

Article 4. Hearing and Protests

32530. The required hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. Hearing

32531. The secretary of the district shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time fixed for the hearing, Publication

in at last one, but not to exceed three, newspapers printed and published in the district.

Protest

32532. At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the district written protest against the annexation, or against the annexation upon the terms and conditions specified in the resolution, as the case may be.

Same: Contents

32533. The protest shall state the name of the owner of the property affected, and the description and area of the property in general terms.

Hearing

32534. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed.

Protests: Terminating proceedings

32535. If protests are filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the annexation by ordinance.

Ordinance

32536. An ordinance approving annexation shall set forth and describe the boundaries of the territory so annexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized.

Disapproval

32537. If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

Article 5. Terms and Conditions of Annexation

Approval

32540. The board of directors may approve the annexation of the territory proposed to be annexed upon terms and conditions fixed by the board in the manner provided in this article.

Special taxes

32541. Such terms and conditions may provide, among other things, for the levy by the county water district of special taxes upon taxable property within the annexed area or areas in addition to the taxes elsewhere in this chapter authorized to be levied by the county water district, and in case the terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be raised and the number of years prescribed for raising the aggregate sum and that substantially equal annual levies will be made for the purpose of raising the sum over the period so prescribed.

Special water rate

32542. The terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed.

32543. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing. Terms and conditions

32544. Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing. If such terms and conditions, or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed in the resolution, and the resolution shall state that any owner of property within the territory may file with the secretary of the district, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of the territory upon such terms and conditions. Same

32545. The secretary of the district shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing. Publication

32546. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation of the territory subject to such terms and conditions, are filed with the secretary of the district by the owners of one-half of the value of said territory as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. Written protests

32547. If such protest is not made, the board of directors shall by ordinance approve or disapprove the annexation. If approved, the annexation shall be subject to the terms and conditions, or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance. Ordinance

Article 6. Certification

32550. When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Certified copy

32551. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of the ordinance and the addition of the area or areas to the district. Certificate

32552. A copy of the certificate shall be transmitted to, and filed with, the county clerk of the county in which the county water district is situated. Copy of certificate

32553 From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, the county water district, and the taxable property therein shall be subject to taxation thereafter for the pur- Effect of annexation

poses of the county water district, including the payment of bonds and other obligations of the district at the time authorized or outstanding, and the board of directors of the county water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Sufficiency of petition or resolution

32554. After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation and the addition of the uninhabited territory to the district, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

Article 7. Alternative Procedure

Alternative procedure

32560. Notwithstanding the eligibility of any territory for annexation to a district pursuant to the provisions of this chapter, the procedure herein prescribed shall not be deemed exclusive and the territory may be annexed to the district as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Sections 32400 to 32474, inclusive.

Urgency

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

In order to make possible the distribution of water to lands immediately needing water, which adjoin existing county water districts, but which are sparsely populated provision must be made for the inclusion of uninhabited territory.

CHAPTER 1115

An act making an appropriation to the Department of Public Health, in augmentation of Item 439 of the Budget Act of 1958, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

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

SECTION 1. The sum of five hundred forty-six thousand one hundred fifty-five dollars ($546,155) is hereby appropriated from the General Fund for assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health, in augmentation of Item 439 of the Budget Act of 1958.

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

CHAPTER 1116

An act making an appropriation in augmentation of the appropriation made in the Budget Act of 1958, for support of the Department of the Youth Authority, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

In effect immediately

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

SECTION 1. The sum of one hundred sixty-four thousand seven hundred ninety-seven dollars ($164,797) is appropriated from the General Fund to the Department of the Youth Authority for expenditure during the 1958-59 Fiscal Year, for support, in augmentation of the appropriations and the respective schedules for operating expenses and equipment made by the Budget Act of 1958, to be allocated in accordance with the following schedule:

(a) Item 53, Departmental Administration	$55,462
(b) Item 57, Northern California Reception Center and Clinic	18,273
(c) Item 58, Southern Califoria Reception Center and Clinic	12,338
(d) Item 59, Youth Authority Camps	4,588
(e) Item 60, Fricot Ranch School for Boys	12,130
(f) Item 61, Fred C. Nelles School for Boys	27,687
(g) Item 62, Paso Robles School for Boys	11,030
(h) Item 63, Preston School of Industry	17,224
(i) Item 66, Ventura School for Girls	6,065

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

CHAPTER 1117

An act making an appropriation in augmentation of the appropriation made in the Budget Act of 1958, for support of the Department of Mental Hygiene, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

In effect immediately

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

SECTION 1. The sum of one million three hundred fifty-one thousand seven hundred seventy-four dollars ($1,351,774) is appropriated from the General Fund to the Department of Mental Hygiene for expenditure during the 1958-59 Fiscal Year, for support, in augmentation of the appropriations and the respective schedules for operating expenses and equipment

made by the Budget Act of 1958, to be allocated in accordance with the following schedule:

(a) Item 138, Department of Mental Hygiene	$23,528
(b) Item 146, Agnews State Hospital	128,027
(c) Item 147, Atascadero State Hospital	46,556
(d) Item 148, Camarillo State Hospital	145,983
(e) Item 149, DeWitt State Hospital	75,830
(f) Item 150, Mendocino State Hospital	61,221
(g) Item 151, Metropolitan State Hospital	387,904
(h) Item 153, Napa State Hospital	151,530
(i) Item 154, Patton State Hospital	157,736
(j) Item 157, Pacific State Hospital	64,232
(k) Item 158, Porterville State Hospital	48,372
(l) Item 159, Sonoma State Hospital	60,855

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

CHAPTER 1118

An act making an appropriation in augmentation of the appropriation made in the Budget Act of 1958, for support of the Department of Corrections, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

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

SECTION 1. The sum of one million one hundred sixty two thousand and ninety six dollars ($1,162,096) is appropriated from the General Fund to the Department of Corrections for expenditure during the 1958-59 Fiscal Year, for support, in augmentation of the appropriations and the respective schedules for operating expenses and equipment made by the Budget Act of 1958, to be allocated in accordance with the following schedule:

(a) Item 43, Medical Facility	$125,461
(b) Item 44, California Mens Colony	98,481
(c) Item 45, California Institution for Men	15,745
(d) Item 46, California State Prison at Folsom	186,851
(e) Item 47, California State Prison at San Quentin	381,268
(f) Item 48, California State Prison at Soledad	165,880
(g) Item 49, Deuel Vocational Institution	164,387
(h) Item 50, California Institution for Women	17,391
(i) Item 51, Adult Authority	3,508
(j) Item 52, Board of Trustees, California Institution for Women	3,124

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

CHAPTER 1119

An act making an appropriation for workmen's compensation benefits, in augmentation of Item 263 of the Budget Act of 1958, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.] In effect immediately

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

SECTION 1. The sum of one hundred fifty thousand dollars ($150,000) is hereby appropriated from the General Fund in the State Treasury for payment of workmen's compensation benefits in conformance with provisions of Divisions 4 and 4.5 of the Labor Code to state officers and employees whose salaries or wages at time of compensable injury or death were payable in whole or in part from the General Fund or the Capital Outlay and Savings Fund, in augmentation of Item 263 of the Budget Act of 1958.

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

CHAPTER 1120

An act making an appropriation for reimbursement of expenses incurred by counties and cities for licensing and inspection of homes and agencies caring for aged and children, in augmentation of Item 448 of the Budget Act of 1958, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.] In effect immediately

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

SECTION 1. The sum of twenty-five thousand nine hundred fifty-four dollars ($25,954) is hereby appropriated from the General Fund in the State Treasury for reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code, in augmentation of Item 448 of the Budget Act of 1958.

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

CHAPTER 1121

An act making an appropriation to the Department of Public Health, in augmentation of Item 444 of the Budget Act of 1958, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

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

SECTION 1. The sum of one million six hundred thousand dollars ($1,600,000) is hereby appropriated from the General Fund for assistance to cities, counties, cities and counties, and local hospital facilities, Department of Public Health, in augmentation of Item 444 of the Budget Act of 1958.

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

CHAPTER 1122

An act making an appropriation for support of the California Horse Racing Board, in augmentation of Item 204 of the Budget Act of 1958, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

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

SECTION 1. The sum of seven thousand two hundred thirty dollars ($7,230) is hereby appropriated from the Fair and Exposition Fund in the State Treasury in augmentation of Item 204 of the Budget Act of 1958, for support of the California Horse Racing Board.

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

CHAPTER 1123

An act making an appropriation for support of the Division of Real Estate, Department of Investment, in augmentation of Item 208.1 of the Budget Act of 1958, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

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

SECTION 1. The sum of thirty-six thousand eight hundred fifty-five dollars ($36,855) is hereby appropriated from the

Real Estate Education and Research Fund in the State Treasury, in augmentation of Item 208.1 of the Budget Act of 1958, for support of the Division of Real Estate.

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

CHAPTER 1124

An act making an appropriation for printing constitutional amendments and other ballot measures, in augmentation of Item 32 of the Budget Act of 1958, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.] In effect immediately

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

SECTION 1. The sum of thirty-one thousand seven hundred one dollars ($31,701) is hereby appropriated from the General Fund in the State Treasury in augmentation of Item 32 of the Budget Act of 1958, to pay the expense of printing constitutional amendments and other ballot measures.

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

CHAPTER 1125

An act to amend Section 32151 of, and to add Section 32010 to, the Revenue and Taxation Code, relating to the taxation of alcoholic beverages, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.] In effect immediately

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

SECTION 1. Section 32151 of the Revenue and Taxation Code is amended to read:

32151. Except as otherwise provided in this part, an excise tax is imposed upon all beer and wine sold in this State or pursuant to Section 23384 of the Business and Professions Code by a manufacturer, wine grower, or importer, or sellers of beer or wine selling beer or wine with respect to which no tax has been paid within areas over which the United States Government exercises jurisdiction, at the following rates: Excise tax: Beer and wine

(a) On all beer, sixty-two cents ($0.62) for every barrel containing 31 gallons and at a proportionate rate for any other quantity until July 1, 1959, and on and after July 1, 1959,

one dollar and twenty-four cents ($1.24) for every barrel containing 31 gallons and at a proportionate rate for any other quantity.

(b) On all still wines containing not more than 14 percent of absolute alcohol by volume, one cent ($0.01) per wine gallon and at a proportionate rate for any other quantity.

(c) On all still wines containing more than 14 percent of absolute alcohol by volume, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

(d) On champagne, sparkling wine, excepting sparkling hard cider, whether naturally or artificially carbonated, thirty cents ($0.30) per wine gallon and at a proportionate rate for any other quantity.

(e) On sparkling hard cider, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

(f) Except with respect to beer in the internal revenue bonded premises of a beer manufacturer, for the privilege of possessing or selling beer on which a tax not greater than at the rate of sixty-two cents ($0.62) per barrel has been paid under this part, a floor stock tax of sixty-two cents ($0.62) per barrel, and at a proportionate rate for any other quantity, is hereby imposed on all beer possessed at 12.01 a m. on July 1, 1959, by every person licensed under Division 9 of the Business and Professions Code. On or before July 31, 1959, each person subject to the tax imposed by this subdivision shall prepare and file with the board, on a form prescribed by the board, a return showing the amount of beer possessed by him at 12 01 a.m. on July 1, 1959, that is subject to the tax imposed by this subdivision, and such other information as the board deems necessary for the proper administration of this part. The taxpayer shall deliver the return, together with a remittance of the amount of tax due, to the office of the board on or before July 31, 1959.

All the provisions of this part relating to excise taxes are applicable also to the tax imposed by this subdivision, to the extent that they are not inconsistent with this subdivision.

SEC. 2. Section 32010 is added to said code, to read:

In lieu tax

32010. The taxes imposed by this part are in lieu of all county, municipal, or district taxes on the sale of beer, wine or distilled spirits.

This section does not prohibit the application of Part 1 (commencing at Section 6001) or Part 1.5 (commencing at Section 7200) of Division 2 of this code to the sale, storage, use or other consumption of beer, wine or distilled spirits.

Tax levy

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

CHAPTER 1126

An act to amend Sections 19485, 19485.1, 19597 and 19620.1, and to repeal Section 19627.1, of the Business and Professions Code, and to amend Sections 19491, 19596, 19597, and 19633 of the Business and Professions Code as proposed by Assembly Bill No. 1755, relating to revenue derived from horse racing, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.] In effect immediately

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

SECTION 1. Section 19485 of the Business and Professions Code is amended to read:

19485. Every licensee under this article conducting a horse racing meeting shall pay a license fee consisting of 5 percent of all money not in excess of ten million dollars ($10,000,000) handled in the parimutuel pool operated by him during the period of the license; 6 percent of the amount by which the total amount so handled by him exceeds ten million dollars ($10,000,000) but is not more than twenty million dollars ($20,000,000); 7 percent of the amount by which the total amount so handled by him exceeds twenty million dollars ($20,000,000) but is not more than seventy-five million dollars ($75,000,000); 7.5 percent of the amount by which the total amount so handled by him exceeds seventy-five million dollars ($75,000,000) but is not more than one hundred twenty-five million dollars ($125,000,000); and 8 percent of the amount by which the total amount so handled by him exceeds one hundred twenty-five million dollars ($125,000,000). Payment on account of the license fee shall be made by the licensee daily during each racing meeting. License fee

SEC. 2. Section 19485.1 of said code is amended to read:

19485.1. Notwithstanding any other provision of this code, each licensee shall, as to any payment made to a person who has wagered by contributing to the pool, also deduct the odd cents by which the amount payable as to each dollar wagered by such person exceeds a multiple of ten cents ($0.10), which are known as breakage. In such case one-half of the total amount of the moneys so deducted as breakage on the first twenty-four million dollars ($24,000,000) or less of the gross amount of money handled in the parimutuel pool operated by him during the period of the license may be retained by the licensee. The other one-half of such breakage, and all breakage deducted on amounts handled in the parimutuel pool over twenty-four million dollars ($24,000,000) shall be paid daily during each racing meeting by the licensee to the board in addition to and as a part of the license fee required by Section 19485. Breakage

The amount of the license fee attributable to the breakage shall be reported and paid as a separate item.

SEC. 3. Section 19597 of said code is amended to read:

Commissions deducted

19597. The commission deducted by any licensee from parimutuel pools shall not exceed 9 percent of the gross amount of money not in excess of ten million dollars ($10,000,000) handled in the parimutuel pool operated by him during the period of the license; 8 percent of the amount by which the total amount so handled exceeds ten million dollars ($10,000,000) but is not more than twenty million dollars ($20,000,000); and 7 percent of the amount by which the total amount so handled by him exceeds twenty million dollars ($20,000,000) but is not more than seventy-five million dollars ($75,000,000); 6.5 percent of the amount by which the total amount so handled by him exceeds seventy-five million dollars ($75,000,000) but is not more than one hundred twenty-five million dollars ($125,000,000); and 6 percent of the amount by which the total amount so handled by him exceeds one hundred twenty-five million dollars ($125,000,000), plus the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents ($0.10). The amount deducted by the licensee shall be in addition to the license fee required by this chapter.

SEC. 4. Section 19620.1 of said code is amended to read:

General Fund

19620.1. Notwithstanding any other provision of this code, all of the license fee attributable to the breakage which is paid pursuant to Section 19485.1 shall be paid into the General Fund of the State. The State College Fund is continued in existence, but any unappropriated balance therein as of the effective date of the amendment of this section in 1959 is hereby transferred to the General Fund.

Repeal

SEC. 5. Section 19627.1 of said code is repealed.

SEC. 6. Section 19491 of the Business and Professions Code, as proposed by Assembly Bill No. 1755, is amended to read:

License fee

19491. Every person licensed under this article who conducts a horse racing meeting shall pay a license fee equal to the sum of the following:

(a) Five percent of all money not in excess of ten million dollars ($10,000,000) handled in the parimutuel pools operated by him during the period of the license.

(b) Six percent of the amount by which the total amount so handled by him exceeds ten million dollars ($10,000,000) but is not more than twenty million dollars ($20,000,000).

(c) Seven percent of the amount by which the total amount so handled by him exceeds twenty million dollars ($20,000,000) but is not more than seventy-five million dollars ($75,000,000).

(d) Seven and one-half percent of the amount by which the total amount so handled by him exceeds seventy-five million dollars ($75,000,000) but is not more than one hundred twenty-five million dollars ($125,000,000).

(e) Eight percent of the amount by which the total amount so handled by him exceeds one hundred twenty-five million dollars ($125,000,000).

(f) One-half of the "breakage" deducted by him pursuant to Section 19597 on the first twenty-four million dollars

($24,000,000) or less of the total amount so handled, and the "breakage" deducted by him pursuant to Section 19597 on the amount by which the total amount so handled exceeds twenty-four million dollars ($24,000,000).

Payment of the fee shall be made daily on account during each meeting, and the amount attributable to breakage shall be reported and paid as a separate item.

SEC. 7. Section 19596 of said code, as proposed by Assembly Bill No. 1755, is amended to read:

Commissions deducted

19596. Any commission deducted by any person licensed under this chapter to conduct a horse racing meeting from a parimutuel pool operated by him shall not exceed the following:

(a) Nine percent of the gross amount of money not in excess of ten million dollars ($10,000,000) handled in the parimutuel pools during the period of the license.

(b) Eight percent of the amount by which the total amount so handled exceeds ten million dollars ($10,000,000) but is not more than twenty million dollars ($20,000,000).

(c) Seven percent of the amount by which the total amount so handled by him exceeds twenty million dollars ($20,000,000) but is not more than seventy-five million dollars ($75,000,000).

(d) Six and one-half percent of the amount by which the total amount so handled by him exceeds seventy-five million dollars ($75,000,000) but is not more than one hundred twenty-five million dollars ($125,000,000).

(e) Six percent of the amount by which the total amount so handled by him exceeds one hundred twenty-five million dollars ($125,000,000).

(f) One-half of the "breakage" deducted by him pursuant to Section 19597 on the first twenty-four million dollars ($24,000,000) or less of the total amount so handled.

The amount of the commission deducted by the licensee shall be in addition to any deduction for the license fee payable by him under this chapter.

SEC. 8. Section 19597 of said code, as proposed by Assembly Bill No. 1755, is amended to read:

Breakage

19597. Notwithstanding any other provision of this chapter, a person licensed under this chapter to conduct a horse racing meeting shall, as to any payment made to a person who has wagered by contributing to a parimutuel pool operated by such licensee, also deduct the odd cents by which the amount payable on each dollar ($1) wagered exceeds a multiple of ten cents ($0.10). The amount so deducted is known as "breakage."

SEC. 9. Section 19633 of said code, as proposed by Assembly Bill No. 1755, is amended to read:

General Fund

19633. All license fees for conducting horse racing meetings attributable to breakage shall be paid into the General Fund of the State. The State College Fund is continued in existence, but any unappropriated balance therein as of the effective

date of the amendment to this section in 1959 is hereby transferred to the General Fund.

Effect. Stats 1959, Ch 1828

SEC. 10. Sections 6 to 9, inclusive, of this act shall become effective only if Assembly Bill No. 1755 is enacted by the Legislature at its 1959 Regular Session, and in such case, at the same time as Assembly Bill No. 1755 takes effect; at which time Sections 19485, 19485.1, 19597, and 19620.1 of the Business and Professions Code as amended by Sections 1 to 4, inclusive, of this act are repealed.

Tax levy

SEC. 11. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, except as otherwise provided in Section 10 of this act.

Operative date

SEC. 12. This act shall not become operative until June 29, 1959.

CHAPTER 1127

An act to amend Sections 23151, 23153, 23184, 23186, 23333, 23501, 23771, 24349, 24350, 24355, 25552 and 25552b of, and to add Sections 24351, 24352, 24353, 24354, 24356, 24356.1 and 24375.1 to the Revenue and Taxation Code, relating to bank and corporation taxes, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.]

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

SECTION 1. Section 23151 of the Revenue and Taxation Code is amended to read:

Corporation tax rate

23151. With the exception of financial corporations, every corporation doing business within the limits of this State and not expressly exempted from taxation by the provisions of the Constitution of this State or by this part, shall annually pay to the State, for the privilege of exercising its corporate franchises within this State, a tax according to or measured by its net income, to be computed at the rate of 5.5 percent upon the basis of its net income for the next preceding income year. In any event, each such corporation shall pay annually to the State, for the said privilege, a minimum tax of one hundred dollars ($100).

SEC. 2. Section 23153 of said code is amended to read:

Annual corporation tax

23153. Every corporation not otherwise taxed under this chapter and not expressly exempted by the provisions of this part or the Constitution of this State shall pay annually to the State a tax of one hundred dollars ($100).

Every such domestic corporation taxable under the preceding paragraph shall be subject to the said tax from the date of incorporation until the effective date of dissolution as provided in Section 23331.

SEC. 3. Section 23184 of said code is amended to read:

23184. Financial corporations may offset against the franchise tax the amounts paid during the income year to this State or to any county, city, town, or other political subdivisions of the State as personal property taxes, or as license fees or excise taxes for the following privileges: Offsets against franchise tax

(a) Operating as personal property brokers or brokers as defined in the Personal Property Brokers Act.

(b) Operating motor vehicles under Part 5 of this division.

(c) Engaging in the business of loaning money, advancing credit, or loaning credit or arranging for the loan of money or advancing of credit or loaning of credit.

(d) Storing, using or otherwise consuming in this State of tangible personal property by savings and loan associations.

The tax on financial corporations after the allowance of offset shall not be less than 5.5 percent of its net income for the preceding income year nor less than the minimum tax of one hundred dollars ($100).

SEC. 4. Section 23186 of said code is amended to read:

23186. The rate of tax on banks and financial corporations shall be a percentage equal to the percentage of the total amount of net income, allocable to this State, of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this State as franchise taxes according to or measured by such net income, and required to be paid to this State or its political subdivisions by such corporations as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 9.5 percent. The percentage of the net income of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, required to be paid to this State or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less 5.5 percent thereof, bears to the total amount of net income of such corporations allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to this State or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California. Rate of tax

SEC. 4.5. Section 23333 of said code is amended to read:

23333. A taxpayer subject to Section 23186 shall, if it dissolves or withdraws prior to the date the rate is determined under Section 23186, pay a tax under the preceding paragraph at the maximum rate prescribed by said Section 23186; Dissolution, etc., prior to determination date

if the rate is subsequently determined to be less than the maximum prescribed by Section 23186, a refund shall, within thirty (30) days of such determination, be made as prescribed by Article 1 of Chapter 22; that part of the tax thus determined which is in excess of 5.5 percent shall be collected as a demand for second installment under Article 3 of Chapter 19.

SEC. 5. Section 23501 of said code is amended to read:

Rate of tax

23501. There shall be imposed upon every taxpayer for each taxable year, a tax at the rate of 5.5 percent upon its net income derived from sources within this State on or after January 1, 1937, other than income for any period for which the taxpayer is subject to taxation under Chapter 2 of this part, according to or measured by its net income.

SEC. 6. Section 23771 of said code is amended to read:

Return

23771. Every organization, otherwise exempt under Article 1 of this chapter, but having income of the character described in Article 2, shall file a return, verified by an executive officer under penalties of perjury in the form prescribed by the Franchise Tax Board, within two months and 15 days of the close of the income year, reporting its income from such activities and shall pay a tax of 5.5 percent on its Article 2 net income as defined in Section 23731b.

SEC. 7. Section 24349 of said code is amended to read:

Depreciation deduction

24349. (a) There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) Of property used in the trade or business; or

(2) Of property held for the production of income

(b) For income years ending after December 31, 1958, the term "reasonable allowance" as used in subsection (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the Franchise Tax Board, under any of the following methods:

(1) The straight line method;

(2) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in paragraph (1);

(3) The sum of the years-digits method; and

(4) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the income year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in paragraph (2)

Nothing in this subsection shall be construed to limit or reduce an allowance otherwise allowable under subsection (a)

SEC. 8. Section 24350 of said code is amended to read:

Applicability

24350. Paragraphs (2), (3), and (4) of Section 24349(b) shall apply only in the case of property (other than intangible

property) described in Section 24349(a) with a useful life of three years or more—

(a) The construction, reconstruction, or erection of which is completed after December 31, 1958, and then only to that portion of the basis which is properly attributable to such construction, reconstruction, or erection after December 31, 1958; or

(b) Acquired after December 31, 1958, if the original use of such property commences with the taxpayer and commences after such date.

SEC. 9. Section 24351 is added to said code, to read:

Depreciation rate

24351. Where, under regulations prescribed by the Franchise Tax Board, the taxpayer and the Franchise Tax Board have, after the date of enactment of this section, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Franchise Tax Board in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. The responsibility of establishing the existence of such facts and circumstances shall rest with the party initiating the modification Any change in the agreed rate and useful life specified in the agreement shall not be effective for income years before the income year in which notice in writing by certified mail or registered mail is served by the party to the agreement initiating such change.

SEC. 10. Section 24352 is added to said code, to read:

Same: Change of method

24352. In the absence of an agreement under Section 24351 containing a provision to the contrary, a taxpayer may at any time elect in accordance with regulations prescribed by the Franchise Tax Board to change from the method of depreciation described in Section 24349(b)(2) to the method described in Section 24349(b)(1).

SEC. 11. Section 24353 is added to said code, to read:

Adjusted basis

24353. The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in Section 24911 for the purpose of determining the gain on the sale or other disposition of such property.

SEC. 12. Section 24354 is added to said code, to read:

Deduction Life tenant

24354. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions on the basis of the trust income allocable to each.

SEC. 13. Section 24355 of said code is amended to read:

Amortization of emergency, etc., facilities

24355. A taxpayer may elect to claim a deduction for amortization of emergency, grain or atomic energy facilities,

as defined in and to the extent provided by Section 124 and Section 124A of the Internal Revenue Code of 1939, as amended by Section 216 of the Federal Revenue Act of 1950 and Sections 168 and 169 of the Internal Revenue Code of 1954, as amended by the Federal Technical Amendments Act of 1958, under regulations prescribed by the Franchise Tax Board.

SEC. 14. Section 24356 is added to the said code, to read:

"Reasonable allowance"

24356. (a) In the case of Section 24356 property, the term "reasonable allowance" as used in Section 24349(a) may, at the election of the taxpayer, include an allowance, for the first income year for which a deduction is allowable under Sections 24349 through 24354 to the taxpayer with respect to such property, of 20 percent of the cost of such property.

(b) If in any one income year the cost of Section 24349 property with respect to which the taxpayer may elect an allowance under subsection (a) for such taxable year exceeds ten thousand dollars ($10,000), then subsection (a) shall apply with respect to those items selected by the taxpayer, but only to the extent of an aggregate cost of ten thousand dollars ($10,000).

(c) (1) The election under this section for any income year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such income year. The election shall be made in such manner as the Franchise Tax Board may by regulations prescribe.

(2) Any election made under this section may not be revoked except with the consent of the Franchise Tax Board.

(d) (1) For purposes of this section, the term "Section 24356 property" means tangible personal property—

(A) Of a character subject to the allowance for depreciation under Sections 24349 through 24354,

(B) Acquired by purchase after December 31, 1958, for use in a trade or business, and

(C) With a useful life (determined at the time of such acquisition) of six years or more.

(2) For purposes of paragraph (1), the term "purchase" means any acquisition of property, but only if—

(A) The property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under Sections 24427 through 24429 (but, in applying Sections 24428 and 24429 for purposes of this section, paragraph (d) of Section 24429 shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants),

(B) The property is not acquired by one member of an affiliated group from another member of the same affiliated group, and

(C) The basis of the property in the hands of the person acquiring it is not determined in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired.

(3) For purposes of this section, the cost of property does not include so much of the basis of such property as is determined by reference to the basis of other property held at any time by the person acquiring such property.

(4) For purposes of subsection (b) of this section—

(A) All members of an affiliated group shall be treated as one taxpayer, and

(B) The Franchise Tax Board shall apportion the dollar limitation contained in such subsection (b) among the members of such affiliated group in such manner as it shall by regulations prescribe.

(5) For purposes of paragraphs (2) and (4), the term "affiliated group" has the meaning assigned to it by Section 1504 of the Internal Revenue Code of 1954, except that, for such purposes, the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in Section 1504(a) of the Internal Revenue Code of 1954.

(6) In applying Section 24353, the adjustment under Section 24916(b)(1) resulting by reason of an election made under this section with respect to any Section 24356 property shall be made before any other deduction allowed by Section 24349(a) is computed.

(e) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this section.

SEC. 15. Section 24356.1 is added to said code, to read:

Election; definitions

24356.1. (a) Any taxpayer who held retirement-straight line property on his 1959 adjustment date may elect to have this section apply. Such an election shall be made at such time and in such manner as the Franchise Tax Board shall prescribe. Any election under this section shall be irrevocable and shall apply to all retirement-straight line property as hereinafter provided in this section (including such property for periods when held by predecessors of the taxpayer).

(b) For purposes of this section, the term "retirement-straight line property" means any property of a kind or class with respect to which the taxpayer or a predecessor (under the terms and conditions prescribed for it by the Franchise Tax Board) for any income year beginning after December 31, 1940, and before January 1, 1959, changed from the retirement to the straight line method of computing the allowance of deductions for depreciation.

(c) If the taxpayer has made an election under this section, then in determining the adjusted basis on the 1959 adjustment date of all retirement-straight line property held by the taxpayer, in lieu of the adjustment for depreciation provided in Section 24916(b)(1) or (2) the following adjustments shall be made (effective as of its 1959 adjustment date) in respect of all periods before the 1959 adjustment date:

(1) For depreciation sustained before March 1, 1913, on retirement-straight line property held by the taxpayer or a

predecessor on such date for which cost was or is claimed as basis and which either—

(A) Was retired by the taxpayer or a predecessor before the changeover date, but only if (i) a deduction was allowed in computing net income by reason of such retirement, and (ii) such deduction was computed on the basis of cost without adjustment for depreciation sustained before March 1, 1913. In the case of any such property retired during any income year beginning after December 31, 1929, the adjustment under this subparagraph shall not exceed that portion of the amount attributable to depreciation sustained before March 1, 1913, which resulted or would have resulted, had the taxpayer been subject to this part during such years (by reason of the deduction so allowed) in a reduction in taxes under this part or prior tax laws.

(B) Was held by the taxpayer or a predecessor on the changeover date. This subparagraph shall not apply to property to which paragraph (2) applies.

The adjustment determined under this paragraph shall be allocated (in the manner prescribed by the Franchise Tax Board) among all retirement-straight line property held by the taxpayer on its 1959 adjustment date.

(2) For that portion of the reserve prescribed by the Commissioner of Internal Revenue and which was also adopted by the Franchise Tax Board in connection with the changeover which was applicable to property—

(A) Sold, or

(B) With respect to which a deduction was allowed for tax purposes by reason of casualty or "abnormal" retirement in the nature of special obsolescence, if such sale occurred in, or such deduction was allowed for a period on or after the changeover date and before the taxpayer's 1959 adjustment date.

(3) For depreciation allowable, under the terms and conditions prescribed by the commissioner which terms and conditions are equally applicable under this part in connection with the changeover, for all periods on and after the changeover date and before the taxpayer's 1959 adjustment date.

This subsection shall apply only with respect to income years beginning after December 31, 1958.

(d) If the taxpayer has made an election under this section, then in determining the adjusted basis of any retirement-straight line property as of any time on or after the changeover date and before the taxpayer's 1959 adjustment date, in lieu of the adjustments for depreciation provided in Section 24916(b)(1) or (2) and the corresponding provisions of prior laws, the following adjustments shall be made:

(1) For the amount of the reserve prescribed by the commissioner (and determined by the Franchise Tax Board to be applicable under this part) in connection with the changeover.

(2) For the depreciation allowable under the terms and conditions prescribed by the commissioner (and determined

by the Franchise Tax Board to be applicable under this part) in connection with the changeover.

This subsection shall apply only with respect to income years beginning on or after the changeover date and before the taxpayer's 1959 adjustment date.

(e) For purposes of this section—

(1) The term "depreciation" means exhaustion, wear and tear, and obsolescence.

(2) The term "changeover" means a change from the retirement to the straight line method of computing the allowance of deductions for depreciation.

(3) The term "changeover date" means the first day of the first income year for which the changeover was effective.

(4) The term "1959 adjustment date" means, in the case of any taxpayer, the first day of his first income year beginning after December 31, 1958.

(5) The term "predecessor" means any person from whom property of a kind or class to which this section refers was acquired, if the basis of such property is determined by reference to its basis in the hands of such person. Where a series of transfers of property has occurred and where in each instance the basis of the property was determined by reference to its basis in the hands of the prior holder, the term includes each such prior holder.

(6) The term "commissioner" means the Commissioner of Internal Revenue.

SEC. 16. Section 24575.1 is added to said code, to read:

Adjusted basis of retirement-straight line property

24575.1. (a) (1) If the taxpayer has acquired property in a transaction described in Section 24577 or 24578(b), and if any such property constitutes retirement-straight line property, then, in determining the adjusted basis of all retirement-straight line property held by the taxpayer on his adjustment date, adjustment shall be made (in lieu of the adjustment provided in Section 1016(b)(1) and (2)) for depreciation sustained before March 1, 1913, on retirement-straight line property which was held on such date for which cost was or is claimed as basis, and which either—

(A) Was retired before the acquisition of the retirement-straight line property by the taxpayer, but only if a deduction was allowed in computing net income by reason of such retirement, and such deduction was computed on the basis of cost without adjustment for depreciation sustained before March 1, 1913. In the case of any such property retired during any income year beginning after December 31, 1929, the adjustment under this subparagraph shall not exceed that portion of the amount attributable to depreciation sustained before March 1, 1913, which resulted or would have resulted, had the taxpayer been subject to this part during such years, (by reason of the deduction so allowed) in a reduction in taxes under this part or prior tax laws

(B) Was acquired by the taxpayer

The adjustment determined under this paragraph shall be allocated (in the manner prescribed by the Franchise Tax Board) among all retirement-straight line property held by the taxpayer on his adjustment date. Such adjustment shall apply to all periods on and after the adjustment date.

(2) For purposes of this subsection, the term "retirement-straight line property" means any property of a kind or class with respect to which (A) the corporation transferring such property to the taxpayer was using (at the time of transfer) the retirement method of computing the allowance of deductions for depreciation, and (B) the acquiring corporation has adopted any other method of computing such allowance.

(3) For purposes of this subsection:

(A) The term "depreciation" means exhaustion, wear and tear, and obsolescence.

(b) In the case of any kind or class of property, the term "adjustment date" means whichever of the following is the later:

(i) The first day of the taxpayer's first income year beginning after December 31, 1958, or

(ii) The first day of the first income year after enactment of this section in which the taxpayer uses a method of computing the allowance of deductions for depreciation other than the retirement method.

SEC. 16.5. Section 25552 of said code is amended to read:

Rate of tax

25552. In the case of taxpayers subject to the tax imposed by Article 3 of Chapter 2, there shall be due and payable, on or before the fifteenth day of the third month following the close of the income year, from each such taxpayer as a first installment of the tax a percentage of its net income as disclosed by its return, which is equal to that percentage of the net income of corporations subject to the tax imposed by Article 2 of Chapter 2 which is required to be paid to this State as a franchise tax according to or measured by net income. The first installment of the tax on financial corporations shall not be less than the minimum tax of one hundred dollars ($100).

SEC. 17. Section 25552b of said code is amended to read:

Sum of installments

25552b. The sum of the first and second installments, provided for in Sections 25552 and 25552a, shall not exceed 9.5 percent of the net income of each such taxpayer subject to the tax imposed by Article 3 of Chapter 2. The offset provided for in Sections 23185 to 23185b, inclusive, shall be applied to the second installment.

Effective date of rate changes; computation

SEC. 18. The provisions of this act effecting changes in the computation of taxes shall be applied in the computation of taxes for all income years ending after December 31, 1958. Provided, however, that in the case of banks and financial corporations the maximum rate provided for by Section 23186 determined upon the basis of net income of corporations taxable under Section 23151 for the calendar year 1958 or fiscal years ended during such calendar year shall not exceed 8

percent. Banks and corporations whose income year began prior to January 1, 1959, and ends on or before November 30, 1959, shall compute their tax by applying the rate in effect as of December 31, 1958, and the rate provided for by this act on and after such date, to their net income for the entire year in accordance with the method prescribed by Section 24251. In determining net income, the depreciation deduction shall be determined as if the bank or corporation's income year began January 1, 1959.

If a corporation's income year ended on or before the effective date of this act the minimum tax shall be twenty-five dollars ($25); if its income year ends after such date the minimum tax shall be one hundred dollars ($100).

Any tax, for a taxable year specified in this act, in addition to that disclosed by the return, made necessary solely by amendments to this act, shall accrue on January 1, 1959, and shall be due and payable within 10 days from the date of notice and demand from the Franchise Tax Board, or on or before the fifteenth day of the ninth month following the close of the income year as defined in Section 23042, whichever is later. If not so paid, interest shall be added thereto in the manner provided by Section 25901. Such tax shall not be considered a deficiency assessment within the meaning of Article 1 of Chapter 20 (commencing with Section 25661).

SEC. 19. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately. Tax levy

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CHAPTER 1128

An act to amend Sections 13406, 13407, 15207 and 15208, and to repeal Section 13989, of the Revenue and Taxation Code, relating to inheritance and gift taxation, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 24, 1959.] In effect immediately

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

SECTION 1. Section 13406 of the Revenue and Taxation Code is amended to read:

13406. In the case of a transfer to a Class C transferee, the rates of tax are as follows: Rate of tax: Class C transferee

(a) Seven percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Twelve percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Fifteen percent of the excess value over fifty thousand dollars ($50,000) and up to three hundred thousand dollars ($300,000).

(d) Eighteen percent of the excess value over three hundred thousand dollars ($300,000).

SEC. 2. Section 13407 of said code is amended to read:

Same Class D transferee

13407. In the case of a transfer to a Class D transferee, the rates of tax are as follows:

(a) Ten percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Fifteen percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Eighteen percent of the excess value over fifty thousand dollars ($50,000) and up to three hundred thousand dollars ($300,000).

(d) Twenty-two percent of the excess value over three hundred thousand dollars ($300,000) and up to five hundred thousand dollars ($500,000).

(e) Twenty-four percent of the excess value over five hundred thousand dollars ($500,000).

SEC. 3. Section 15207 of said code is amended to read:

Same: Class C donee

15207. In the case of a transfer to a Class C donee, the rates of tax are as follows:

(a) Seven percent of the market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Twelve percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Fifteen percent of the excess value over fifty thousand dollars ($50,000) and up to three hundred thousand dollars ($300.000).

(d) Eighteen percent of the excess value over three hundred thousand dollars ($300,000).

SEC. 4. Section 15208 of said code is amended to read:

Same Class D donee

15208. In the case of a transfer to a Class D donee, the rates of tax are as follows:

(a) Ten percent of the market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Fifteen percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Eighteen percent of the excess value over fifty thousand dollars ($50,000) and up to three hundred thousand dollars ($300,000).

(d) Twenty-two percent of the excess value over three hundred thousand dollars ($300,000) and up to five hundred thousand dollars ($500,000).

(e) Twenty-four percent of the excess value over five hundred thousand dollars ($500,000).

Repeal

SEC. 5. Section 13989 of said code is repealed.

Tax levy

SEC. 6. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into effect immediately.

CHAPTER 1129

An act to amend Section 20 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952 First Extraordinary Session), relating to the Vallejo Sanitation and Flood Control District.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20 of the Vallejo Sanitation and Flood Control District Act is amended to read:

Sec 20. Construction Contracts. In all work of improvement or repair of any of the works or property of the district and in the furnishing of materials or supplies therefor, when the expenditures required for the same exceeds the sum of four thousand dollars ($4,000), the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the district pursuant to Section 6066 of the Government Code and by posting such notice for at least five days at or near the door of the meeting place of the board of trustees prior to the date set for opening bids; such notices shall distinctly state the work contemplated and/or the materials or supplies required; provided, the board of trustees may reject any and all bids presented and readvertise and post in their discretion; and provided further, that said board may declare and determine that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and they may thereafter proceed to have the work done or the materials purchased without further observance of the foregoing provisions of this section; and provided further, that in case of a great public calamity such as sudden fire, flood, storm, epidemic or act of God, the board of trustees may declare a state of great public emergency and proceed to have all necessary work done and materials and supplies furnished without further observance of the foregoing provisions of this section. Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Solano, in such manner as to afford security for life and property, but the said board of trustees shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

CHAPTER 1130

An act to add Section 5706.5 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the admission to junior colleges of twelfth grade students.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 5706.5 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

5706.5. The principal of any two-year junior college may admit to the junior college as a special part-time student any twelfth grade high school student whose admission is recommended by his high school principal. A principal of a high school may recommend a twelfth grade high school student as a special part-time student pursuant to rules and regulations which may be adopted by the governing board of the district maintaining the high school. A principal of a high school shall not recommend a number of twelfth grade high school students in excess of 5 percent of the total number of twelfth grade students enrolled in the high school at the time of recommendation.

The attendance of a student at junior college as a special part-time student pursuant to this section is authorized attendance and the student shall receive credit for junior college courses which he completes in the same manner as if he were a regularly enrolled junior college student.

Each special part-time student shall attend high school classes for at least the minimum schoolday.

CHAPTER 1131

An act to amend Section 10826 of the Fish and Game Code, relating to game refuge 1-J.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 10826 of the Fish and Game Code is amended to read:

10826. The following constitutes Fish and Game District 1J: All that area within the County of Amador within the following boundaries:

Beginning at a point between Secs. 13 and 18, T. 8 N., R. 14 and 15 E., where the Carson Pass Highway (State Sign Route 88) enters Sec. 18, T. 8 N., R. 15 E.; thence northeasterly along

the south side of State Highway 88 right of way to the Bear River Road in Section 12, T. 8 N., R. 15 E.; thence southeasterly along the westerly side of said road to the junction of the Ham's Spring and Cole Creek Roads in Section 20, T. 8 N., R. 16 E.; thence southeasterly along the westerly side of the Cole Creek Road to its termination at the P. G. & E. penstock in Section 33, T. 8 N., R. 16 E.; thence southerly along the westerly side of said penstock to its intersection with the Mokelumne River; thence down the north bank of the Mokelumne River in a southwesterly direction to the intersection of range line between T. 7 N., R. 14 and 15 E.; thence north along range line between T. 8 N., R. 14 and 15 E., to the intersection of State Sign Route 88 to the place of beginning.

CHAPTER 1132

An act to amend Section 8727 of, and to add Section 8730.5 to, the Business and Professions Code, relating to planimetric or topographic mapping and ground surveys necessary therefor.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8727 of the Business and Professions Code is amended to read:

8727. Surveys made exclusively for geological or landscaping purposes, which do not involve the determination of any property line do not constitute surveying within the meaning of this chapter.

Surveys

SEC. 2. Section 8730.5 is added to said code, to read:

8730.5. This chapter does not require licensing to prepare and deliver topographic maps produced by the photogrammetric process or data connected therewith under contract with an individual, firm, corporation, association, or public agency if the following conditions exist:

Topographic maps

(a) Field surveys to be done under the contract are performed by registered civil engineers or licensed land surveyors.

(b) A registered civil engineer or licensed land surveyor is the official of the individual, firm, corporation, association, or public agency responsible for the approval of the performance under the contract, or the work is to be delivered to a registered civil engineer or licensed land surveyor.

CHAPTER 1133

An act to add Section 378 to the Education Code, and to add Section 817 to the Education Code as proposed by Senate Bill No. 2, relating to county superintendents of schools.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 378 is added to the Education Code, to read:

Election

378. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold or conduct any election in or for any public school district, such county superintendent may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of such county superintendent of any or all of the duties incident to the preparation for and holding of such.

SEC. 2. Section 817 is added to the Education Code as proposed by Senate Bill No. 2, to read:

Same: Duties

817. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold or conduct any election in or for any public school district, such county superintendent may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of such county superintendent of any or all of the duties incident to the preparation for and holding of such.

Effect Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No 2 takes effect; at which time Section 378 of the Education Code as added by Section 1 of this act is repealed.

CHAPTER 1134

An act to amend Section 980 of the Military and Veterans Code, relating to veterans' benefits.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 980 of the Military and Veterans Code is amended to read:

980 As used in this chapter, "veteran" means any citizen of the United States who served in the active military, naval, or air service of the United States on or after April 6, 1917,

and prior to November 12, 1918, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was, at the time of his entry into active duty, a native of or a bona fide resident of this State, or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty; or any person who served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability with such 90-day period, any portion of which was on or after December 7, 1941, and prior to January 1, 1947, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or bona fide resident of this State, or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty; or any person who served in the active military, naval or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after June 27, 1950, and prior to February 1, 1955, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or a bona fide resident of this State or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty.

This chapter does not include:

(a) A person who was separated from such forces under other than honorable conditions.

(b) A person who was separated from such forces on account of alienage.

(c) A person who performed no military duty whatever or refused to wear the uniform.

(d) A person who has received from another state a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this chapter.

(e) A person who served only in an auxiliary or reserve component of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

(f) A person whose service with the armed forces was due to temporary active duty orders for the sole purpose of training duty, processing or a physical examination.

CHAPTER 1135

An act to amend Sections 12502, 12503, and 12762 of, and to add Sections 12555 and 12764 to, the Health and Safety Code, relating to fireworks.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 12502 of the Health and Safety Code is amended to read:

"Fireworks"

12502. "Fireworks" means blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound per cap are used.

SEC. 2. Section 12503 of said code is amended to read:

"Dangerous fireworks"

12503. "Dangerous fireworks" includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate of potash and sulfur or chlorate of potash and sugar;

Firecrackers, salutes and other explosive articles of similar nature;

Blank cartridges;

Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;

Roman candles, including all devices which discharge balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

Sparklers more than 10 inches in length or one-fourth of one inch in diameter;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds;

All pyrotechnic devices having a side fuse;

Fire balloons or balloons of any type which have burning material of any kind attached thereto;

Such other fireworks as may be designated as dangerous by the State Fire Marshal with the advice of the State Fire Advisory Board.

The State Fire Marshal, with the advice of the State Fire Advisory Board, may, subject to such restrictions as are deemed necessary, exempt from the provisions of this part specific pyrotechnic items for commercial, industrial, and agricultural uses or for religious ceremonies.

SEC. 3. Section 12555 is added to said code, to read:

12555. The State Fire Marshal, with the advice of the Fire Advisory Board, may adopt reasonable regulations providing for: Regulations

(a) The granting of licenses and permits for amateur research or experiments with experimental or model rockets or missiles, or for the production, transportation, or firing of experimental or model rockets or missiles.

(b) The granting of licenses and permits for the use of pyrotechnics by television, theatrical, or motion picture special effects personnel.

SEC. 4. Section 12762 of said code is amended to read:

12762. This part does not prohibit the use of torpedoes, flares, or fusees by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination. Exception

SEC. 5. Section 12764 is added to said code, to read:

12764. The provisions of this part do not apply to research or experiments with rockets or missiles, or the production, transportation, or firing of rockets or missiles, by the Department of Defense of the United States, or by any agency or organization acting pursuant to a contract which it has with the Department of Defense for the development or production of rockets or missiles. Same

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CHAPTER 1136

An act to add Section 46179 to, and to amend Section 46202 of, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.] In effect immediately

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

SECTION 1. Section 46179 is added to the Water Code, to read:

46179. If the district project as adopted, as provided in Part 5 (commencing at Section 42200) of this division, pro- Costs

vides that all of the costs of the project are to be borne by certain designated lands within the district and there is on file with the board a written stipulation or agreement executed and acknowledged by the owners of all of such designated lands wherein the landowners consent to an apportionment of all costs of the project on their lands in a particular manner, then all of such costs shall be apportioned by the commissioners in accordance with such stipulation or agreement.

SEC. 2. Section 46202 of said code is amended to read:

Commissioners' report

46202. When completed, the rolls shall be accompanied by the written report of the commissioners setting out with particularity all the following:

(a) The exact nature and quantum of the benefits assessed, apportioned, and allocated to each tract of land in the district, in respect to:

(1) The right in and to stored surplus waters, and

(2) The right to store water in the reservoirs of the district, and

(3) Any drainage or reclamation work connected with the tract, and

(4) A statement, if such be the case, that the costs are apportioned in accordance with a stipulation or agreement of landowners as provided for by Section 46179.

(b) The portion of the assessment, if any, attributable to the cost of the properties which are necessary to be used in connection with the generation of electric power.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Several water storage districts are negotiating with the United States for the acquisition of permanent rights in Isabella Reservoir on the Kern River for the storage of water for conservation and irrigation purposes. The proposed contract must provide that purchase price be paid to the United States within six months from date of execution of contract, and it is expected that the contract will be executed in the very near future. Within the six months period the districts must adopt an amended project, cause the levy and spread of an assessment, and issue bonds, all in accordance with statutory procedures provided for in the Water Code sections relating to water storage districts. This act will shorten the time required to complete one of the statutory steps thus affording greater assurance for completion of all steps required from execution of contract to payment of purchase price within said six months period. It is contemplated that the several districts will be levying an assessment prior to the regular effective date of legislation. In order that water storage districts may hereafter properly function and in particular that several districts may fulfill contractual obligations with the United States it is essential that this act go into effect immediately.

CHAPTER 1137

An act to add Section 45559 to, and Chapter 6 (commencing at Section 45800) to Part 8 of Division 14 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.] In effect immediately

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

SECTION 1. Section 45559 is added to the Water Code, to read:

45559. When bonds are made callable, a statement to that effect shall be set forth on the face of the bond. Callable bonds

SEC. 2. Chapter 6 (commencing at Section 45800) is added to Part 8 of Division 14 of said code, to read:

CHAPTER 6. CALLABLE BONDS

45800. A district may by resolution of its board adopted at or prior to the time of issuing any bonds then proposed to be issued, provide for the call and redemption prior to their fixed maturity of any of the bonds. Resolution

45801. Callable bonds may be redeemed, in addition to other methods permitted, in the following manner: Redemption

(a) In numerical order or by lot as prescribed in the resolution.

(b) On any interest payment date prior to their fixed maturity.

(c) At not exceeding their par value and accrued interest or on the terms provided in the resolution.

45802. Notice designating the bonds called for redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published in the office county. Notice

45803. The first publication of the redemption notice shall be not less than 30 days nor more than 90 days prior to the date fixed for redemption. Publication

45804. If on the date fixed for redemption the district has provided funds available for the payment of the principal and interest of the bonds called, interest on them ceases. Interest

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Several water storage districts are negotiating with the United States for acquisition of permanent rights in Isabella Reservoir on the Kern River for the storage of water for conservation and irrigation purposes. The proposed contract must provide that purchase price be paid to the United States within

six months from the date of execution of contract, and it is expected that the contract will be executed in the very near future. Some of said districts propose to issue bonds to pay such purchase price, and these districts would like to have available by statute the option of issuing callable bonds as is presently given to irrigation districts. It is contemplated that such districts will be issuing bonds prior to the regular effective date of legislation. In order that water storage districts may hereafter properly function, and in particular that any impediment which may exist to the issuance of callable bonds by water storage districts be removed it is essential that this impediment be removed at the earliest possible time, and that this act go into effect immediately.

CHAPTER 1138

An act to amend Section 1067 of the Probate Code, relating to estates of deceased persons.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 1067 of the Probate Code is amended to read:

1067. The final settlement of an estate, as in this chapter provided, shall not prevent a subsequent issue of letters testamentary or of administration, or of administration with the will annexed, if other property of the estate is discovered, or if it becomes necessary or proper for any cause that letters should be again issued.

Whenever an estate, or any portion thereof, has been distributed to the State of California, a copy of any petition for subsequent issuance of letters testamentary or of administration, or of administration with the will annexed, and notice of any hearing thereon, shall be served upon the State Controller at the time and in the manner prescribed by Section 1200.

CHAPTER 1139

An act to amend Section 8961.2 of the Health and Safety Code, relating to public cemetery districts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 8961.2 of the Health and Safety Code is amended to read:

8961.2. Where private facilities are not available within a radius of 15 miles of decedent's residence, a decedent not otherwise eligible for burial within a cemetery of the district may be interred therein and the district shall charge a rate therefor which shall be sufficient to reimburse the district for the cost of the grave and the cost of services, and shall require a minimum deposit to the endowment care fund, if one exists, in the amount set forth in Section 8738 of this code or any amendments thereto. The foregoing requirement as to charges shall not be applicable to the burial of indigents at public expense who may be interred at such rates as may be fixed by the public agency responsible for the burial.

CHAPTER 1140

An act to amend Section 8961 of the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8961 of the Health and Safety Code is amended to read:

8961. The district may maintain a cemetery or cemeteries, limited in use to burial in the ground of residents or taxpayers of the district or former residents or taxpayers of the district who purchased lots or plots while residents or taxpayers of the district or members of their families. Families shall be limited to a spouse, parents, grandparents, children and brothers and sisters.

CHAPTER 1141

An act to amend Section 8961.4 of the Health and Safety Code, relating to burial rates.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8961.4 of the Health and Safety Code is amended to read:

8961.4. The board of trustees shall establish rates to be charged for burials within cemeteries of the district, which rates shall insofar as possible, be established at an amount which will permit that portion of the cemetery in which the grave is located to be maintained on a self-supporting basis and shall be such as will at least reimburse the district for the

cost of the grave and the cost of services, and the board shall require a minimum deposit in the endowment care fund if one exists in the amount set forth in Section 8738 of this code or any amendments thereto.

CHAPTER 1142

An act to add Article 9 (commencing at Section 50230) to Chapter 1, Part 1, Division 1, Title 5 of the Government Code, relating to abandoned excavations.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Article 9 (commencing at Section 50230) is added to Chapter 1, Part 1, Division 1, Title 5 of the Government Code, to read:

Article 9. Abandoned Excavations

Definitions

50230. As used in this article:

(a) "Local agency" means a city, a city and county, or a county.

(b) "Legislative body" means the legislative body of a local agency.

(c) "Superintendent" means street superintendent, his assistants and deputies, or other public officer designated by the legislative body to perform the duties imposed by this article upon the superintendent.

(d) "Abandoned excavation" means any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation dangerous to persons legally on the premises where the abandoned excavation is located or to minors under the age of 12 years.

Resolution against nuisances

50231. The legislative body may declare by resolution as public nuisances and abate all abandoned excavations located upon private property within the local agency. The resolution shall contain a statement of the facts which constitute the nuisance.

Resolution contents

50232. The resolution shall describe the property upon which the nuisance exists by giving its lot and block number according to the official or local agency assessment map or by other means sufficient to identify the property. The legislative body may specify the type of covering or fencing required in abating the nuisance.

Private property

50233. Any number of parcels of private property may be included within one resolution.

50234. After passage of the resolution, the superintendent shall cause notices to be conspicuously posted on or in front of the property on which the nuisance exists. He shall post: Notices

(a) One notice to each separately owned parcel of property of not over 50 feet frontage.

(b) Not more than two notices to any such parcel of 100 feet frontage or less.

(c) Notices at not more than 100 feet apart if the frontage of such a parcel is greater than 100 feet.

50235. The heading of the notices shall be "Notice to cover or fence abandoned excavation" in letters not less than one inch in height. Same

50236. The notice shall be substantially in the following form: Same

NOTICE TO COVER OR FENCE ABANDONED EXCAVATION

Notice is hereby given that on the _____ day of _____, 19___, the (name of the legislative body) passed a resolution declaring that an abandoned excavation was located upon the property on this street in _____, and more particularly described in the resolution, and that it constitutes a public nuisance which must be abated by the covering or fencing of the excavation (if the legislative body has specified the type of fencing or covering required to abate the nuisance, the specification shall be set forth). Otherwise it will be covered or fenced and the nuisance abated by the (county, city, or city and county) and the cost of the covering or fencing assessed upon the land which the excavation is located and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the (county, city, or city and county) clerk.

All property owners having any objections to the proposed covering or fencing of the excavation are hereby notified to attend a meeting of the (name of the legislative body) of (county, city, or city and county) to be held (give date), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 19___.

_____

Street Superintendent

(County, city, or city and county of _____)

50237. The notices shall be posted at least five days prior to the time for hearing objections by the legislative body. A copy of the written notice shall be mailed by certified mail to the owner of the property as shown on the last equalized assessment roll at least five days prior to the time set for hearing objections. Same

50238. At the time stated in the notices, the legislative body shall hear and consider all objections to the proposed Hearing

covering or fencing of the abandoned excavation. It may continue the hearing from time to time.

Objections

50239. By motion or resolution at the conclusion of the hearing the legislative body shall allow or overrule any objections. At that time the legislative body acquires jurisdiction to proceed and perform the work of covering or fencing the abandoned excavation.

Decision

50240. The decision of the legislative body is final.

Order

50241. If objections have not been made or after the legislative body has disposed of those made, it shall order the superintendent to abate the nuisance by having the abandoned excavation covered or fenced. The order shall be made by motion or resolution.

Superintendent

50242. The superintendent may enter upon private property to abate the nuisance.

Property owner

50243. Before the superintendent arrives, any property owner may cover or fence the abandoned excavation at his own expense.

Cost report

50244. The superintendent shall keep an account of the cost of abatement on each separate parcel of land where the work is done by him. He shall submit to the legislative body for confirmation an itemized written report showing such cost.

Report and notice posted

50245. A copy of the report shall be posted for at least three days prior to its submission to the legislative body on or near the chamber door of the legislative body, with a notice of the time of submission.

Hearing

50246. At the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The legislative body shall then confirm the report by motion or resolution.

Cost; special assessment

50247. The cost of abatement upon each parcel of land constitutes a special assessment against that parcel. After the assessment is made and confirmed, it is a lien on the parcel. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation.

Tax assessment

50248. After confirmation of the report, a copy shall be given to the assessor and tax collector of the local agency, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for local agency purposes.

Report

50249. If the county assessor and the tax collector assess property and collect taxes for the city, a certified copy of the report shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

County auditor

50250. The county auditor shall enter each assessment on the county tax roll opposite the parcel of land.

Time of collection

50251. The amount of the assessment shall be collected at the time and in the manner of ordinary local agency taxes. If

delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary local agency taxes.

50252. As an alternative method the county tax collector in his discretion may collect the assessments without reference to the general taxes by issuing separate bills and receipts for the assessments. Alternative method

50253. Laws relating to the levy, collection, and enforcement of county taxes apply to such special assessment taxes. Procedure

50254. The superintendent may receive the amount due on the abatement cost and issue receipts at any time after the confirmation of the report and until 10 days before a copy is given to the local agency assessor and tax collector, or, where a certified copy is filed with the county auditor, until August 1st following the confirmation of the report. Payment

50255. The legislative body may order refunded all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part shall not be refunded unless a claim is filed with the clerk of the legislative body on or before March 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax, or his guardian, executor, or administrator. Refunds

50256. If the legislative body finds that property damage was caused by the negligence of an officer or employee of the local agency in connection with the abatement of a nuisance pursuant to this article, a claim for such damages may be paid from the general fund of the local agency. Claim re property damage

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CHAPTER 1143

An act to amend Section 24001 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to gifts to state colleges.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.] In effect September 18, 1959

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

SECTION 1. Section 24001 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

24001. The president of a state college may, without the approval of the Director of Finance, accept gifts of money impressed with a condition that the same shall be used as a student loan fund for, or that the same shall be used to provide scholarships for, students attending courses offered by the college. The president shall cause such moneys to be deposited in a trust account in accordance with the provisions of Government Code Sections 16305-16305.7. He may expend,

loan, or otherwise administer such moneys in accordance with the terms of the gifts.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 1144

An act to amend Section 17201 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to accounting procedures of school districts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 17201 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

17201. For the purpose of achieving clarity in the budgeting and reporting of school district expenditures by funds, whenever certain expenses are authorized or required to be paid from the general fund of the school district and the governing board so authorizes, the amount estimated or actually required to meet these expenditures shall be transferred or paid from the general fund to the cafeteria fund, the cafeteria account, or the child care center fund.

Any amount transferred or paid in excess of the amount actually required shall be refunded to the general fund.

The Superintendent of Public Instruction is hereby authorized to adopt rules and regulations governing the method of accounting for said payments and transfers.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 1145

An act to add Section 957.5 to the Streets and Highways Code, relating to the abandonment of streets and highways.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 957.5 is added to the Streets and Highways Code, to read:

957.5. The board may require payment of reasonable fees for filing petitions or applications for abandonment of all or

any part of a county highway to defray the expense of investigations, publications and postings. The applicant or petitioner shall deposit such estimated cost with the county officer designated by the board and upon completion of the proceedings any unused portion of the deposit shall be refunded to the applicant or petitioner and in the event the costs exceed the deposit the county shall bear such excess costs. Nothing herein contained shall be construed to prevent the board from abandoning all or any part of a county highway without requiring the filing of an application or petition or charging such costs where the board determines it is in the public interest to do so.

CHAPTER 1146

An act to amend Section 117r of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 117r of the Code of Civil Procedure is amended to read:

117r. If a defendant in a small claims action shall have a claim against the plaintiff in such action and such claim be for an amount over the jurisdiction of the small claims court as set forth in Section 117, but of a nature which would be subject to counterclaim or cross-complaint in such action under the rules of pleading and practice governing the superior court, then defendant may commence an action against said plaintiff in a court of competent jurisdiction and file with the justice of said small claims court wherein said plaintiff has commenced his action, at or before the time set for the trial of said small claims action, an affidavit setting forth the facts of the commencement of such action by such defendant. He shall attach to such affidavit a true copy of the complaint so filed by said defendant against plaintiff, and pay to said justice the sum of one dollar ($1) for a transmittal fee, and shall deliver to said plaintiff in person a copy of said affidavit and complaint at or before the time above stated. Thereupon the justice of said small claims court shall order that said small claims court action shall be transferred to said court set forth in said affidavit, and he shall transmit all files and papers in his court in such action to such other court, and said actions shall then be tried together in such other court.

The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is so transferred any transmittal, appearance or filing fee in said action, but shall be required to pay the filing and any other fee required of a defendant, if he appears in the action filed against him.

CHAPTER 1147

An act to amend Section 689b of the Code of Civil Procedure, relating to attachment and execution.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

689b. (1) Where the property levied upon is a vehicle required to be registered with the Department of Motor Vehicles, the officer shall forthwith determine from the department the name and address of the legal owner of the vehicle and shall notify any such legal owner who is not also the registered owner of such vehicle of the levy by registered mail or certified mail or personal service.

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above set-offs, with interest to date of tender, and also stating therein his address within this State for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

(6) In the case of a sales contract, if the tender is accepted, all right, title, and interest of the seller in the property levied upon shall pass to the party to the action making the payment.

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him of a written demand therefor, which service must be attested by the certificate of the serving officer, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Such written demand of the levying officer may be served by him, or for him by any sheriff, marshal, or constable whose office is closer to the place of service, and whose fees and mileage shall be paid out of the prepaid fees in the possession of the levying officer.

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is pending, or which

issued such writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

CHAPTER 1148

An act to amend and renumber the heading of Chapter 4 (commencing at Section 16951), Division 13 of the Education Code, as enacted by the Legislature at its 1959 Regular Session.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. The heading of Chapter 4 (commencing at Section 16951) of Division 13 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended and renumbered to read:

Article 4. Transportation Districts

CHAPTER 1149

An act to amend Section 13855 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to teachers retirement.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 13855 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

13855. The board may, in its discretion, hold a hearing for the purpose of determining any question presented to it involving any right, benefit or obligation of a person under this part. Where a hearing is held, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all of the powers granted therein; provided, that the provisions of Section 11508 of the Government Code shall not apply and the hearing shall be held at such time and place as may be determined by the board.

CHAPTER 1150

An act to amend and renumber Section 8356 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to work experience education.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8356 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended and renumbered to read:

8355. Work experience education as authorized by this article (commencing at Section 8351) includes the employment of pupils in part-time jobs selected or approved as having educational value for the students employed therein and co-ordinated by school employees.

CHAPTER 1151

An act to amend Section 19481 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to state school building aid.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 19481 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

19481. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of Finance shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of Finance under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of Finance shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retro-

active nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the State under the provisions of this chapter (Sections 19401 to 19486, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of Finance has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the public school building fund of the state-aided district shall be transferred to the public school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other payments due the State under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to that portion of the apportionment which the Director of Finance has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the State of that percentage of the annual repayment and all other repayments due the State under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district.

CHAPTER 1152

An act to add Sections 12814, 12815, and 12816 to the Public Utilities Code, relating to the addition of fluorine and fluorine compounds to public water supplies by municipal utility districts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 12814 is added to the Public Utilities Code, to read:

Adding of fluorine to water supply

12814. A district may add fluorine or fluorine compounds to the water supply of the district only if the voters of the

district have approved the addition of the fluorine and fluorine compounds to the water supply. If a majority of the voters of a district voting upon the proposition at an election called and held as prescribed in Section 12815 have voted in favor of the addition of fluorine and fluorine compounds to the water supply of the district, the district shall, subject to the provisions of Article 1 (commencing at Section 4010), Chapter 7, Part 1, Division 5 of the Health and Safety Code, add to water intended for consumption or use by the public, including domestic, industrial, and other uses, fluorine and fluorine compounds.

SEC. 2. Section 12815 is added to said code, to read:

Special election

12815. The board may call a special election at any time for the purpose of submitting to the voters of the district the proposition as to whether or not the voters approve the addition of fluorine and fluorine compounds to the public water supply of the district. The ordinance calling an election shall fix the date on which the election shall be held, the wording of the proposition and the manner of holding the election and of voting for or against the proposition. The election shall be consolidated, in the manner provided in Section 13209, with a statewide primary or general election. The ordinance shall be published. Another election in the district on the same or substantially the same proposition shall not be called by the board within two years after such election.

SEC. 3. Section 12816 is added to said code, to read:

Notice

12816. At least 90 days prior to the election provided for in Section 12815, notice of the election shall be published within the district. Any voter or group of voters may, not less than 60 days prior to such election, prepare and file with the county clerk of the county containing the largest number of voters within the district an argument for or against the proposition to be submitted. The argument shall not be greater than 300 words in length. If more than one argument for or more than one argument against the proposition is filed within the time permitted the clerk shall select one of the arguments for printing. No more than three signatures shall appear with any argument. The clerk of each county in the district shall mail, or cause to be mailed, to each registered voter in that county in the district one copy of the argument for and one copy of the argument against the proposition. Such arguments shall be mailed with the sample ballot.

Legislative intent

SEC. 4. The Legislature hereby declares that it is not the intent of the Legislature in enacting Sections 12814 and 12815 of the Public Utilities Code to indicate legislative approval or disapproval of the principle of fluoridation of water.

CHAPTER 1153

An act to amend Sections 445 and 531 of, and to add Sections 531.1, and 1061.1 to, the Revenue and Taxation Code, all relating to property taxation and providing for the assessment of property.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 445 of the Revenue and Taxation Code is amended to read:

Property statement. Personal property

445. The property statement shall show a description of personal property, in the detail required by the assessor. Except as to the household furnishings and personal effects of householders, such required detail may include the cost of the personal property if the information is within the knowledge of the assessee or is available to him from his own or other records.

SEC. 2. Section 531 of said code is amended to read:

Property escaping assessment

531. If any property belonging on the local roll has escaped assessment, the assessor shall assess the property on discovery at its value on the lien date for the year for which it escaped assessment. When the property is real property it shall be assessed as property escaping assessment only if:

(a) The property is owned or controlled by the same person who owned or controlled it for the year for which it escaped assessment, or

(b) The only transfers made of the property since the lien date for the year for which the property escaped assessment have been transfers by gift, descent, bequest, or devise.

SEC. 3. Section 531.1 is added to said code, to read:

Same

531.1. If the assessor requires an assessee to describe personal property in such detail as shows the cost thereof but the assessee omits to report the cost of the property accurately, notwithstanding that this information is available to the assessee, to the extent that this omission on the part of the assessee causes the assessor not to assess the property or to assess it at a lower valuation than he would enter upon the roll were the cost reported to him accurately, that portion of the property as to which the cost is unreported, in whole or in part, may be assessed as property that has escaped assessment.

SEC. 4. Section 1061.1 is added to said code, to read:

Taxable credits or deductible debts

1061.1. Any understatement of taxable credits or overstatement of deductible debts made in the property statement or otherwise in writing to the assessor shall constitute a failure or neglect to return intangibles in the property statement, but the penalties imposed by Sections 1062 and 2922 shall not apply if solvent credits were erroneously assessed as possessory interests in tangible personal property, nor shall these

penalties apply if in good faith an assessee claims as deductible debts amounts that are subsequently found not to be deductible.

SEC. 5. The amendments and additions made by this act do not constitute a change in, but are declaratory of, the pre-existing law, and said amendments and additions shall apply to escape assessments made prior to its effective date.

Declaratory of existing law

CHAPTER 1154

An act to add Section 16522 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school districts.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16522 is added to the Education Code, to read:

16522. The governing board of a school district may rent or lease personal property needed for district purposes.

CHAPTER 1155

An act to add Section 3212.2 to the Labor Code, relating to workmen's compensation.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3212.2 is added to the Labor Code, to read:

3212.2. In the case of officers and employees in the Department of Corrections having custodial duties, each officer and employee in the Department of Youth Authority having group supervisory duties, and each security officer employed at the Atascadero State Hospital, the term "injury" includes heart trouble which develops or manifests itself during a period while such officer or employee is in the service of such department or hospital.

The compensation which is awarded for such heart trouble shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workmen's compensation laws of this State.

Such heart trouble so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the commission is bound to find in accordance with it.

CHAPTER 1156

An act to amend Section 35400 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the length of semitrailers.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 35400 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

35400. (a) No vehicle shall exceed a length of 35 feet, except that a semitrailer meeting all of the requirements of this section may be of a length not to exceed 40 feet.

(b) A semitrailer over 35 feet in length shall have no portion of its body or load forward of the turning axis (kingpin) projecting to a greater distance than a 60-inch radius from the center of the turning axis.

(c) This section does not apply to a vehicle used in a combination of vehicles, when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load, except that the combination of vehicles shall not exceed the length provided for combination vehicles.

(d) This section does not apply to a vehicle when the excess length is caused by any parts necessary to comply with the fender and mudguard requirements of this code.

CHAPTER 1157

An act to amend Sections 821.55, 822, 823.7, and 829.6 of the Agricultural Code, relating to fruit, nut, and vegetable standards.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 821.55 of the Agricultural Code is amended to read:

Apples· Standards

821.55. For apples in consumer-type packages: when the tolerance for defects allowed is 5 percent, individual packages in any lot may have double this amount; when the tolerance for defects allowed is 10 percent, individual packages in any lot may exceed this amount by one-half of the tolerance; provided, that the entire lot must average within the established tolerances.

When a lot of apples are in other containers, the apples in each of such containers, not to exceed one-fourth, in number

of containers, shall be permitted to exceed, by not more than 50 percent, the tolerance therefor above provided; but the entire lot must average within the established tolerance; and the apples in no container shall have more insect pests or decay than the amount permitted by such established tolerance.

SEC. 2. Section 822 of said code is amended to read:

822. All containers of apples shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the apples or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; name of variety of the apples contained therein, if known, and when not known the words "unknown variety"; the grade of such apples; the minimum net weight of the apples contained therein, or the cubical contents of the package, and in the case of wrapped packed apples the numerical count. A variation of five apples, more or less, than the number stated, shall be allowed except that when apples are placed in molded forms the exact count shall be marked on the container. Containers of apples which are place packed shall be required to show only the name and address of the person who first packed or authorized the packing of the apples, the variety of the apples, and the designation of grade. Open containers of apples which are not packed shall be required to show only the name and address of the person who first packed or authorized the packing of the apples, and the designation of grade. Containers' contents

Consumer-type packages shall be required to show only the name and address of the person who first packed or authorized the packing of the apples, and the designation of grade which shall comply with the requirements of Combination Fancy and C grade, or a higher grade.

In lieu of the standard grade markings required by this section any container of apples may be marked with the grades established in the official United States standards for apples, providing the apples conform to such grades and the grades are approved by the director.

SEC. 3. Section 823.7 of said code is amended, to read:

823.7. Notwithstanding the provisions of Sections 821 to 827, inclusive, of this chapter and in addition to such requirements; (1) all varieties of Gravenstein apples intended for shipment to or sale within the North American Continent shall conform to the "Extra Fancy" or "Fancy" grades as defined in Section 821 of this chapter, and (2) all apples when in consumer type packages shall conform to the combination "Fancy and C grade" or a higher grade as defined in Section 821 of this chapter. Grades

Consumer type packages as applied to apples shall mean containers or packages with a capacity equal to or less than one-half of the capacity of the standard half wooden apple box described in Section 823.

SEC. 4. Section 829.6 of said code is amended, to read:

Exception

829.6. Nothing in this chapter prohibits the preparation, packing, shipment or sale of fresh fruits, including grapes, singly or in combination with dried fruits, nuts, dates, candies, preserves or any other commodity in substantial quantities in any "consumer package" or container not conforming to the container or marking requirements prescribed in this chapter, if such containers of fresh fruits: (1) Are transported, displayed for sale and sold unbroken and not in any part or unit of measurement other than the entire package; (2) when made of similar materials and of similar design or shape, to those used for standard containers, are not of a size within 15 percent of the cubical content of any standard container defined in this chapter for such commodity; and (3) are clearly and conspicuously marked on one side or end or on the top with the words "direct-to-consumer" or "consumer package" or "gift package" or some similar designation, approved by the director, in letters at least one-half inch in height. This section is intended to prevent any deception or evasion of the standard container provisions of this chapter and shall not apply to citrus fruits or berries when the container consists of citrus fruits alone or berries alone.

Notwithstanding the provisions of this section, consumer packages of apples are exempt from the container requirements even if not marked with the designation "consumer package" or some similar designation approved by the director and shall be marked as required in Section 822 of the Agricultural Code.

CHAPTER 1158

An act to add Sections 6801.5 and 6802.5 to the Elections Code, relating to electronic counting.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 6801.5 is added to the Elections Code, to read:

Candidates' names

6801.5. The names of the candidates and the respective offices shall be printed on the ballot in parallel columns, at least 2½ inches wide.

SEC. 2. Section 6802.5 is added to said code, to read:

Marking device

6802.5. Notwithstanding any other provisions of this code whenever ballots are to be counted under the provisions of this chapter, all writein votes for candidates to be counted shall be marked by the voter with the rubber stamp or other marking device in the space provided opposite the name of the writein candidates. The instructions to voters printed on the ballots shall instruct the voter that the vote will not be counted unless the rubber stamp or other marking device is used in marking the ballot when writing in a candidate's name.

CHAPTER 1159

An act to add Section 5931.8 to the Elections Code, relating to absent voters.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5931.8 is added to the Elections Code, to read:

5931.8. If a registered war voter is unable to appear at his polling place because of being recalled to service after the final day for making application for an absent voter's ballot, he may appear before the clerk and make application for an absent voter's ballot. The clerk shall deliver to him an absent voter's ballot which may be voted in the clerk's office or voted outside the clerk's office on or before the day of election and returned as are other absent voter's ballots.

CHAPTER 1160

An act to repeal Sections 31734, 31735, and 31736 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Sections 31734, 31735 and 31736 of the Government Code are repealed.

CHAPTER 1161

An act to amend Section 31625 of, and to add Section 31625.1 to, the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31625 of the Government Code is amended to read:

31625. Except as provided in Section 31625.1, unless otherwise provided by the regulations of the board the contribution shall be deducted by the county auditor or other officer charged with the duty of drawing salary or wage warrants from the first salary or wage warrant drawn in each month in favor

Wage deduction

of each member and shall be paid to the county treasurer and placed to the credit of each individual member's account.

SEC. 2. Section 31625.1 is added to said code, to read:

Same Semi-monthly

31625.1. In those counties in which salary or wage warrants are drawn semimonthly, not to exceed one-half the contribution shall be deducted by the county auditor or other officer charged with the duty of drawing salary or wage warrants from the first salary or wage warrant drawn in each month in favor of each member, and not to exceed one-half of such deduction shall be deducted from the second salary or wage warrant drawn in each month in favor of each member. Such deductions shall be paid to the county treasurer and placed to the credit of each individual member's account.

CHAPTER 1162

An act to amend Section 1181 of the Civil Code, relating to officers who may take proof or acknowledgment of an instrument.

In effect September 18, 1959

[Approved by Governor June 24, 1959 Filed with Secretary of State June 25, 1959]

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

SECTION 1. Section 1181 of the Civil Code is amended to read:

1181. The proof or acknowledgment of an instrument may be made before a notary public at any place within this State, or within the county or city and county in this State in which the officer specified below was elected, or appointed, before either:

1. A clerk of a municipal or justice court;
2. A county recorder;
3. A county clerk;
4. A court commissioner;
5. A judge of a municipal or justice court.

CHAPTER 1163

An act to amend Section 1530a of the Probate Code, relating to compromise of claims by guardians.

In effect September 18, 1959

[Approved by Governor June 24, 1959 Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 1530a of the Probate Code is amended to read:

1530a. The guardian, with the approval of the court, may compromise, compound or settle any suit, claim or demand, by or against the ward or his estate, or the guardian as such, by the transfer of specific assets of the estate, or otherwise. The court may also authorize the guardian, on such terms and conditions as may be approved by it, to extend or renew or in any manner modify the terms of, any obligation owing to or running in favor of the ward or his estate. To obtain such approval or authorization, the guardian shall file a verified petition with the clerk showing the advantage of the compromise, composition, settlement, extension, renewal or modification.

The clerk shall set the petition for hearing by the court and notice thereof shall be given for the period and in the manner required by Section 1200 of this code. If under this section the court authorizes the transfer of real property of the estate, conveyances shall be executed by the guardian, and they must refer to the order authorizing the transfer, and a certified copy of such order must be recorded in the office of the recorder of the county in which the real property or any portion thereof lies. Conveyances so made convey all the right, title, interest and estate of the ward in the premises at the time of the conveyance.

CHAPTER 1164

An act to add Section 211.5 to the Health and Safety Code, relating to the powers and duties of the State Department of Public Health.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 211.5 is added to the Health and Safety Code, to read:

211.5. All records of interviews, written reports and statements procured by the state department or by any other person, agency or organization acting jointly with the state department, in connection with special morbidity and mortality studies shall be confidential insofar as the identity of the individual patient is concerned and shall be used solely for the purposes of the study. The furnishing of such information to the state department or its authorized representative, or to any other co-operating individual, agency or organization in any such special study, shall not subject any person, hospital, sanatarium, rest home, nursing home, or other organization furnishing such information to any action for damages. The provisions of this section shall not apply to general morbidity and mortality studies customarily and continuously

conducted by the state department and which do not involve patient identification.

Nothing in this section shall prohibit the publishing by the state department of statistical compilations relating to morbidity and mortality studies which do not identify individual cases and sources of information or religious affiliations.

CHAPTER 1165

An act to amend Section 21683 of the Water Code, relating to elections in irrigation districts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 21683 of the Water Code is amended to read:

21683. Voting shall be conducted, the canvass at the polls made and the returns delivered to the secretary of the district, except as otherwise provided, as nearly as practicable in accordance with the provisions of the Elections Code pertaining to general elections.

CHAPTER 1166

An act to add Sections 20007, 20144, and 20302 to, and Article 5 (commencing at Section 20350) to Chapter 2, Part 1, Division 14 of, the Health and Safety Code, relating to police protection districts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 25, 1959.]

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

SECTION 1. Section 20007 is added to the Health and Safety Code, to read:

Effect

20007. No district shall be created or organized pursuant to this chapter after October 1, 1959. The organization, existence, or powers of any district heretofore created by, or organized pursuant to, this chapter shall continue to exist and any such district may exercise any of the powers conferred upon it by this chapter.

SEC. 2. Section 20144 is added to said code, to read:

Governing body

20144. The board of supervisors is, ex officio, the governing body of the former district and, to the extent necessary to terminate the district affairs, may exercise any of the powers of the former district.

SEC. 3. Section 20302 is added said code, to read:

20302. No district shall be created or organized pursuant to this chapter after October 1, 1959. The organization, existence, or powers of any district heretofore created by, or organized pursuant to, this chapter shall continue to exist and any such district may exercise any of the powers conferred upon it by this chapter. Effect

SEC. 4. Article 5 (commencing at Section 20350), is added to Chapter 2, Part 1, Division 14 of said code, to read:

Article 5. Dissolution

20350. Any district may be dissolved by the board in the same manner as is prescribed by Article 5 (commencing at Section 20130) of Chapter 1 for the dissolution of a district formed under that chapter. Dissolution

20351. Upon the dissolution of a district, all its property shall revert to the county in which the district is located and shall be used for general police protection purposes in the county. Reversion of property

20352. The board of supervisors is, ex officio, the governing body of the former district and, to the extent necessary to terminate district affairs, may exercise any of the powers of the former district. Governing body

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CHAPTER 1167

An act to amend Section 20801 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school district taxes.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.] In effect September 18, 1959

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

SECTION 1. Section 20801 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

20801. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents ($0.05) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase

shall be in addition to any other school district tax authorized by law to be levied.

In a unified school district the increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required or authorized by Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code.

CHAPTER 1168

An act to amend Section 72069 of the Government Code, relating to the fee for preparing copies of records of municipal courts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 72069 of the Government Code is amended to read:

72069. The fee for preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, a folio, is twenty cents ($0.20), or, when made by a photographic process, is fifty cents ($0.50) a page. The person requesting a copy may specify whether he wishes a photographic or nonphotographic copy, and if there are facilities for preparation of the type of copy he requests, he shall be furnished such type of copy.

CHAPTER 1169

An act to amend Sections 6851, 6852, and 6853 of, and to add Section 6854 and 6855 to, the Education Code as enacted at the 1959 Regular Session, relating to school districts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 6851 of the Education Code is amended to read:

6851. Whenever a school district maintains a school or classes at a tuberculosis or polio ward, hospital or sanatorium established and maintained by a county or group of counties, any minor or adult who has been admitted to such ward, hospital or sanatorium is, if otherwise qualified, eligible to attend such school or classes but shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to such tuberculosis or polio ward, hospital or sanatorium. Schools at medical areas

The minimum school day for such classes is 180 minutes. Whenever two or more districts are authorized and operate such schools or classes the governing boards of the districts may jointly employ personnel to administer and conduct the programs.

The school district maintaining the school shall, no later than 30 days following the date of enrollment of a student who resides in another school district under this section, notify the district of residence of the student's enrollment.

SEC. 2. Section 6852 of said code is amended to read:

6852. The cost for a school year of educating any minor or adult who attends such a school or class and who is deemed to be a resident of the district in which he resided prior to his admission to such tuberculosis or polio ward, hospital, or sanatorium shall be paid by the school district of which any such minor or adult is a resident to the district maintaining a school or class in which such minor or adult is enrolled pursuant to this article. The cost shall be determined by dividing the total current expenditures of the school district during such school year for the maintenance of such school or classes, less all apportionments from the State or allocations from the Federal Government on account of such school or classes, by the total number of units of average daily attendance in such school or classes during such school year. Cost

Minors in such schools or classes shall be apportioned excess cost apportionments for handicapped minors as stated elsewhere in this code.

The Superintendent of Public Instruction shall adopt standards and regulations relating to administration, attendance, accounting and counseling in hospital schools and classes.

SEC. 3. Section 6853 of said code is amended to read:

6853. Not later than July 15th of each year, the district maintaining such school or classes shall forward its claim to the district of residence, for the cost of educating minors or adults who are residents of such district during the preceding school year, and the governing board of such district shall upon the receipt thereof pay such claim. Claims

SEC. 4. Section 6854 is added to said code, to read:

6854. The governing board of the district to whom the claim prescribed by Section 6853 is presented may include in its budget the amount necessary to pay the claim, and if the amount is included in the budget the board of supervisors shall School district tax

levy a school district tax to raise the amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

SEC. 5. Section 6855 is added to said code, to read:

Same: Additional tax

6855. The governing board of any school district maintaining a school or classes at a tuberculosis or polio ward, hospital or sanatorium, may include in its budget the amount necessary to maintain such school or classes, and the board of supervisors shall levy a school district tax necessary to raise such amount. The tax shall be in addition to any other school district tax authorized by law to be levied.

CHAPTER 1170

An act to amend Section 14273 of the Government Code, relating to public works contracts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 14273 of the Government Code is amended to read:

14273. Upon the approval of the director the authorized officers of the department may, when proceeding upon the basis of day's labor, let any subdivision or unit of the work by contract upon informal bids; but such work shall be let only to a holder of a valid state contractor's license unless such work is exempt from such licensing requirement by any other provision of law.

CHAPTER 1171

An act to add Sections 70047.5 and 74705 to the Government Code, relating to court reporters.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 70047.5 is added to the Government Code, to read:

Reporters' salary

70047.5. In a county with a population of 99,000 and not over 104,000, as determined by the 1950 federal census, each official reporter shall be paid thirty dollars ($30) a day for the days he actually is on duty under order of the court.

SEC. 2. Section 74705 is added to said code, to read:

Same

74705. Official reporters of the municipal court, appointed pursuant to Section 72194, shall be county employees. In lieu of any other compensation provided by law for their services

in reporting testimony and proceedings in the court, they shall receive thirty dollars ($30) a day for the days they are actually on duty under order of the court.

CHAPTER 1172

An act to amend Section 25253 of the Government Code, relating to county boards of supervisors.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25253 of the Government Code is amended to read:

25253. Annually the board shall cause to be prepared and published a statistical report showing in compendious form all the financial transactions of the county for the last fiscal year, exhibiting separately the receipts and expenditures by or on account of all courts and each office, board, commission, institution, and departments, and classifying the principal items of income and expenditure so as to show the financial transactions and the financial condition of the county.

CHAPTER 1173

An act to repeal Article 8 (commencing at Section 32080) of Chapter 4 of Part 3 of Division 4 of Title 3 of the Government Code, relating to the retirement of county peace officers.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 8 (commencing at Section 32080) of Chapter 4 of Part 3 of Division 4 of Title 3 of the Government Code is repealed.

CHAPTER 1174

An act to amend Section 31760.1 of the Government Code, relating to the retirement of county employees.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31760.1 of the Government Code is amended to read:

31760.1. Upon the death of any member, after retirement for service or non-service-connected disability from a retirement system established in a county subject to the provisions of Section 31676.1, 60 percent of his retirement allowance, if not modified in accordance with one of the optional settlements specified in this article, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the member at least one year prior to the date of his retirement.

CHAPTER 1175

An act to amend Section 35305 of the Government Code, relating to the annexation of uninhabited territory to cities.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 35305 of the Government Code is amended to read:

35305. Upon receiving a written petition requesting annexation, containing a description of the territory sought to be included in the city, and signed by the owners of not less than one-fourth of the land in the territory by area, and by assessed value as shown on the last equalized assessment roll of the county in which the territory is situated, the legislative body shall, without delay, pass a resolution giving notice of the proposed annexation.

The legislative body shall, without delay, cause a copy of the resolution to be transmitted to the governing board of each school district which, in part or in whole, is included in the territory sought to be included in the city, and which has made written request therefor.

CHAPTER 1176

An act to amend Section 1198.1 of, and to add Section 1198.2 to, the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1198.1 of the Code of Civil Procedure is amended to read:

Length of lien

1198.1. (a) No lien provided for in this chapter binds any property for a longer period than 90 days after the same has been filed except as hereinafter provided, unless within that time, proceedings to enforce the same be commenced in a proper court. If a credit be given and notice of the fact and terms of such credit be filed in the office of the county recorder subsequent to the filing of such lien and prior to the expiration of said 90-day period, then such lien continues in force until 90 days after the expiration of such credit, but no lien continues in force by reason of any agreement to give credit for a longer time than one year from the time the work is completed. If the proceedings to enforce the lien be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists shall be equivalent to the cancellation and removal from the record of such lien.

(b) As against any purchaser or encumbrancer for value and in good faith whose rights are acquired subsequent to the expiration of the 90-day period following the filing of such lien, no giving of credit or extension of the lien or time to enforce the same shall be effective unless evidenced by a notice or agreement filed for record in the office of the county recorder prior to the acquisition of the rights of such purchaser or encumbrancer.

SEC. 2. Section 1198.2 is added to said code, to read:

Notice of pendency of proceedings

1198.2. After the filing of the complaint in the proper court, the plaintiff may file for record in the office of the recorder of the county, or of the several counties in which the property is situated, a notice of the pendency of such proceedings, as provided in Section 409. Only from the time of filing such notice for record, shall a purchaser or encumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action, and in that event only of its pendency against parties designated by their real names.

CHAPTER 1177

An act to amend Section 74701 of the Government Code, relating to the Santa Rosa Municipal Court.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 74701 of the Government Code is amended to read:

74701. There shall be two judges.

CHAPTER 1178

An act to add Section 376 to the Elections Code, relating to voter statistics.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 376 is added to the Elections Code, to read:

376. The county clerk or registrar of voters, immediately following the cancellation of affidavits of registration pursuant to Section 295, shall compile a current list showing the number of voters, by party affiliations, in each assembly, senatorial, and congressional district located in whole or in part within the county. The list shall be made available, upon request, to any elector residing within the county.

CHAPTER 1179

An act to add Section 577 to the Elections Code, relating to the boundaries of election precincts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 577 is added to the Elections Code, to read:

577. The boundaries of precincts for the general election shall be the same as those established for the direct primary election, except to the extent necessary to add or subtract precincts as the result of population change or to divide precincts containing more than 250 registered voters or to change precinct boundaries due to supervisorial, judicial, or council district boundary changes, incorporation of new cities, annexations to cities or exclusions by cities.

CHAPTER 1180

An act to amend Section 8732.5 of, and to add Sections 6055 and 6203.5 to, and to repeal Section 6453.5 of, the Revenue and Taxation Code, relating to credits against the sales, use and use fuel tax.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6055 is added to the Revenue and Taxation Code, to read:

Relief from liability Sales tax

6055. A retailer is relieved from liability for sales tax which became due and payable subsequent to September 30, 1957, insofar as the measure of the tax is represented by accounts which have been found to be worthless and charged off for income tax purposes. If the retailer has previously paid the tax, he may, under rules and regulations prescribed by the board, take as a deduction the amount found worthless and charged off for income tax purposes. If any such accounts are thereafter in whole or in part collected by the retailer, the amount so collected shall be included in the first return filed after such collection and the tax paid with the return.

SEC. 2. Section 6203.5 is added to said code, to read:

Same Use tax

6203.5. A retailer is relieved from liability to collect use tax which became due and payable subsequent to September 30, 1957, insofar as the measure of the tax is represented by accounts which have been found to be worthless and charged off for income tax purposes. If the retailer has previously paid the amount of the tax, he may, under rules and regulations prescribed by the board, take as a deduction the amount found worthless and charged off for income tax purposes. If any such accounts are thereafter in whole or in part collected by the retailer, the amount so collected shall be included in the first return filed after such collection and the amount of the tax thereon paid with the return.

SEC. 3. Section 6453.5 of said code is repealed.

Repeal

SEC. 4. Section 8732.5 of said code is amended to read:

Use fuel tax

8732.5. A vendor is relieved from liability to collect use fuel tax which became due and payable subsequent to July 1, 1958, insofar as the sales of the fuel are represented by accounts which have been found worthless and charged off for income tax purposes. If the vendor has previously paid the amount of the tax, he may, under rules and regulations prescribed by the board, take a credit in such amount. If any such accounts are thereafter in whole or in part collected by the vendor, the gallons of fuel represented by the amounts collected shall be included in the first return filed after such collection and the amount of the tax thereon paid with the return. The board may, at its option, require the seller to submit periodical reports listing accounts delinquent for a 90-day period or over.

CHAPTER 1181

An act to add Section 918 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to co-operative studies by school districts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 918 is added to the Education Code, to read:

918. The governing board of any school district may conduct studies through research and investigation or join with the governing boards of other school districts in such studies as are determined by the governing board or boards to be required in connection with the present and future management, conditions, needs, and financial support of the schools. The costs of such studies shall be a proper charge against the funds of the districts participating therein apportioned as determined by agreement of the respective school boards.

CHAPTER 1182

An act to amend Section 1372 of the Financial Code, relating to investment of funds of retirement systems.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this State it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, including securities authorized for investment by paragraph (f) of subdivision 5 of Section 61 of the Bank Act (for which purpose said paragraph (f) shall be deemed to have been re-enacted on December 31, 1948), or by any other law of this State or in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said

sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section.

The funds of the State Employees' Retirement System, Legislators' Retirement System, and State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 10 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the Board of Retirement it is prudent to invest retirement funds.

CHAPTER 1183

An act to amend Section 31592 of, and to add Sections 31592.2 and 31727.6 to, the Government Code, relating to retirement systems.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31592 of the Government Code is amended to read:

Earnings of retirement fund

31592. Earnings of the retirement fund during any year in excess of the total interest credited to contributions and reserves during such year shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments and other contingencies, except as provided in Section 31592.2.

SEC. 2. Section 31592.2 is added to the Government Code, to read:

Same

31592.2. In any county in which Section 31676.1 applies, earnings of the retirement fund during any year in excess of the total interest credited to contributions and reserves during such year shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments, and other contingencies, except that when such surplus exceeds 1 percent of the total assets of the retirement system,

the board may transfer all or any part of such surplus in excess of 1 percent of the said total assets into county advance reserves.

SEC. 3. Section 31727.6 is added to the Government Code, to read:

Retirement allowance

31727.6. Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member of this system who was retired for service-connected disability prior to September 11, 1957, shall be calculated pursuant to the provisions of Section 31727.4.

CHAPTER 1184

An act amending Sections 31460, 31527, 31602, 31680, 31720, 31765, 31765.1, 31780 and 31787 of, repealing Sections 31646 and 31720.2 of, and adding Sections 31481, 31681.4, and 31739.2, to, the Government Code, relating to county retirement systems.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 31460 of the Government Code is amended to read:

"Compensation"

31460. (a) "Compensation" means the remuneration paid in cash out of county or district funds controlled by the board of supervisors and shall not include the monetary value of board, lodging, fuel, laundry, or other advantages furnished to a member.

(b) In respect to employees of districts as defined in subdivisions (c) and (d) of Section 31468, "compensation" means the remuneration paid in cash out of funds of the district and shall not include the monetary value of board, lodging, fuel, laundry, or other advantages furnished to a member.

SEC. 2. Section 31481 is added to said code, to read:

Retirement allowance: Effect of amendment

31481. An amendment either heretofore or hereafter made to this chapter, unless expressly stated otherwise, does not grant, take away, or otherwise affect the right to, or the amount of, any retirement allowance, or other benefit, of:

(a) Any member who has retired or shall retire prior to the effective date of such amendment.

(b) The spouse, children, beneficiary or coannuitant of any member if such member has retired or shall retire prior to the effective date of such amendment.

(c) The spouse, children, beneficiary or coannuitant of any member, if such member has died or shall die, prior to retirement and prior to the effective date of such amendment.

Declaratory of existent law

SEC. 2.1. The amendments made by Section 2 of this act do not constitute a change in, but are declaratory of, the preexisting law.

SEC. 3. Section 31527 of said code is amended to read:

31527. In its regulations, the board may include the following provisions: Regulations

(a) From what warrants deductions of members' contributions shall be made.

(b) For a period of time longer than one year during which a member may redeposit in the retirement fund an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of return to service.

(c) For a period of time longer than one year during which a member brought within the field of membership may pay into the retirement fund the amount equal to the contributions he would have made plus interest, if he had been a member from the date of its organization, or from the date of his entrance into county service, whichever is later.

(d) For a withdrawal charge against a member who withdraws his accumulated contributions. The withdrawal charge shall not exceed the interest credited to the member subsequent to the effective date of the regulation.

(e) For the exemption or exclusion from membership as a peace officer member or as a safety member or from membership altogether, in the discretion of the board, of persons whose tenure is temporary, seasonal, intermittent, or for part time only, or persons whose rate of compensation is less than eighty dollars ($80) a month, or persons whose compensation is fixed at a rate by the day or hour.

(f) For the periodic physical examination, at county expense, of safety members.

SEC. 4. Section 31602 of said code is amended to read:

31602. No investment shall be made in real property unless: Real property investment

(a) The assets of the retirement system exceed one million dollars ($1,000,000);

(b) The investment, together with other investments in real property, does not exceed 25 percent of the assets of the retirement system.

SEC. 5. Section 31646 of said code is repealed. Repeal

SEC. 5½. Section 31680 of said code is amended to read:

31680. A member retired for service or disability shall not be paid for any service rendered by him to the county or district after the date of his retirement, except pursuant to Section 31734. Payment to retired member

SEC. 6. Section 31681.4 is added to said code, to read:

31681.4. Every retirement allowance for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system not established pursuant to either Chapter 4 or Chapter 5, who was retired or died on or after January 1, 1948 but prior to January 1, 1955, or such other date prior to January 1, 1955, as the board of supervisors in any county shall specify by resolution, is hereby increased by twenty-five dollars ($25) per Allowance increase

month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 6.5. Section 31720 of said code is amended to read:

Disability retirement

31720. Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age if, and only if:

(a) His incapacity is a result of injury or disease arising out of and in the course of his employment, or

(b) He has completed 5 years of service.

Repeal

SEC. 7. Section 31720.2 of said code is hereby repealed.

SEC. 8. Section 31739.2 is added to said code, to read:

Retirement allowance increase

31739.2. Every retirement allowance for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system not established pursuant to either Chapter 4 or Chapter 5, who was retired for disability on or after January 1, 1948, but prior to January 1, 1955, or such other date prior to January 1, 1955, as the board of supervisors in any county shall specify by resolution, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 9. Section 31765 of said code is amended to read:

Election of death benefits

31765. Upon the death of a member who was eligible to retire, in circumstances in which a death benefit is payable under Article 12, if the deceased member has designated as beneficiary his spouse who survives him by not less than 30 days, such surviving spouse may elect, at any time before acceptance of any benefits from the retirement system, to receive, in lieu of the death benefit otherwise payable under Article 12, the same retirement allowance as that to which such spouse would have been entitled had such member retired on the day of his death and selected Optional Settlement 3. Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum

payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculation of the annuity of the surviving spouse.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member without either making such election or receiving any portion of the death benefit, and no part of the death benefit has been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage and the election so made shall be binding and conclusive upon all parties in interest.

SEC. 10. Section 31765.1 of said code is amended to read:

Beneficiary's election re retirement allowance

31765.1. Upon the death of any member of a retirement system established in a county subject to the provisions of Section 31676.1 or Section 31695.1, eligible for retirement pursuant to Article 7.5, 8, or 8.7 who leaves a spouse designated as beneficiary, such surviving spouse may, in lieu of the death benefit provided for in Article 12, elect to receive a retirement allowance equal to 60 percent of the amount to which the member would have been entitled had the member retired on the date of his death with a retirement allowance not modified in accordance with one of the optional settlements specified in Article 11. Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculations of the annuity of the surviving spouse.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member without either making such election or receiving any portion of the death benefit, and no part of the death benefit has been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage and the election so made shall be binding and conclusive upon all parties in interest.

SEC. 11. Section 31780 of said code is amended to read:

Death benefit

31780. Upon the death before retirement of a member while in service or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous

from discontinuance of service, or within one month after discontinuance of service unless the member's accumulated contributions have been paid to him pursuant to Section 31628, the retirement system is liable for a death benefit which shall be paid:

(a) As provided in Section 31765 or 31765.1 or 31781.1 or 31787 if the surviving spouse or guardian of one or more of the surviving children of the member so elects, or

(b) If no election is made pursuant to Section 31765, or 31765.1 or 31781 1, or 31787 to such person as he nominates by written designation duly executed and filed with the board, before the death of the member, or

(c) If no such election is made, and a member has not nominated a beneficiary, to his estate.

SEC. 12. Section 31787 of said code is amended to read:

Election re annual death allowance

31787. If any member dies as the result of injury or disease arising out of and in the course of his employment, and he is survived by a spouse to whom the member was married prior to sustaining such injury or disease or by an unmarried child under the age of 18, whether such surviving spouse or child was designated as beneficiary or not, the surviving spouse, if any, otherwise the guardian of such child may elect instead of the death benefit provided for by Section 31780, that there shall be paid to such surviving spouse, if any, otherwise to such surviving child or children collectively, in equal monthly installments, an annual death allowance equal to one-half of the member's final compensation until such surviving spouse dies, or if there is no qualified surviving spouse, or, if the surviving spouse dies before all of the children of the deceased member attain age 18 or marry, to his children under age 18 collectively until every child dies, marries, or attains age 18.

The provisions of this section shall also apply to any employee who dies as the result of injury or disease arising out of and in the course of his employment prior to the first day of the calendar month when he would normally become a member.

CHAPTER 1185

An act to add Section 771.5 to the Probate Code, relating to the sale of subscription rights without prior court approval.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 771.5 is added to the Probate Code to read:

771.5 Notwithstanding the provisions of Section 771, in the event that an estate, by reason of its ownership of shares of stock, bonds, or other securities, shall also own or receive

subscription rights for the purchase of additional securities, the executor or administrator, without obtaining approval of the court, may sell such subscription rights either in whole or in part.

CHAPTER 1186

An act to amend Sections 206.5 and 206.7 of the Civil Code, relating to proceedings by adult for release from obligation to support parent.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 206.5 of the Civil Code is amended to read:

Petition for release of duty

206.5. Any adult person may file in the superior court of the county where his parent resides a verified petition alleging that, while he was a minor, he was abandoned by such parent, and such abandonment continued for a period of two or more years prior to the time such person reached the age of 18 years, and such parent during such period was physically and mentally able to support such person, and praying the court to free such person from the obligation otherwise imposed by law to support such parent. The clerk shall thereupon set the same for hearing by the court and issue a citation directed to said parent setting forth the time and place of hearing so fixed by him. The citation and a copy of the petition shall be personally served on the parent in the same manner as provided by law for the service of summons at least five days before the time of hearing. If, upon hearing, the court determines that the allegations in the petition are true it shall issue a decree granting the relief prayed for.

A person released from the obligation to support a parent as provided in this section shall be deemed to be so released with respect to any state law under which a child is required to pay for the support, care, maintenance, and the like of a parent, or to reimburse the State or a local public agency for furnishing such support, care, maintenance, or the like.

SEC. 2. Section 206.7 of the Civil Code is amended to read:

Application to county

206.7. In the event that the parent of a person seeking to maintain an action pursuant to Section 206.5 is an applicant for or recipient of aid under Chapter 1 of Division 3, Chapter 2 of Division 4, Chapter 1 of Part 1 of Division 5, Chapter 3 of Part 1 of Division 5, or Chapter 1 of Part 2 of Division 5 of the Welfare and Institutions Code, the person seeking to maintain the action shall first make application to the board of supervisors of the county responsible for granting such aid for an order freeing him from responsibility for the support of his parent. At the time of making such application, the person

shall produce proof, either by a person who was in a position to know the facts, other than the parent against whom relief is sought, or by documentary or other reliable evidence, that while he was a minor he was abandoned by the parent for a period of two or more years and that during such period the parent was physically and mentally able to support him. If the board denies his request or fails to act upon such request within 30 days, such person shall be entitled to file an action pursuant to Section 206.5. In the event such an action is filed, such person shall serve a copy of the petition on the clerk of the board at least 10 days prior to the hearing.

CHAPTER 1187

An act to amend Section 1195 of the Penal Code, relating to bail.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 1195 of the Penal Code is amended to read:

1195. If the defendant has been released on bail, or has deposited money or property instead thereof, and does not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail, or of the money or property deposited, must, on application of the prosecuting attorney, direct the issuance of a bench warrant for the arrest of the defendant.

If the defendant, who is on bail, does appear for judgment and judgment is pronounced upon him or probation is granted to him, then the bail shall be exonerated or, if money or property has been deposited instead of bail, it must be returned to the defendant or to the person or persons found by the court to have deposited said money or property on behalf of said defendant.

CHAPTER 1188

An act to amend Sections 1278, 1287, 1458, and 1459 of the Penal Code, relating to undertakings of bail.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 1278 of the Penal Code is amended to read:

Bail: Procedure and form

1278. Bail is put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in

the discretion of the magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An order having been made on the _____ day of _____, 19___, by _____, a judge of the Justice Court of _____ County (or as the case may be), that _____ be held to answer upon a charge of (stating briefly the nature of the offense), upon which he has been admitted to bail in the sum of _____ dollars ($_____); we, _____ and _____, of _____ (stating their place of residence and occupation), hereby undertake that the above named _____ will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and if convicted, will appear for pronouncement of judgment or grant of probation, or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties), and the defendant if he be a party to the bond, for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of the Penal Code.

SEC. 2. Section 1287 of said code is amended to read:

Same

1287. The bail must be put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the court or magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An indictment having been found on the _____ day of _____, 19___, in the Superior Court of the County of _____, charging _____ with the crime of _____ (designating it generally) and he having been admitted to bail in the sum of _____ dollars ($_____), we, _____ and _____, of _____ (stating their place of residence and occupation), hereby undertake that the above named _____ will appear and answer the indictment above mentioned, in whatever court it may be prosecuted, and will at all times render himself amenable to the orders and process of the court, and, if convicted, will appear for pronouncement of judgment or grant of probation; or, if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties, and the defendant if he be a party to the bond), for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of the Penal Code.

SEC. 3. Section 1458 of said code is amended to read:

Same

1458. The provisions of this code relative to bail are applicable to bail in cases triable in inferior courts. The defendant, at any time after his arrest and before conviction, may be admitted to bail. The undertaking of bail in such a case shall be in substantially the following form:

A complaint having been filed on the _____ day of _____, 19___, in the _____ Court of _____ County of _____ (stating title and location of court) charging _____ (naming defendant) as defendant with the crime of _____ (designating it generally) and he having been admitted to bail in the sum of _____ dollars ($_____) (stating amount);

We, _____and_____, of _____ (stating their places of residence and occupation), hereby undertake that the above named defendant will appear and answer the complaint above mentioned and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and, if convicted, will appear for pronouncement of judgment or grant of probation or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond is ordered by the court, judgment may be summarily made and entered forthwith against the said _____ (naming the sureties and the defendant if he is a party to the bond) for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of this code.

SEC. 4. Section 1459 of said code is amended to read:

Obligation of insurer. Form

1459. Undertakings of bail filed in inferior courts by admitted surety insurers shall meet all other requirements of law and the obligation of the insurer shall be in the following form:

_____ (stating the title and the location of the court).

Defendant _____ (stating the name of the defendant) having been admitted to bail in the sum of _____ dollars ($_____) (stating the amount of bail fixed) and ordered to appear in the above-entitled court on _____, 19___ (stating the date for appearance in court), on _____ (stating only the word "misdemeanor" or the word "felony") charge/s;

Now, the _____ (stating the name of admitted surety insurer and state of incorporation) hereby undertakes that the above-named defendant will appear in the above-named court on the date above set forth to answer the complaint filed against him/her and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold him/herself amenable to the orders and process of the court and, if convicted, will appear for pronouncement of judgment or grant of probation or if he/she fails to perform either of these conditions, that the _____ (stating the name

of admitted surety insurer and state of incorporation) will pay to the people of the State of California the sum of _____ dollars ($_____) (stating the amount of the undertaking of the admitted surety insurer).

If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said _____ (stating the name of admitted surety insurer and state of incorporation) for the amount of its undertaking herein, as provided by Sections 1305 and 1306 of the California Penal Code.

_____
(Stating the name of admitted surety insurer and state of incorporation),
(Signature)

By _____
Attorney in fact
(Corporate seal)

(Jurat of notary public or other officer authorized to administer oaths.)

CHAPTER 1189

An act to amend Sections 3601, 4453, 4455, 4460, 4553, 4554, 4600, 4601, 4650, 4656, 4658, 4659, 4701, and 4702 of, and to add Sections 4553.1 and 4555.5 to, the Labor Code, relating to workmen's compensation.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3601 of the Labor Code is amended to read:

Exclusive remedy Exceptions

3601. (a) Where the conditions of compensation exist, the right to recover such compensation, pursuant to the provisions of this division is, except as provided in Section 3706, the exclusive remedy for injury or death of an employee against the employer or against any other employee of the employer acting within the scope of his employment, except that an employee, or his dependents in the event of his death, shall, in addition to the right to compensation against the employer, have a right to bring an action at law for damages against such other employee, as if this division did not apply, in the following cases:

(1) When the injury or death is proximately caused by the willful and unprovoked physical act of aggression of such other employee.

(2) When the injury or death is proximately caused by the intoxication of such other employee.

(3) When the injury or death is proximately caused by an act of such other employee which evinces a reckless disregard for the safety of the employee injured, and a calculated and conscious willingness to permit injury or death to such employee.

(b) An act which will not sustain an independent action for damages against such other employee under subsections (1), (2), or (3) of subdivision (a) of this section may nevertheless be the basis of a finding of serious and willful misconduct under Section 4553 or 4553.1, if (1) such other employee is established to be one through whom the employer may be charged under Section 4553; (2) such act of such other employee shall be established to have been the proximate cause of the injury or death; and (3) such act is established to have been of a nature, kind, and degree sufficient to support a finding of serious and willful misconduct under Section 4553 or 4553.1.

(c) In no event, either by legal action or by agreement whether entered into by such other employee or on his behalf, shall the employer be held liable, directly or indirectly, for damages awarded against, or for a liability incurred by such other employee under subsections (1), (2), or (3) of subdivision (a) of this section.

(d) No employee shall be held liable, directly or indirectly, to his employer, for injury or death of a coemployee except where the injured employee or his dependents obtain a recovery under subdivision (a) of this section.

SEC. 2. Section 4453 of said code is amended to read:

Average annual earnings

4453. In computing average annual earnings for the purposes of temporary disability indemnity only, the average weekly earnings shall be taken at not less than thirty dollars and seventy-seven cents ($30.77) nor more than one hundred dollars ($100). In computing average annual earnings for purposes of permanent disability indemnity, the average weekly earnings shall be taken at not less than thirty dollars and seventy-seven cents ($30.77) nor more than eighty dollars and seventy-seven cents ($80.77). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows:

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 95 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 95 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by the

week, month, or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 95 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 95 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 3. Section 4455 of said code is amended to read:

Average weekly earnings. Minors

4455. If the injured employee is under 21 years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed in Section 4453, to be the weekly sum which under ordinary circumstances he would probably be able to earn at the age of 21 years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured. If such probable earnings at the age of 21 years cannot reasonably be determined, his average weekly earnings shall be taken at eighty dollars and seventy-seven cents ($80.77).

SEC. 4. Section 4460 of said code is amended to read:

Average weekly earnings

4460. For the purpose of computing the temporary disability indemnity payable to any employee who sustains an original injury causing temporary disability, the maximum average weekly earnings shall be taken at one hundred dollars ($100). For the purpose of computing the permanent disability indemnity payable to any employee who sustains an original injury causing permanent disability, the maximum average weekly earnings shall be taken at eighty dollars and seventy-seven cents ($80.77).

Every computation made pursuant to this section as last amended shall be made only with reference to temporary disability or such permanent disability resulting from an original injury sustained after the act last amending this section becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

SEC. 5. Section 4553 of said code is amended to read:

Compensation: Increase of recoverable amount

4553. The amount of compensation otherwise recoverable shall be increased one-half where the employee is injured by reason of the serious and willful misconduct of any of the following:

(a) The employer, or his managing representative.

(b) If the employer is a partnership, on the part of one of the partners or a managing representative or general superintendent thereof.

(c) If the employer is a corporation, on the part of an executive, managing officer, or general superintendent thereof.

But such increase of award shall in no event exceed seven thousand five hundred dollars ($7,500); together with costs and expenses incident to procurement of such award, not to exceed two hundred fifty dollars ($250).

SEC. 6. Section 4553.1 is added to said code, to read:

Findings re serious and willful misconduct

4553.1. In order to support a holding of serious and willful misconduct by an employer based upon violation of a safety order, the commission must specifically find:

(1) That the safety order was established as having been known to a particular identified and named person or persons, either the employer or a representative of the employer designated by Section 4553;

(2) That the violation was established to have been committed by a particular identified and named person or persons, either the employer or a representative of the employer designated by Section 4553;

(3) That the condition making the safety order applicable at the time of the injury or death was established to have been known to a particular identified and named person or persons, either the employer or a representative of the employer designated by Section 4553;

(4) The specific manner in which the order was violated; and

(5) That the violation of such safety order did proximately cause the injury or death, and the specific manner in which the violation constituted such proximate cause.

SEC. 7. Section 4554 of said code is amended to read:

Failure to secure payment of compensation

4554. In case of the willful failure by an employer to secure the payment of compensation, the amount of compensation otherwise recoverable for injury or death as provided in this division shall be increased 10 percent. Failure of the employer to secure the payment of compensation as provided in Article 1 (commencing at Section 3700) of Chapter 4 of Part 1 of this division is prima facie evidence of willfulness on his part.

SEC. 8. Section 4555.5 is added to said code, to read:

Costs: Petition to reduce award

4555.5. Whenever a petition to reduce an award, based upon a permanent disability rating which has become final, is denied, the commission may order the petitioner to pay to the injured employee all costs incident to the furnishing of X-rays, laboratory services, medical reports, and medical testimony incurred by such employee in connection with the proceeding on such petition.

SEC. 9. Section 4600 of said code is amended to read:

Employer's liability

4600. Medical, surgical, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, including artificial members, which is reasonably required to cure or relieve from the effects of the injury shall be provided by the employer. In the case of his neglect or refusal seasonably to do so, the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing treatment.

In accordance with the rules of practice and procedure of the commission, the employee, or the dependents of a deceased employee, shall be reimbursed for expenses reasonably, actually, and necessarily incurred for X-rays, laboratory fees, medical reports, and medical testimony to prove a contested claim. The reasonableness of and necessity for incurring such expenses to prove a contested claim shall be determined with respect to the time when such expenses were actually incurred. Expenses of medical testimony shall be presumed reasonable if in conformity with the fee schedule charges provided for impartial medical experts appointed by the commission.

Where at the request of the employer, the employer's insurance carrier, the commission, or any commissioner or referee, the employee submits to examination by a physician, he shall be entitled to receive in addition to all other benefits herein provided all reasonable expenses of transportation, meals and lodging incident to reporting for such examination, together with one day of temporary disability indemnity for each day of wages lost in submitting to such an examination.

SEC. 10. Section 4601 of said code is amended to read:

Change of physicians

4601. If the employee so requests, the employer shall tender him one change of physicians. Upon request of the employee for a change of physicians, 14 days shall be the maximum amount of time permitted by law for the employer or insurance carrier to nominate at least three additional practicing physicians competent to treat the particular case from among whom the employee may choose. In the event the employee is not so notified, the employee may select a physician of his choice and the employer or insurance carrier shall be liable to pay the reasonable cost of treatment. The employee is also entitled, in any serious case, upon request, to the services of a consulting physician of his own choice at the expense of the employer. All of such treatment shall be at the expense of the employer.

SEC. 11. Section 4650 of said code is amended to read:

Disability payments

4650. If an injury causes temporary disability, a disability payment shall be made for one week in advance as wages on the eighth day after the injured employee leaves work as a result of the injury; provided, that in case the injury causes disability of more than 49 days or necessitates hospitalization the disability payment shall be made from the first day the injured employee leaves work or is hospitalized as result of the injury. If the injury causes permanent disability, a disability payment shall be made for one week in advance as wages on the eighth day after the injury becomes permanent or the date of last payment for temporary disability, whichever date first occurs.

SEC. 12. Section 4656 of said code is amended to read:

Aggregate disability payments Limit

4656. Aggregate disability payments for a single injury causing temporary disability shall not extend for more than 240 compensable weeks within a period of five years from the date of the injury.

SEC. 13. Section 4658 of said code is amended to read:

Computation of disability payment

4658. If the injury causes permanent disability, the percentage of disability to total disability shall be determined and the disability payment computed and allowed according to the following schedule:

Percentage of permanent disability incurred	Number of weeks for which 65 percent of average weekly earnings allowed	Percentage of average weekly earnings allowed for remainder of life after period for which 65 percent of average weekly earnings allowed
1	4	0
10	40	0
20	80	0
30	120	0
40	160	0
50	200	0
60	240	0
70	280	15
80	320	30
90	360	45
100	400	60

SEC. 14. Section 4659 of said code is amended to read:

Other method of computation

4659. The payment for permanent disabilities intermediate to those fixed by the foregoing schedule shall be computed and allowed as follows:

(a) Sixty-five percent of the average weekly earnings for four weeks for each 1 percent of disability.

(b) If 70 percent or over, 1.5 percent of the average weekly earnings for each 1 percent of disability in excess of 60 percent to be paid during the remainder of life, after payment for the maximum number of weeks specified in the foregoing schedule has been made.

SEC. 15. Section 4701 of said code is amended to read:

Employer's liabilities

4701. Where an injury causes death, either with or without disability, the employer shall be liable, in addition to any other benefits provided by this division, for:

(a) Reasonable expenses of the employee's burial, not exceeding six hundred dollars ($600).

(b) A death benefit, to be allowed to the dependents when the employee leaves any person dependent upon him for support.

SEC. 16. Section 4702 of said code is amended to read:

Sum of death benefits

4702. Except as provided in the next paragraph, the death benefit in cases of total dependency, when added to all accrued disability indemnity, shall be the sum of seventeen thousand five hundred dollars ($17,500) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be twenty thousand five hundred dollars ($20,500) and except as otherwise provided in Sections 4553 and 4554. In cases of partial dependency the death benefit shall be a sum equal to four times the amount annually

devoted to the support of the dependents by the employee, not to exceed the sum of fifteen thousand dollars ($15,000). The death benefit in all cases shall be paid in installments in the same manner and amounts as temporary disability indemnity, payments to be made at least twice each calendar month, unless the commission otherwise orders.

Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the original injury resulting in death occurs after the effective date of the amendment to this section adopted at the 1949 Regular Session of the Legislature.

Every computation made pursuant to this section shall be made only with reference to death resulting from an original injury sustained after this section as amended during the 1959 Regular Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

CHAPTER 1190

An act to amend Section 31727.4 of the Government Code, relating to county employees' retirement.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31727.4 of the Government Code is amended to read:

31727.4. Upon retirement of any member for service-connected disability, he shall receive an annual retirement allowance payable in monthly installments, equal to one-half of his final compensation. Notwithstanding any other provisions of this chapter, any member upon retirement for service-connected disability shall receive a current service pension or a current service pension combined with a prior service pension purchased by the contributions of the county or district sufficient which when added to the service retirement annuity will equal one-half of his final compensation, or, if qualified for a service retirement, he shall receive his service retirement allowance if such allowance is greater but in no event shall it exceed the limitation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read. The provisions of this section shall also apply to any employee who becomes disabled for service-connected causes prior to the first day of the calendar month when he would normally become a member.

CHAPTER 1191

An act to add Section 18372 to the Health and Safety Code, relating to trailer coaches.

In effect September 18 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 18372 is added to the Health and Safety Code, to read:

18372. Any trailer coach which meets the standards prescribed by the Division of Housing, Department of Industrial Relations, pursuant to Section 18370, shall not be required to comply with any local ordinances prescribing requirements for plumbing, heating, and electrical equipment installed in trailer coaches.

CHAPTER 1192

An act to amend Section 2020.01 of the Welfare and Institutions Code, relating to lump sum income of old age assistance applicants and recipients.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 2020.01 of the Welfare and Institutions Code is amended to read:

2020.01. For the purposes of this chapter, lump sum income received by a recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 2163 of this code. In the event that the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed in Section 2163, the excess shall be considered income to the applicant or recipient.

This section shall not apply to lump sum income received by the recipient which has accrued over a period of two or more months as an accumulation of earnings or benefits of a recurring type. Such income shall be utilized fully by the recipient to meet his needs.

CHAPTER 1193

An act to repeal Section 31805, and to add Sections 31805.1, 31815, 31816, and 31816.1 to, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31805 of the Government Code is hereby repealed.

Repeal

SEC. 2. Section 31805.1 is added to said code, to read:

31805.1. Effective with the approval of this section the service retirement of allowances of those heretofore retired shall be recalculated as though Section 31805 had not been enacted.

Service retirement Recalculation

SEC. 3. Section 31815 is added to said code, to read:

31815. Any member who elects deferred retirement after becoming subject to the provision of this article shall receive a retirement allowance determined in accordance with Section 31808 or 31809, whichever is applicable.

Deferred retirement

SEC. 4. Section 31816 is added to said code, to read:

31816. In the event that any member who is required to or who has the right to elect to redeposit accumulated contributions previously withdrawn, elects so to do, the amount of such redeposit shall be the amount of his previously withdrawn contributions adjusted in accordance with the provisions of Section 31813.

Redeposit

SEC. 5. Section 31816.1 is added to said code, to read:

31816.1. If, after the adoption of this article by a county, a member is permitted by other sections of this act to obtain credit for service by making contributions into this system for previous service, that part of such contributions applicable to the period of time after the adoption of this article by the county shall be modified in accordance with Section 31812

Contributions for previous service

CHAPTER 1194

An act to amend Section 31591 of, and to add Section 31781.2 to, the Government Code, relating to retirement allowances payable under the County Employees Retirement Law of 1937.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31591 of the Government Code is amended to read:

Interest rates

31591. Regular interest shall be credited semiannually on June 30th and December 31st to all contributions in the retirement fund which have been on deposit for six months immediately prior to such date. Interest at the rate of 2½ percent per annum, until otherwise determined by the board, compounded semiannually, shall be used in the calculation of benefits under any mortality table adopted by the board of supervisors. No interest shall be credited to a member's account after the membership of such member in the retirement association has ceased, unless the member has elected, in writing, to leave his accumulated contributions in the retirement fund and be granted a deferred retirement allowance, or the surviving spouse of a deceased member or the legally appointed guardian of the member's unmarried children under age 18 has elected to leave a death benefit on deposit as provided for in Section 31781.2.

SEC. 2. Section 31781.2 is added to said code, to read:

Election of payment method

31781.2. In lieu of accepting in cash the death benefit payable under Section 31781 of the Government Code, the surviving spouse of a member who dies prior to reaching the minimum retirement age and who at the date of his death has 10 or more years of service to his credit, shall have the option to leave the amount of said death benefit on deposit in the retirement system until the earliest date when such deceased member could have retired had he lived, and at that time receive the retirement allowance provided for in Sections 31765 or 31765.1 of the Government Code, whichever is applicable.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member, without either making such election or receiving any portion of the death benefit, and no part of the death benefit had been paid to any person, prior to the payment of any benefits the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage and the election so made shall be binding and conclusive upon all parties in interest.

CHAPTER 1195

An act to amend Section 103.4 of the Welfare and Institutions Code, relating to public assistance recipients.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 103.4 of the Welfare and Institutions Code is amended to read:

103.4. For the purposes of the provisions of this code relating to public assistance, including but not limited to aid to the aged, aid to needy children, aid to the needy disabled, aid to needy blind, and aid to potentially self-supporting blind residents, the continued absence of a recipient of public assistance from this State for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this State. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons for purposes of this chapter. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this State, his aid shall be terminated immediately.

If a recipient of aid is prevented by illness or other good cause from returning to this State at the end of one year, and has not by act or intent, established residence elsewhere, he shall not be deemed to have lost his residence in this State.

CHAPTER 1196

An act to add Section 2708.1 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2708.1 is added to the Unemployment Insurance Code, to read:

2708.1. Where an individual is entitled to receive unemployment compensation disability benefits reduced by the amount of temporary workmen's compensation received for any day under Section 2629 of this code, it shall not be necessary that he obtain a certificate of a physician as required by Section 2708 to receive the reduced amount of disability benefits for such day; provided, that the claimant submits evidence to the department of receipt of temporary disability benefits under a workmen's compensation law for such day.

SEC. 2. The provisions of Section 2708.1 of the Unemployment Insurance Code as added by Section 1 of this act shall become operative with respect to periods of disability commencing on and after January 1, 1960.

CHAPTER 1197

An act to add Section 27271 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to county free libraries.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 27271 is added to the Education Code, to read:

27271. The board of supervisors of any county in which there has been established a county free library which does not serve the entire county may, on behalf of the county free library, construct, build, repair or refurnish buildings to be used for county free library purposes, payment for which may be made from the general fund of the county. If payment is made from the county's general fund, the county auditor shall each fiscal year thereafter transfer from the county free library fund to the county's general fund as a prior claim against the county free library fund for as many years as are determined by the board of supervisors but not to exceed 20, an equal annual installment in such amount that over the designated period of years the entire payment from the county's general fund will be completely repaid. Payment of the costs of the construction of a county free library building may also be made from the employees retirement fund of a retirement system established under the authority of the County Employees Retirement Law of 1937 as an investment of that fund and under the conditions specified in that law.

CHAPTER 1198

An act to amend Sections 141.5 and 2183 of the Welfare and Institutions Code, relating to public assistance warrants.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 141.5 of the Welfare and Institutions Code is amended to read:

Voiding of warrants

141.5. Any warrant issued in payment of old age security or security for the blind is void if not presented to the county treasurer for payment within six months after its date, and shall be canceled and the face amount shall revert and be credited in the manner provided by Section 29802 of the Government Code. Each such warrant shall bear on its face a statement that the warrant shall be void if not presented to the

county treasurer for payment within six months after the date of issuance thereof.

However, if a recipient of any warrant is in possession of such a warrant made payable to him which has been voided under the provisions of this section, he may, upon surrender of the voided warrant, have issued to him a substitute warrant bearing the date that it is issued and the same face amount as the voided warrant.

The provision for a substitute warrant shall also apply to the legal representative or heir of a deceased recipient, in accord with the provisions of Section 2183 of this code.

SEC. 2. Section 2183 of said code is amended to read:

2183. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county and shall be paid as of the first day of each month. Payments

The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the board of supervisors to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

If a recipient of aid dies before any warrant or warrants to which he is found to be entitled can be issued to him as payee, such warrant or warrants may designate the legal representative of the decedent's estate as payee, or, if there be no authorized legal representative, the heir of the decedent who can demonstrate his legal right thereto may be designated as payee.

CHAPTER 1199

An act to add Section 35114 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to width of loads.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 35114 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

35114. Notwithstanding the provisions of Section 35100, the total outside width of the load of any vehicle shall not exceed 100 inches when the load consists of beehives.

This section shall not be operative whenever it is determined that the provisions of this section will prevent this State from receiving any federal funds for highway purposes.

CHAPTER 1200

An act to amend Section 1147 of the Probate Code, relating to public administrators.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 1147 of the Probate Code is amended to read:

1147. The public administrator, as soon as he receives the same, must deposit all moneys of the estate with the county treasurer of the county in which the proceedings are pending; or, if not required for current expenses, he may deposit any amount thereof with one or more banks authorized to do business in his county, and if there is none then with any bank in the State. The court may direct the deposit of any such money with a bank. Money deposited with the county treasurer or with a bank may be withdrawn upon the order of the public administrator, countersigned by the judge, when required for the purposes of administration. In counties having a population of over 270,000, such withdrawals need not be countersigned by the judge. The moneys thus deposited may be invested, pending the administration of the estate, in securities of the United States or of this State, upon the same proceedings had as in other cases of administration.

CHAPTER 1201

An act to add Section 6309 to the Public Resources Code, relating to salvage operations on tide and submerged lands.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 6309 is added to the Public Resources Code, to read:

6309. The commission has exclusive jurisdiction with respect to salvage operations over and upon the ungranted tide and submerged lands of the State. The commission may grant

the privilege of conducting salvage operations upon or over any such lands by the issuance of permits. The commission may make such rules and regulations in connection with applications for such permits, and the operations to be conducted thereunder, as it deems necessary to protect such lands and the uses and purposes reserved to the people of the State. The commission may fix and collect reasonable fees for the issuance of such permits.

CHAPTER 1202

An act to amend Sections 16838, 16839, 16840, 16841, and 16843 of the Education Code, and Sections 12408, 12409, 12410, 12411, and 12413 of the Education Code as proposed by Senate Bill No. 2, and Section 700 of the Welfare and Institutions Code, relating to insubordinate or disorderly school children.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16838 of the Education Code is amended to read:

Petition in juvenile court

16838. If any child in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the county superintendent of schools may request a petition on his behalf in the juvenile court of the county.

SEC. 2. Section 16839 of said code is amended to read:

Judgment

16839. If the court upon hearing the case finds that the allegations are sustained by the evidence, it may render judgment that the child shall be detained and maintained in a parental school, if there is one in the county, during the remainder of the school term.

SEC. 3. Section 16840 of said code is amended to read:

Same

16840. If there is no parental school in the county, the court, in addition to any judgment it may make regarding the child, may render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each schoolday, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance.

SEC. 4. Section 16841 of said code is amended to read:

Suspension of judgment

16841. If the parent, guardian, or other person having control or charge of the child, within three days after the rendition of the judgment executes a good and sufficient bond to the governing board of the school district, with sufficient sureties in the sum of two hundred dollars ($200), conditioned that

the child will, during the remainder of the current school year, regularly attend some public or private school in the city, or city and county, or school district, and not be insubordinate or disorderly during his attendance, then the court may make an order suspending the execution of the judgment so long as the condition of the bond is complied with. The bond shall be approved by the judge of the court, and be filed with the secretary of the board of education, or clerk of the board of trustees.

SEC. 5. Section 16843 of said code is amended to read:

Execution re bond

16843. The governing board of the school district may, at any time within one year after the bond has been declared forfeited, have execution issued against any of the parties to the bond to collect the amount thereof. All money paid or collected on the bond shall be paid over to the parental school fund of the city, or city and county, or school district, or if there is no parental school in the county, all money paid or collected on the bond shall be paid into the county treasury as provided for in Section 5002.

SEC. 6. Section 12408 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

Petition in juvenile court

12408. If any child in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, (commencing at Section 12401) or is habitually insubordinate or disorderly during attendance at school, the county superintendent of schools shall request a petition on his behalf in his behalf in the juvenile court of the county.

SEC. 7. Section 12409 of said proposed code is amended to read:

Judgment

12409. If the court upon hearing the case finds that the allegations are sustained by the evidence, it may render judgment that the child shall be detained and maintained in a parental school, if there is one in the county, during the remainder of the school term.

SEC. 8. Section 12410 of said proposed code is amended to read:

Same

12410. If there is no parental school in the county, the court, in addition to any judgment it may make regarding the child, may render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each school day, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance.

SEC. 9. Section 12411 of said proposed code is amended to read:

Suspension of judgment

12411. If the parent, guardian, or other person having control or charge of the child, within three days after the rendition of the judgment executes a good and sufficient bond to the governing board of the school district with sufficient sureties in the sum of two hundred dollars ($200), conditioned

that the child will, during the remainder of the current school year, regularly attend some public or private school in the city, or city and county, or school district, and not be insubordinate or disorderly during his attendance, then the court may make an order suspending the execution of the judgment so long as the condition of the bond is complied with. The bond shall be approved by the judge of the court, and be filed with the secretary of the board of education, or clerk of the board of trustees.

SEC. 10. Section 12413 of said proposed code is amended to read:

Execution re bond

12413. The governing board of the school district may, at any time within one year after the bond has been declared forfeited, have execution issued against any of the parties to the bond to collect the amount thereof. All money paid or collected on the bond shall be paid over to the parental school fund of the city, or city and county, or school district, or if there is no parental school in the county, all money paid or collected on the bond shall be paid into the county treasury as provided for in Section 17152.

SEC. 11. Section 700 of the Welfare and Institutions Code is amended to read:

Juvenile court jurisdiction

700. The jurisdiction of the juvenile court extends to any person under the age of 21 years who comes within any of the following descriptions:

(a) Who is found begging, receiving or gathering alms, or who is found in any street, road, or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing.

(b) Who has no parent or guardian; or who has no parent or guardian willing to exercise or capable of exercising proper parental control; or who has no parent or guardian actually exercising such proper parental control, and who is in need of such control.

(c) Who is destitute, or who is not provided with the necessities of life by his parents, and who has no other means of obtaining such necessities.

(d) Whose home is an unfit place for him, by reason of neglect, cruelty, or depravity of either of his parents, or of his guardian or other person in whose custody or care he is.

(e) Who is found wandering and either has no home, no settled place of abode, no visible means of subsistence or no proper guardianship.

(f) Who is a vagrant or who frequents the company of criminals, vagrants, or prostitutes, or persons so reputed; or who is in any house of prostitution or assignation.

(g) Who habitually visits, without parent or guardian, a public billiard room or public poolroom, or a saloon or a place

where any spirituous, vinous, or malt liquors are sold, bartered, exchanged, or given away.

(h) Who habitually uses intoxicating liquors or habitually uses opium, cocaine, morphine, or other similar drug without the direction of a competent physician.

(i) Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian; or who is beyond the control of such person.

(j) Who is a habitual truant from school within the meaning of any law of this State or is habitually insubordinate or disorderly while in attendance at school.

(k) Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd, or immoral life.

(*l*) Who is insane, feeble-minded, or so far mentally deficient that his parents or guardian are unable to exercise proper parental control over him, or whose mind is so far deranged or impaired as to endanger the health, person, or property of himself or others.

(m) Who violates any law of this State or any ordinance of any town, city, or county, or this State defining crime.

(n) Who is afflicted with syphilis, gonorrhea or chancroid and is in need of medical and custodial care, or both.

Effect. Stats 1959, Ch. 2

SEC. 12. Sections 6 through 10, inclusive, of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Sections 16838, 16839, 16840, 16841 and 16843 of the Education Code as amended by Sections 1 through 5, inclusive, of this act are repealed.

CHAPTER 1203

An act to amend Section 13162 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to issuance of temporary teaching certificates.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 13162 of the Education Code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate. Such certificate shall be valid for not more than 60 school days and only until the credential originally requested is either issued or denied by the State Department of Education.

CHAPTER 1204

An act to add Section 5008.5 to the Public Resources Code, relating to the Division of Beaches and Parks.

[Approved by Governor June 24, 1959 Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5008.5 is added to the Public Resources Code, to read:

5008.5. Whenever the chief of the division or officer or employee of the division designated as a peace officer pursuant to Section 5008 arrests any person for a violation of any rule or regulation of the commission or for trespass upon areas of the State Park System he may in his discretion forthwith release the arrested person from custody in the manner and under the conditions set forth in this section.

Unless an immediate appearance before a magistrate is demanded by such person, the arresting officer, upon production of satisfactory evidence of identity, may take the name and address of the person arrested and, if he believes such promise will be kept, may allow the person to sign a written promise to appear at a time and before a magistrate therein specified. The arresting officer shall deliver a copy of the promise to the person making it, and shall release him from custody. The magistrate specified in the promise shall be the magistrate of the court having jurisdiction of the particular offense for which the arrest was made. The time specified shall not be more than 30 days from and after the date of the arrest.

Any person who willfully violates his promise given in accordance with this section is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

CHAPTER 1205

An act to add Section 3136 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to countywide school districts.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3136 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

3136. In any county in which property representing more than 35 percent of the total assessed valuation of property in

the county is situated in one elementary school district with an average daily attendance of less than 1,500, the county committee may formulate plans for the establishment of a countywide unified school district. The proposal shall contain a provision for division of the county into trustee areas of an odd number not to exceed 15.

The governing board shall consist of one member from each trustee area to be elected at large by the electors of the county. The terms of office of the members of the first governing board shall be determined by lot, and shall be staggered so that as nearly as possible an equal number of terms shall expire on June 30th of each year. Except for members of the first governing board, the term of office shall be four years.

CHAPTER 1206

An act to amend Section 3352 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to liability of school districts for bonded indebtedness.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 3352 of the Education Code as enacted by the Legislature at its 1959 Regular Session, is amended to read:

3352. In each unified school district, each district included in whole in a unified school district formed under this chapter (commencing at Section 3001) shall be continued in existence for the purpose of retaining liability for the bonded indebtedness of such district.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law without substantive change.

CHAPTER 1207

An act to amend Section 15803 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to loss of school property by fire.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 15803 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

15803. In districts situated within or partly within cities of the first class or of the first and one-half class any board of education may establish a fund in the county treasury for the purpose of covering fire losses to school property in lieu of carrying fire insurance in admitted insurers as provided in Section 15802 of this code. In such fund shall be placed such sums, to be provided in the budget of the district, as will create an amount which, together with investments made from such fund, will be sufficient in the judgment of the board of education upon the advice of competent actuaries to protect such board of education against losses by fire on all or any part of the school property within its jurisdiction. Nothing contained herein shall be construed as prohibiting the board of education from providing protection against fire losses partly by means of such fund and partly by means of fire insurance written by admitted insurers as provided in Section 15802 of this code.

Such fund shall be considered as separate and apart from all other funds of the district and the balance therein shall not be considered as being part of the working cash of the district in compiling annual budgets or fixing annual tax rates.

Warrants shall not be drawn on or transfers made from the fund so created except to reimburse the district for losses by fire and then only after resolution duly adopted by the board of education based upon findings by competent appraisers.

The cash placed in such fund may be invested and reinvested by the county treasurer with the advice and consent of the board of education in securities which are legal investments for surplus county funds in this State. The income derived from such investments together with interest earned on uninvested funds shall be considered revenue of and be deposited in such fund.

The county treasurer shall make quarterly reports to the board of education as to the condition of the fund, using as a basis for such report the cost or market value, whichever may be the lower, of the securities held as investments plus the cash in such fund.

SEC. 2. The amendment of this section made by the 1959 Regular Session of the Legislature does not constitute a change in, but is a restatement of, the pre-existing law, without substantive change.

CHAPTER 1208

An act to amend Section 5500.5 of the Labor Code, relating to workmen's compensation.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5500.5 of the Labor Code is amended to read:

5500.5. Where a claim for compensation benefits is made on account of an occupational disease which may have arisen out of more than one employment, the application shall state the names and addresses of all employers, the places of employment, and the approximate periods of employment where the employee was exposed to the hazards of the occupational disease. If the application is not so prepared or omits necessary and proper employers, any interested party, at or prior to the first hearing, may request the commission to join as defendant any necessary or proper party. If such request is made prior to the first hearing on the application, the commission shall forthwith join the employer as a party defendant and cause a copy of the application together with a notice of the time and place of hearing to be served upon such omitted employer; provided, such notice can be given within the time specified in this division. If such notice cannot be timely given or if the motion for joinder is made at the time of the first hearing, then the commission, panel, commissioner, or referee before whom the hearing is held, if it is found that the omitted employer named is a necessary or proper party, may order a joinder of such party and continue the hearing so that proper notice may be given to the party or parties so joined. Only one continuance shall be allowed for the purpose of joining additional parties. Subsequent to the first hearing the commission shall join as a party defendant any additional employer when it appears that such employer is a proper party, but the liability of such employer shall not be determined until supplemental proceedings are instituted.

In any case involving a claim of occupational disease contracted as a result of more than one employment, the employee making the claim, or his dependents, may elect to proceed against any one or more of the employers named in the application. Where such an election is made, the employee must successfully prove his claim against any one of the employers named, and any award which the commission shall issue awarding compensation benefits shall be a joint and several award as against any two or more employers who may be held liable for compensation benefits. If, during the pendency of any claim wherein the employee or his dependents has made an election to proceed against one or more employers, it should appear that there is another proper party not yet joined, such additional party shall be joined as a defendant by the commission on the motion of any party in interest, but the liability of such employer shall not be determined until supplemental proceedings are instituted. Any employer joined as a defendant subsequent to the first hearing or subsequent to the election provided herein shall not be entitled to participate in any of the proceedings prior to the commission's final decision, nor to any continuance or further proceedings, but may be permitted to ascertain from the employee or his dependents such information as will enable the employer to determine the time,

place, and duration of the alleged employment. On supplemental proceedings, however, the right of the employer to full and complete examination or cross-examination shall not be restricted.

At any time within one year after the commission has made an award for compensation benefits in connection with an occupational disease, any employer held liable under such award may institute proceedings before the commission for the purpose of determining an apportionment of liability or right of contribution. Such a proceeding shall not diminish, restrict, or alter in any way the recovery previously allowed the employee or his dependents, but shall be limited to a determination of the respective contribution rights, interests or liabilities of all the employers joined in the proceeding, either initially or supplementally; provided, however, if the commission finds on supplemental proceedings for the purpose of determining an apportionment of liability or of a right of contribution that an employer previously held liable in fact has no liability, it may dismiss such employer and amend its original award in such manner as may be required.

In any proceeding before the commission for the purpose of determining an apportionment of liability or of a right of contribution where any employee incurred a disability or death resulting from silicosis in underground metal mining operations, the determination of the respective rights and interests of all of the employers joined in the proceedings either initially or supplementally shall be as follows:

(a) All employers whose underground metal mining operations resulted in a silicotic exposure during the period of the employee's employment in such operations shall be jointly and severally liable for the payment of compensation and of medical, surgical, legal and hospital expense which may be awarded to the employee or his estate or dependents as the result of disability or death resulting from or aggravated by such exposure.

(b) In making its determination in the supplemental proceeding for the purpose of determining an apportionment of liability or of a right of contribution of percentage liabilities of the various employers engaged in underground metal mining operations the commission shall consider as a rebuttal presumption that employment in underground work in any mine for a continuous period of more than three calendar months will result in a silicotic exposure for the employee so employed during the period of employment if the underground metal mine was driven or sunk in rock having a composition which will result in dissemination of silica or silicotic dust particles when drilled, blasted or transported.

Any employer shall be entitled to rebut such presumption by showing to the satisfaction of the commission, or its referee, that the mining methods used by the employer in the employee's place of employment did not result during his employment in the creation of silica dust in sufficient amount

or concentration to constitute a silicotic hazard. Dust counts, competently made, at such intervals and in such locations as meet the requirements of the Division of Industrial Safety for safe working conditions may be received as evidence of the amount and concentration of silica dust in the workings where such counts have been made at the time when they were made. The commission may from time to time, as its experience may indicate proper, promulgate orders as to the frequency with which such dust counts shall be taken in different types of workings in order to justify their acceptance as evidence of the existence or nonexistence of a silicotic hazard in the property where they have been taken.

The amendments to this section adopted at the 1959 Regular Session of the Legislature shall operate retroactively, and shall apply retrospectively to any cases pending before the Industrial Accident Commission or courts. From and after the date this section becomes effective no payment shall be made out of the fund used for payment of the additional compensation provided for in Section 4751 of this code, or out of any other state funds, in satisfaction of any liability heretofore incurred or hereafter incurred, except awards which have become final without regard to the continuing jurisdiction of the commission on said effective date, and the State and its funds shall be without liability therefor. This paragraph shall not in any way effect a reduction in any benefit conferred or which may be conferred upon any injured employee or his dependents.

CHAPTER 1209

An act to amend Section 148.1 of the Penal Code, relating to false reports of the secreting of bombs and explosives.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

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

SECTION 1. Section 148.1 of the Penal Code is amended to read:

148.1. Any person who reports to any police officer, sheriff, district attorney, newspaper, radio station, television station, deputy sheriff, deputy district attorney, member of the California Highway Patrol, employees of an air line, employees of an airport, employees of a railroad or busline, an employee of a telephone company, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been secreted in any public or private place knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

CHAPTER 1210

An act to amend Sections 28260 and 28261 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to union high school district public libraries.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 26, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28260 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

28260. The board of library trustees shall designate the hours during which the library will be open for the use of the public.

Hours

SEC. 2. Section 28261 of said code is amended to read:

28261. All public libraries established under this chapter (commencing at Section 28001), shall be open for the use of the public at all reasonable times.

Same

CHAPTER 1211

An act to add Section 144.5 to the Streets and Highways Code, relating to state highways.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 144.5 is added to the Streets and Highways Code, to read:

144.5. No state highway shall be divided as provided in Section 144 in such manner as to prevent traffic on any city street or county highway which such state highway intersects from crossing such state highway until after thirty (30) days' notice thereof has been given by the department to the city council or board of supervisors having jurisdiction over the street or highway.

CHAPTER 1212

An act to add Section 703 to the Welfare and Institutions Code, relating to authorization of medical, surgical, dental, or other remedial care for minors.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 703 is added to the Welfare and Institutions Code, to read:

703. Whenever any person is detained under the provisions of Sections 700, 701, 729, or 729.6 of the Welfare and Institutions Code and is in need of medical, surgical, dental, or other remedial care, the probation officer may, upon the recommendation of the attending physician, authorize the performance of such medical, surgical, dental, or other remedial care Nothing contained herein shall limit the rights of the parent or guardian of such person to furnish such medical, surgical, dental, or other remedial care. Except in cases of extreme emergency or in cases where the probation officer cannot, with reasonable diligence, locate the parent or guardian, the probation officer shall notify the parent or guardian of the person of the care found to be needed before such care is provided, and if the parent or guardian objects, such care shall be given only upon order of the court.

CHAPTER 1213

An act to add Section 50 to the Education Code as enacted at the 1959 Regular Session, relating to the Department of Education.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 50 is added to the Education Code as enacted at the 1959 Regular Session, to read:

50. The word "department" whenever used in this code, unless the context otherwise requires, means the Department of Education.

CHAPTER 1214

An act to amend Sections 27365, 27561 and 28256 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to libraries.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959]

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

SECTION 1. Section 27365 of the Education Code is amended to read:

State publications

27365. The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law.

SEC. 2. Section 27561 of said code is amended to read:

27561. The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law. Same

SEC. 3. Section 28256 of said code is amended to read:

28256. The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the State not otherwise disposed of by law. Same

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CHAPTER 1215

An act to amend Sections 31219 and 31251 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to scholarships.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31219 of the Education Code is amended to read:

31219. The provisions of this chapter (commencing at Section 31201) shall remain in effect until July 1, 1962, and thereafter shall have no further force or effect. Termination date

SEC. 2. Section 31251 of said code is amended to read:

31251. Whenever by the provisions of any act of Congress a program of scholarships for undergraduate students is established which permits administration of such program within a state by a state agency, the State Scholarship Commission, as established by Section 31207, shall administer such act within the State if the Governor and the State Scholarship Commission, by a majority vote of its entire membership, determine that the participation by the State in the Federal Scholarship Program under such act would not interfere with or jeopardize the continuation of the scholarship program established under Sections 31201 to 31219, inclusive. For the purposes of this chapter (commencing at Section 31251) the State Scholarship Commission shall, notwithstanding the provisions of Section 31219, be continued in existence after July 1, 1962, and until it has completed its duties in administering the Federal Scholarship Program. Federal scholarship program

CHAPTER 1216

An act to add Section 31110.1 to the Government Code, relating to payment of compensation and expenses to members of a county civil service commission.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 31110.1 is added to the Government Code, to read:

31110.1. A county by ordinance may provide that the members of the civil service commission may be paid compensation for their attendance at each meeting of the commission in an amount to be fixed by the ordinance. In addition, the ordinance may provide that the members of the commission may also receive reasonable traveling expenses from their place of residence to the place of meeting of the commission and return. No payment of traveling expenses shall be made pursuant to this section for meetings of the commission held outside of the county.

CHAPTER 1217

An act to amend Section 2653 of the Business and Professions Code, relating to the Physical Therapy Examining Committee.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 2653 of the Business and Professions Code is amended to read:

2653. The members of the examining committee shall be appointed by the Governor. The members in office at the effective date of the amendment made to this section by the Legislature at its 1959 Regular Session shall continue in office until the expiration of their terms. The person appointed to succeed the physical therapist member whose term expires on January 15, 1960, shall be appointed for a term expiring on January 15, 1963. The persons appointed to succeed the remaining members of the committee shall be appointed for terms expiring on January 15, 1964, January 15, 1965, and January 15, 1966, respectively. Thereafter appointments shall be for a term of four years.

No person may serve as a member of the examining committee for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired term. Annually the examining committee shall elect one of its members as chairman.

The Governor shall have the power to remove any member of the examining committee from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

CHAPTER 1218

An act to add Section 2671.5 to the Business and Professions Code, relating to the Physical Therapy Examining Committee.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2671.5 is added to the Business and Professions Code, to read:

2671.5. The examining committee may waive the examination provided for in Section 2671 if the applicant is registered as a physical therapist under Chapter 5.6 (commencing at Section 2600) of Division 2 and has passed the written examination required for registration under such chapter, within three years of the date of application.

CHAPTER 1219

An act to amend Section 19035.5 of the Business and Professions Code, relating to the California Advisory Board of Furniture and Bedding.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959]

In effect September 18, 1959

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

SECTION 1. Section 19035.5 of the Business and Professions Code is amended to read:

19035 5. The board shall meet at least once in each calendar quarter of each year.

Four members shall constitute a quorum for the transaction of business.

The board shall elect from its members, each for a term of one year, a chairman and a vice chairman, and may appoint such committees as it deems necessary to carry out its duties.

CHAPTER 1220

An act to amend Section 4167 of the Public Resources Code, relating to use of equipment without approved spark arresters.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 4167 of the Public Resources Code is amended to read:

4167. No person, copartnership, firm, corporation, or company shall use or operate in or on any forest, brush, grass or grain-covered land constituting inflammable vegetation between April 15th and December 1st of any year, or during such other times of the year and in such areas when unusual fire hazard conditions are declared to exist by proclamation issued by the Director of Natural Resources, pursuant to Section 4153, any engine, machine, equipment, or any steam, oil, diesel or gasoline-operated stationary or mobile equipment from which a spark or fire may originate unless such equipment is provided with an effective device or spark arrester as a part of the exhaust system which will prevent the escape of fire or sparks, and unless such person uses every reasonable precaution to prevent the causing of fire thereby. Motor trucks and passenger-carrying motor vehicles are not subject to the provisions of this paragraph.

Provided, further, that all mobile equipment, including trucks, tractors, bulldozers and other mobile equipment engaged in lumbering, logging, and other industrial operations in any forest, brush, grass or grain-covered land, shall also be equipped with and carry at all times a serviceable shovel for use in the prevention and suppression of fire, except that mobile equipment used in the business of a common carrier by railroad does not have to be equipped with or to carry a shovel for use in the prevention and suppression of fire.

CHAPTER 1221

An act to add Section 11629 to the Business and Professions Code, relating to subdivision maps.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 11629 is added to the Business and Professions Code, to read:

11629. Any map of a subdivision that has been filed for record may be amended to correct an error in any course or

distance shown thereon or to show any course or distance that was omitted therefrom by the filing for record of an amended map of said subdivision. The county engineer shall examine such amended map and if such examination discloses that the only changes on the amended map are changes above provided for, he shall certify this to be a fact over his signature on the amended map. Thereafter the amended map shall be entitled to be recorded in the office of the recorder in which the original subdivision map was recorded.

CHAPTER 1222

An act to amend Sections 12212 and 12511 of the Business and Professions Code, relating to weighing and measuring devices.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12212 of the Business and Professions Code is amended to read:

Weighing and measuring apparatus Inspection

12212. Each sealer shall, at least once in each year, or as much oftener as he deems necessary, see that the weights, measures and all weighing and measuring apparatus, other than liquefied petroleum gas vapor measuring devices, used in his county are correct and shall, at least once in each 10 years, or as oftener as he deems necessary, see that each liquefied petroleum gas vapor measuring device used in his county is correct.

SEC. 2. Section 12511 of said code is amended to read:

Same: Use or sale

12511. Any weight, measure, or weighing or measuring instrument tested and found correct by any sealer may be used or sold within this State for one year without any further test, except that any liquefied petroleum gas vapor measuring device so tested and found correct may be used or sold within this State for 10 years without any further test. If tested and sealed and certified to as correct by the National Bureau of Standards, any weight, measure, or weighing or measuring instrument may be sold without being first tested and sealed by a sealer. In either case, it shall be subject to inspection and testing notwithstanding that it has been tested and sealed either by a sealer or by the National Bureau of Standards.

CHAPTER 1223

An act to add Section 20826.5 to the Business and Professions Code, relating to petroleum products.

[Approved by Governor June 24, 1959 Filed with Secretary of State June 29, 1959]

In effect September 18, 1959

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

SECTION 1. Section 20826.5 is added to the Business and Professions Code, to read:

20826.5. No person shall display on any dispensing apparatus from which gasoline or other motor vehicle fuel is being offered for sale or sold, any price sign, which shall include a price indicator used in connection with a computing meter pump or a pump designed to compute price, unless such price shall be the actual total price, including taxes, per gallon of all gasoline or other motor vehicle fuel, being dispensed from such dispensing apparatus.

CHAPTER 1224

An act to add Article 10 (commencing at Section 2780) to Chapter 7 of Division 5 of the Education Code as enacted at the 1959 Regular Session, relating to junior college district organization.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Article 10 (commencing at Section 2780) is added to Chapter 7 of Division 5 of the Education Code, to read:

Article 10. Annexation of One Junior College District by Another

Annexation authorized

2780. A junior college district, hereinafter in this article called the petitioning district, may be annexed to another contiguous junior college district, hereinafter in this article called the admitting district, upon such terms and conditions as may be agreed upon between the governing board of the petitioning district and the governing board of the admitting district.

Commencement of proceedings

2781. The proceedings for annexation of one junior college district to another junior college district may be commenced by the petitioning district in either of the following ways:

(a) The presentation to the superintendents of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a petition asking for the annexation of the district to a contiguous junior college district, signed by 25 percent of the registered electors of the petitioning district.

(b) The presentation to the superintendent of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a resolution of the governing board of the petitioning district asking for the annexation of the district to a contiguous junior college district.

The petition or resolution presented pursuant to this section shall be accompanied by an agreement signed by a majority of the members of the governing board of the admitting district consenting to and agreeing to the annexation and setting forth the terms and conditions upon which the annexation shall be made.

2782. Upon presentation of a petition, the county superintendent or superintendents of schools, as the case may be, shall, after verifying the signatures thereon and finding them sufficient, within 20 days, call an election in the petitioning district in his county for the determination of the question and shall appoint three qualified electors in each component elementary or unified school district of the petitioning district to conduct the election. Election

Upon presentation of a resolution of the governing board of the district, the county superintendent or superintendents of schools shall, within 20 days, call the election in the petitioning district in his county for determination of the question and shall appoint three qualified electors in each elementary or unified school district of the petitioning district to conduct the election.

2783. The election shall be called in all respects as specified in Sections 1941 to 1948, inclusive, except that the form of the ballot shall be: "For annexation to the _____ Junior College District—Yes" and "For annexation to the _____ Junior College District—No" or words of similar import. If a majority of the votes cast in the entire petitioning district is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each elementary or unified school district to each superintendent of schools of any county in which the district is situated within five days after the election. Same Ballot and vote

2784 Whenever a junior college district is annexed to another junior college district pursuant to this article, all funds, property, and obligations of the petitioning district shall become the funds, property, and obligations of the admitting district. The bonded indebtedness of any district incurred prior to the annexation shall remain the sole obligation of the territory of the district as it existed prior to the annexation. Funds, property and obligations

2785. Upon the effective date of the annexation of the district, for all purposes, to another district, the governing board of the district annexed ceases to exist. Termination of governing board

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CHAPTER 1225

An act to add Section 5781.45 to the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 24, 1959 Filed with Secretary of State June 29, 1959]

In effect September 18, 1959

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

SECTION 1. Section 5781.45 is added to the Public Resources Code, to read:

5781.45. When the board of directors is appointive under the provisions of Section 5781.4, and when by incorporation of a city, annexation to a city, or otherwise, a change occurs

in the proportionate distribution of population among the territories represented by the supervising authorities which would have caused a different allocation of appointments to the board of directors than exists, the appointments shall be reapportioned among the supervising authorities on the basis provided for in Section 5781.4 as though the district were being formed on the date of the reapportionment. The effective date of any such reapportionment shall be on the expiration of the term of any director appointed by the supervising authority which loses any appointment by reason of the reapportionment, which expiration occurs following any redetermination of population which is mutually recognized by the supervising authorities or following any decennial census.

CHAPTER 1226

An act to add Section 4019.3 to the Penal Code, relating to work credit for prisoners in county jails.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 4019.3 is added to the Penal Code, to read:

4019.3. The board of supervisors may provide that each prisoner confined in or committed to a county jail shall be credited with a sum not to exceed fifty cents ($0.50) for each eight hours of work done by him in such county jail.

CHAPTER 1227

An act to amend Section 5302 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to elementary schools.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 5302 of the Education Code is amended to read:

5302. A child who has been lawfully admitted to the public school kindergarten as defined by the State of California, in California or any other state, and who has completed one year therein shall be admitted to the first grade of an elementary school regardless of age.

Where a child has been legally enrolled in the public schools of another district within or out of the State, he may be admitted to school and placed in the grade of enrollment in the district of former attendance, at the discretion of the school administration of the district entered.

CHAPTER 1228

An act to amend Sections 31212, 31214, and 31219 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to competitive scholarships.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31212 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

31212. The State Scholarship Commission shall appoint an executive director who shall be the chief executive officer for the commission, and shall serve at the pleasure of the commission. The Legislature hereby requests the State Scholarship Commission to designate said executive officer as the person holding the position confidential to it, within the meaning of subdivision 5, of Section 4, Article XXIV of the Constitution.

Executive director

The commission may employ such other employees as it deems necessary to carry out its functions under this chapter (commencing at Section 31201).

SEC. 2. Section 31214 of said code is amended to read:

31214. Each competitive scholarship is for the period of one academic year and the award shall be for six hundred dollars ($600) or an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, excluding summer sessions, of the institution at which the scholarship is used, whichever is the smaller amount. The State Scholarship Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in a four-year undergraduate course, whichever is earlier. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

Duration and amount of scholarships, etc.

SEC. 3. Section 31219 of said code is amended to read:

31219. The provisions of this chapter (commencing at Section 31201) shall remain in effect until July 1, 1964, and thereafter shall have no further force or effect.

Termination date

CHAPTER 1229

An act to amend Section 197.8 of the Streets and Highways Code, relating to city street project contracts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 197.8 of the Streets and Highways Code is amended to read:

197.8. Contracts for any construction and improvement projects on city streets for which funds may be expended pursuant to this article during any fiscal year may with the approval of the department be awarded on and after the first day of January preceding the beginning of the fiscal year if in accordance with a budget approved for such fiscal year pursuant to Section 197.

CHAPTER 1230

An act to amend Section 3107 of the Government Code, relating to oaths of allegiance.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 3107 of the Government Code is amended to read:

3107. No compensation nor reimbursement for expenses incurred shall be paid to any civil defense worker by any public agency unless such civil defense worker has taken and subscribed to the oath or affirmation required by this chapter. It shall be the duty of the person certifying to public payrolls to ascertain and certify that such civil defense worker has taken such oath or affirmation. Whenever there is more than one officer certifying to public payrolls the governing body of a city or county or school district may designate and make it the duty of a certain officer or officers to ascertain and certify that such civil defense worker has taken such oath or affirmation. The governing body of a city or county or school district may designate and make it the duty of a local civil defense and disaster officer to ascertain and certify that each volunteer civil defense worker has taken such oath or affirmation.

Nothing in this chapter, however, shall prevent the correction of any technical error or deficiency in an oath taken pursuant to this chapter; provided, such correction is made before the civil defense worker is actually paid or reimbursed.

CHAPTER 1231

An act to add Section 12.2 to the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes 1949), relating to the Sonoma County Flood Control and Water Conservation District.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12.2 is added to the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes 1949), to read:

Sec. 12.2. The board in any year shall have the power to levy a tax, which shall be in addition to other taxes of the district, upon the taxable property in the district. The tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of six cents ($0.06) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay for the construction, maintenance or repair of any flood control and drainage project in the district; provided, however, that the project, upon which funds derived from the tax authorized by this section are to be expended, shall be approved by the chief engineer of the district and by the board; and provided further, that the funds authorized to be expended by this section shall not be used to pay in excess of 25 percent of the construction cost of any such project, and the balance of the cost of any such project shall be paid by matching funds from private sources, the State or Federal Government or agencies thereof, public agencies or subdivisions, or funds derived from taxes levied within individual zones within the district.

This section shall be inoperative and of no force and effect on and after October 1, 1961.

CHAPTER 1232

An act to add Chapter 6 (commencing with Section 12550) to Title 2, Part 4, of the Penal Code, relating to firearms.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 6 (commencing with Section 12550) is added to Title 2, Part 4, of the Penal Code, to read:

CHAPTER 6. SALE OF FIREARMS

12550. No person shall sell any firearm to any minor under the age of 18 years without the written consent of a parent or legal guardian of the minor.

Violation of this section is a misdemeanor.

CHAPTER 1233

An act to amend Section 4000 of, and to add Section 4016 to, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to registration for vehicles.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 4000 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

Use of unregistered vehicles

4000. No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pipe dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

SEC. 2. Section 4016 is added to said code, to read:

Exception

4016. Notwithstanding the provisions of Section 4000, unregistered vehicles may be left standing upon a highway adjacent to a vehicle dealer's place of business when done so in connection with the loading and unloading of vehicles to be used in the dealer's business, unless otherwise prohibited by law.

CHAPTER 1234

An act to amend Section 26827 of the Government Code, relating to fees of county clerk.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 26827 of the Government Code is amended to read:

26827. The fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, is ten dollars ($10). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, or letters of conservatorship, or a petition to

contest any will or codicil, in the same proceeding, the fee is six dollars ($6). When the subsequent petition is filed to amend a previously filed petition, but the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

CHAPTER 1235

An act to amend Section 69955 of the Government Code, relating to the reporting notes taken by court reporters.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 69955 of the Government Code is amended to read:

69955. The reporting notes of both official and pro tempore court reporters are official records of the court and shall be kept by the reporter taking the notes in such place or places as may be designated by the court, or, upon order of the court, filed with the county clerk.

No official or pro tempore court reporter may destroy the reporting notes taken by him, and no county clerk may destroy the reporting notes filed with him until after five years from the taking of the notes and in a criminal case only upon the order of the judge who tried the case, or in his absence, upon the order of the presiding judge.

CHAPTER 1236

An act to add Section 29333 to the Government Code, relating to county revolving funds.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 29333 is added to the Government Code, to read:

29333. In any county having a population of over 235,000 according to the 1950 federal census, the board of supervisors may establish a revolving fund not to exceed five thousand dollars ($5,000) to be used for the benefit of all county departments. The fund shall be administered by an officer designated by the board, and shall be used to pay for services and supplies which county officers are authorized to purchase, and to meet

other expenses county officers are authorized to incur, which constitute a legal charge against the county. The officer charged with administering the fund shall obtain a receipt for each disbursement and periodically shall file such receipts with the county auditor or controller to obtain reimbursement to the fund.

The officer administering the fund shall be bonded as provided in Section 29323. The board of supervisors may establish a procedure by which officers of county departments may submit requests to the officer administering the fund for payment of authorized expenses incurred by them.

In all other respects, the provisions of this article shall apply to the revolving fund provided for in this section.

CHAPTER 1237

An act to repeal Section 323 of the Military and Veterans Code, relating to allowances for uniforms.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 323 of the Military and Veterans Code is hereby repealed.

CHAPTER 1238

An act to amend Sections 73772 and 73773 of the Government Code, relating to municipal courts.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 73772 of the Government Code is amended to read:

Salaries: Clerk

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of six hundred seventy-six dollars ($676) monthly with annual increments of thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), and thirty-nine dollars ($39) to a maximum of eight hundred twenty-one dollars ($821) monthly.

In the application of the provisions of this section to the existing clerk of the court, said clerk shall receive on the effective date hereof increments commensurate with the years of service of said clerk as clerk of said municipal court, and annual increments thereafter on the anniversary of the commencement of such service.

SEC. 2. Section 73773 of said code is amended to read:

73773. The clerk, with the approval of the judges of said court, may appoint: Same: Deputy clerks

(a) One chief deputy clerk who shall receive a minimum salary of five hundred five dollars ($505) monthly with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) to a maximum of six hundred thirteen dollars ($613) monthly.

(b) Five deputy clerks grade IV, each of whom shall receive a minimum salary of four hundred fifteen dollars ($415) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred five dollars ($505) monthly.

(c) Seven deputy clerks grade III, each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

(d) Five deputy clerks grade II, each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

(e) Six deputy clerks grade I, each of whom shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

In the application of the provisions of this section to existing officers and attaches of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

CHAPTER 1239

An act to amend Sections 12845 and 12846 of the Public Utilities Code, and to amend Sections 2864 and 2865 of the Public Districts Code, as proposed by Assembly Bill No. 908, relating to municipal utility districts.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.] In effect September 18, 1959

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

SECTION 1. Section 12845 of the Public Utilities Code is amended to read:

Loans: Construction, etc.

12845. Any district operating utility works may accept, without limitation by any other provisions of this division requiring approval of indebtedness, loans from any person, firm, or corporation for the purpose of financing the construction of office buildings, warehouses, and garages for the district, and the acquisition of sites therefor, with appurtenances necessary or convenient thereto. The evidence of the district's indebtedness shall constitute a negotiable instrument.

As used in this section, "construction" includes the meaning of "reconstruction," "repair," "improve," "remodeling," "rehabilitation," and "completion."

SEC. 2. Section 12846 of said code is amended to read:

Same: Bids, etc.

12846. Whenever the cost of construction of any office building, warehouse, or garage of the district constructed under Section 12845 exceeds the sum of two thousand dollars ($2,000), the district shall adopt plans and specifications and working details, as may be proper, and shall advertise for bids for such work in accordance with the plans and specifications so adopted. All bidders shall be afforded an opportunity to examine such plans and specifications and the district shall award the contract to the lowest responsible bidder. The person or corporation to whom the contract is awarded shall be required to execute a bond for the faithful performance of the contract. The form of the bond shall be approved by the board of directors. In cases of great emergency and when necessary to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor, have the work done by day labor.

SEC. 3. Section 2864 of the Public Districts Code, as proposed by Assembly Bill No. 908, is amended to read:

Loans: Construction, etc.

2864. Any district operating utility works may accept, without limitation by any other provisions of this division requiring approval of indebtedness, loans from any person, firm, or corporation for the purpose of financing the construction of office buildings, warehouses, and garages for the district, and the acquisition of sites therefor, with appurtenances necessary or convenient thereto. The evidence of the district's indebtedness shall constitute a negotiable instrument.

As used in this section, "construction" includes the meaning of "reconstruction," "repair," "improve," "remodeling," "rehabilitation," and "completion."

SEC. 4. Section 2865 of said code is amended to read:

Same: Bids, etc.

2865. Whenever the cost of construction of any office building, warehouse, or garage of the district constructed under Section 2864 exceeds the sum of two thousand dollars ($2,000), the district shall adopt plans and specifications and working details, as may be proper, and shall advertise for bids for such work in accordance with the plans and specifications so adopted. All bidders shall be afforded an opportunity to examine such plans and specifications and the district shall award the contract to the lowest responsible bidder. The person or corporation to whom the contract is awarded shall be

required to execute a bond for the faithful performance of the contract. The form of the bond shall be approved by the board of directors. In cases of great emergency and when necessary to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor, have the work done by day labor.

SEC. 5. Sections 3 and 4 of this act become operative only if the Public Districts Code is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Sections 12845 and 12846 of the Public Utilities Code amended by this act are repealed.

CHAPTER 1240

An act to add Section 715.4 to the Civil Code, relating to exclusion of certain trusts from the rule against perpetuities and the rule against restraints of alienation.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 715.4 is added to the Civil Code, to read:

715.4. No trust heretofore or hereafter created for the purpose of providing for the beneficiaries of such trust under hospital service contracts, group life insurance, group disability insurance, group annuities, or any combination of such insurance, as defined in the Insurance Code, shall be deemed invalid as violating Section 715.2 of this code.

CHAPTER 1241

An act to amend Sections 8825, 8826, 8827, and 8828 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8825 of the Health and Safety Code is amended to read:

Abandonment

8825. A city or county having a nonendowment care cemetery within its boundaries which threatens or endangers the health, safety, comfort or welfare of the public may, by resolution of its governing board, if not more than 10 human dead bodies have been interred therein for a period of five years immediately preceding the date of the resolution, declare

the abandonment of the cemetery as a place of future interment and provide for the removal of such copings, improvements, and embellishments which the governing board finds to be a threat or danger to the health, safety, comfort, or welfare of the public.

SEC. 2. Section 8826 of said code is amended to read:

Notice

8826. The resolution for abandonment adopted under the provisions of this chapter shall specify and declare that at any time after the expiration of 60 days after the first publication of notice of declaration of intended abandonment, the city or county in which the cemetery is located will remove such copings, improvements, and embellishments which are found to be a threat or danger to the health, safety, comfort, or welfare of the public. Notice shall be given to all persons interested therein by publication in a newspaper of general circulation published in the county or city. Publication shall be pursuant to Section 6064 of the Government Code.

SEC. 3. Section 8827 of said code is amended to read:

Removal of copings, etc.

8827. After the publication mentioned in Section 8826 of this code and after the expiration of the 60 days specified in the notice, the city or county shall remove such copings, improvements, and embellishments which have been found to be a threat or danger to the health, safety, comfort, or welfare of the public.

SEC. 4. Section 8828 of said code is amended to read:

Dedication

8828. After the work which the governing body, in its discretion, finds necessary and practicable has been completed, the governing body shall immediately thereafter, by resolution, dedicate such abandoned cemetery as a pioneer memorial park and forthwith cause to be erected a suitable central memorial honoring those who have been interred in the cemetery.

CHAPTER 1242

An act to add Section 205 to the Business and Professions Code, relating to the funds of the state agencies comprising the Department of Professional and Vocational Standards.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 205 is added to the Business and Professions Code, to read:

205. There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

Accountancy Fund.

California State Board of Architectural Examiners' Fund.

Athletic Commission Fund.

State Board of Barber Examiners' Fund.
Cemetery Fund.
Contractors' License Fund.
Board of Cosmetology's Contingent Fund.
State Dentistry Fund.
Dry Cleaners' Fund.
State Funeral Directors and Embalmers' Fund.
Bureau of Furniture and Bedding Inspection Fund.
State Board of Landscape Architects' Fund.
Contingent Fund of the Board of Medical Examiners.
Board of Nurse Examiners' Fund.
State Optometry Fund.
Pharmacy Board Contingent Fund.
Physical Therapy Fund.
Private Investigator and Adjuster Fund.
Professional Engineers' Fund.
Professional and Vocational Standards' Fund.
Registered Social Workers' Fund.
Shorthand Reporters' Fund.
Structural Pest Control Fund.
Board of Veterinary Examiners' Contingent Fund.
Vocational Nurse Examiners' Fund.
Yacht and Ship Brokers' Fund.

For accounting and record keeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each such account or fund shall be available for expenditure only for such purposes as are now or may hereafter be provided by law.

CHAPTER 1243

An act to amend Section 3402 of the Education Code, as enacted by the Legislature at the 1959 Regular Session, relating to employees of reorganized school districts.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3402 of the Education Code is amended to read:

3402. Any employee, other than special teachers, whose assignment to duties is on a districtwide level and requires certification qualifications, and any principal, in any school district, which district is included in whole in a unified school district, shall continue as an employee of the unified school district under the terms of his then current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the

unified school district may make any reasonable reassignment of his duties.

If any school district is included in part in a unified district any employee, other than special teachers, in a position requiring certification qualifications and whose assignment to duties is on a districtwide level may elect to remain an employee of the original district or to become an employee of the unified district and accept employment as provided in the first paragraph of this section.

If all of the territory of any school district becomes part of two or more unified districts and the inclusion in the two or more unified districts of the several portions of territory comprising the whole of such district is effective for all purposes upon the same date, any principal shall continue as an employee of the unified district in which the school to which he was assigned is included, and any employee, other than special teachers, in a position requiring certification qualifications and whose assignment to duties is on a districtwide level shall continue as an employee of one of the unified districts in which a portion of the former district is included, at the election of such employee. Continued employment shall be under the terms of the employee's current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the unified school district may make any reasonable reassignment of his duties.

CHAPTER 1244

An act to amend Section 111 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to proceedings of the State Board of Education.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 111 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

111. All meetings of the board shall be open and public. Nothing contained in this section shall be construed to prevent the board from holding executive sessions to consider the employment or dismissal of an officer or employee of the board or of an agency over which the board has jurisdiction or to hear complaints or charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. The board may also exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

CHAPTER 1245

An act to amend Sections 2401, 2402, 2403, 2404, 2407, 2408, 2409, 2413, 2414, and 2415 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school districts.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2401 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Petition and agreement

2401. Two-thirds of the electors residing in any elementary school district which is part of any high school district, and the nearest part of which is more than six miles by traveled road from the high school building of the high school district, as shown by the affidavit of one or more of the petitioners, may present to the county superintendent of schools having jurisdiction over the high school district, a petition asking that the elementary school district be excluded from the high school district and annexed to a contiguous high school district. The petition shall be accompanied by an agreement signed by the high school board of the high school district to which annexation is sought, agreeing to the annexation. The superintendent of schools shall verify the signatures. If he finds them sufficient, he may proceed pursuant to this article (commencing at Section 2401).

SEC. 2. Section 2402 of said code is amended to read:

Conditions re exclusion

2402. (a) If, by the exclusion of the elementary school district, the assessed valuation of the property of the high school district would be less than ten million dollars ($10,000,000), except where an elementary school district has become severed from the other districts comprising the high school district, or, (b) if by the exclusion of the elementary school district the outstanding bonded indebtedness of the district would exceed 5 percent of the value of the taxable property remaining in the district, the county superintendent of schools shall refuse to call an election for the purpose of determining whether the elementary school district shall be excluded.

SEC. 3. Section 2403 of said code is amended to read:

Election call

2403. If the calling of an election is not prohibited, the county superintendent of schools shall, within 30 days after the receipt of the petition and agreement, call an election in the district petitioning, and shall appoint three qualified electors of the district to conduct the election. If the county superintendent of schools to whom the petition was presented does not have jurisdiction over the elementary district, he shall notify the county superintendent of schools having jurisdiction of his decision that an election shall be

held, and the county superintendent of schools having jurisdiction over the elementary district shall perform the duties and has the powers vested in the county superintendent of schools by this section and Sections 2403 to 2415, inclusive.

SEC. 4. Section 2404 of said code is amended to read:

Notice

2404. The election shall be called by posting notices at least 15 days before the election in three public places in the district, one of which shall be at the public schoolhouse, if there is one in the district. The county superintendent of schools shall also publish the notice once a week for two weeks in a newspaper published in the district, or, if there is none, in a newspaper in general circulation in the district.

SEC. 5. Section 2407 of said code is amended to read:

Canvass

2407. The election officers shall canvass the vote of the election and report the result to the county superintendent of schools within five days after the election.

SEC 6. Section 2408 of said code is amended to read:

Notification and protest

2408. If two-thirds of the votes cast at the election are in favor of the exclusion and annexation, the county superintendent of schools shall, within 15 days after receiving the notice, notify the governing board of the high school district of the result of the election. If the high school board does not protest the exclusion of the district from the high school district within 30 days after receiving the notice, the county superintendent of schools shall exclude the territory from the high school district and annex it to the contiguous high school district.

SEC. 7. Section 2409 of said code is amended to read:

Board of review

2409. If the governing board of the high school district protests the exclusion and annexation, the county superintendent of schools shall notify the Superintendent of Public Instruction of the election and its result, and of the protest of the high school board. Upon receipt of the notice the Superintendent of Public Instruction shall create a board of review composed of three county superintendents of schools of counties not contiguous to the county or counties in which is located the high school district from which the elementary school district desires separation.

SEC. 8. Section 2413 of said code is amended to read:

Recommendations

2413. In arriving at its conclusion, the board of review shall take into consideration the present and future effect on the public welfare only. The board shall, not later than 30 days after the date set by the Superintendent of Public Instruction for the hearing, recommend in writing to the county superintendent of schools either that the petition of the elementary school district be granted or denied.

SEC 9. Section 2414 of said code is amended to read:

Order

2414. The county superintendent of schools shall within 15 days after the hearing, act in accordance with the recommendations of the board of review, entering upon his records an order excluding the territory of the elementary school district from the high school district and annexing it to the contiguous

high school district, or denying exclusion and annexation of the elementary school district.

SEC. 10. Section 2415 of said code is amended to read:

2415. The county superintendent of schools shall forthwith transmit a certified copy of his order to the board of supervisors which shall be entered by the clerk of the board of supervisors in his record of high school districts. He shall send copies of the order to the county clerks of each county in which any part of the elementary school district or high school district is situated who shall enter it in their records of high school districts. Entry of order

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CHAPTER 1246

An act to amend Section 1705 of, and to add Section 1716 to, the Corporations Code, relating to investment companies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.] In effect immediately

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

SECTION 1. Section 1705 of the Corporations Code is amended to read:

1705. A corporation shall not purchase directly or indirectly any shares issued by it or by any corporation of which it is a subsidiary, except as authorized by Section 1706, Section 1707, or Section 1716. Purchase of own shares, etc.

However, this section does not prohibit forfeiture of shares to a corporation for delinquent assessments or nonpayment of the subscription price thereon.

SEC. 2. Section 1716 is added to said code, to read:

1716. (a) An investment company is a corporation, trust, association, or fund which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and whose assets are invested principally in cash or in securities of other issuers. Investment companies

(b) An open end investment company is an investment company which issues one or more series or classes of securities under the terms of which the holder of the security, upon presentation thereof to the issuer, is entitled to receive approximately his proportionate share of the current net assets of the issuer applicable to such series or class, or the cash equivalent thereof.

(c) An open end investment company may, from time to time, redeem its shares, in accordance with their terms, at approximately the proportionate share of the current net assets of the issuer applicable to such shares, or the cash equivalent thereof.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety Urgency

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act permits investment companies to be incorporated under California law. At the present time investment funds are handled by foreign corporations and in order for California investment companies to compete with out-of-state firms on a fair and equitable basis it is necessary that this act take effect immediately.

CHAPTER 1247

An act to add Section 2399.5 to the Business and Professions Code, relating to the practice of medicine.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 2399.5 is added to the Business and Professions Code, to read:

2399.5. Prescribing dangerous drugs as defined in Section 4211, without either a prior examination of the patient or medical indication thereof, constitutes unprofessional conduct within the meaning of this chapter.

CHAPTER 1248

An act to add Section 10176.1 to the Insurance Code, relating to insurance policies.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 10176.1 is added to the Insurance Code, to read:

10176.1. All disability insurance policies issued or renewed on and after September 18, 1959 shall be construed as if they contained the policy provisions required by the amendment to Section 10176 as made by Chapter 138, Statutes of 1959, and such policies issued or renewed prior to January 1, 1962 need not incorporate language required by such amendments. On and after January 1, 1962 no policy as to which the amendment to Section 10176 as made by Chapter 138, Statutes of 1959 is applicable shall be issued or renewed in this State unless the policy or a printed rider attached thereto at the time of issuance contains provisions, required by such amendment.

CHAPTER 1249

An act to amend Section 24051.1 of the Financial Code, relating to exemptions from the California Small Loan Law.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 24051.1 of the Financial Code is amended to read:

24051.1. This division does not apply to any loan of credit made pursuant to a plan having all of the following characteristics:

(a) Credit cards are issued pursuant to the plan whereby the organization issuing such cards shall be enabled to acquire those certain obligations which its members in good standing incur with those persons with whom the organization has entered into written agreements setting forth said plan, and where the obligations are incurred pursuant to such agreements; or whereby the organization issuing such cards shall be enabled to extend credit to its members.

(b) The fee for such credit cards is designed to cover the administrative costs of the plan and does not exceed ten dollars ($10) per year.

(c) Any charges, discounts, or fees resulting from the aquisition of such charges shall be paid to the organization issuing said credit cards by the persons, corporations or associations with whom the organization has entered into such written agreements.

CHAPTER 1250

An act to amend Section 5580 of the Business and Professions Code, relating to the practice of architecture, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1959. Filed with Secretary of State June 29, 1959.]

In effect immediately

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

SECTION 1. Section 5580 of the Business and Professions Code is amended to read:

5580. The fact that the holder of a certificate is impersonating an architect or former architect of the same or similar name, or is practicing under an assumed, fictitious or corporate name, constitutes a ground for disciplinary action. Nothing in this section shall prevent a corporation from furnishing or supplying by contract architectural services by and under the direct supervision of a certificated architect or architects.

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

It is not clear under the present wording of Section 5580 of the Business and Professions Code whether or not the Legislature was attempting to prohibit the furnishing or supplying by a corporation by contract of architectural services by and under the direct supervision of a certificated architect or architects.

Previous to the enactment of this section the Supreme Court of this State had on several occasions held that the furnishing or supplying of architectural services in this manner was not prohibited by law.

At the present time contracts for architectural services in connection with the construction of many public buildings for state, county, school district and hospital district purposes have been entered into by such corporations and a serious question arises as to whether public funds are being properly expended in paying the fees of the architects involved.

The amendment made by this bill to Section 5580 of the Business and Professions Code would clarify the language contained in that section and would thus resolve the questions which have arisen regarding contracts by corporations for architectural services.

CHAPTER 1251

An act to amend Sections 1504, 5153, 5154, 5202, 7001, 7018.1, 7032, 7032.1, 7034, 7035.1, 7036, 7037.2, 7038, 7041, 7042, 7043, 7044, 7075, 7081, 7091, 7092.1, 7096, 7097, 7101.1, 7101.2, 7102.1, 7102.2, 7103.1, 7103.2, 7119, 7121, 7121.1, 9191, and 10208, of, to repeal Sections 7037, 7037.1, 7094, 7095, 7109.2, 7109.21, 7109.22, 9176.1, and 9192 of, and to add Sections 6999, 7037, 7037.01, 7037.02, 7037.1, 7038.1, 7083, 7091.1, 7092.6, 7095.1, 7109.01, 7109.2, and 7121.3 to, and to add Article 11.2 (commencing at Section 7099) and Article 11.3 (commencing at Section 7100) to Chapter 15, Division 3 of, the Education Code, to amend Sections 6353, 8109, 10808, 12155, 13525.1, 17301.1, 17303.1, 17306.1, 17352, 17402, 17403.1, 17405.1, 17411.1, 17503.1, 17614, 17616.1, 17655.1, 17656.1, 17658.1, 17660.1, 17661.1, 17665.1, 17666.1, 17702.1, 17751.1, 17801.1, 17851.1, 17901.1, 17903.1, 17951.1, 18060.1, 18102, 18103, 18152, 18153, 18202, 18203, 18352.1, 18355.1, 18356.1, 18357.1, 18358.1, 18401.1, 18451.1, 18452.1, 18453.1, 18455.1, 18456.1, and 18460.1 of, to repeal Sections 6354, 13525, 17301, 17303, 17306, 17403, 17405, 17411, 17503, 17616, 17655, 17656, 17658, 17660, 17661, 17663, 17663.1, 17664, 17664.1, 17665, 17666, 17702, 17751, 17801, 17851, 17901, 17903, 17905, 17905.1, 17906, 17906.1, 17951, 17952,

18003, 18005, 18005.1, 18006, 18060, 18101, 18104, 18105, 18151, 18154, 18155, 18201, 18204, 18205, 18352, 18355, 18356, 18357, 18358, 18401, 18451, 18452, 18453, 18454, 18455, 18456, 18457, 18459, 18460, and 18602 of, and to add Sections 17300, 17404.5, 17663, 17663.5, 17663.7, 17664, 17666.2, 17704, 17903.2, 17901.1, 17906.2, 18001.5, 18003, and Article 8.5 (commencing at Section 17970) and Article 8.6 (commencing at Section 17990) to Chapter 3 of Division 14 of, the Education Code as enacted by the Legislature at its 1959 Regular Session, and to repeal Section 47 of Chapter 1073 of the Statutes of 1957, relating to the Public School System, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 29, 1959.] In effect immediately

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

SECTION 1. Section 1504 of the Education Code is amended to read:

1504. Except as may otherwise be specially provided, the average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a junior high school, who reside in one school district and attend school in another school district shall be credited to the district attended for apportionment purposes. Credit for attendance

SEC. 1.8. Section 5153 of said code is amended to read:

5153. The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds, as certified by the Superintendent of Public Instruction, two hundred one dollars and ten cents ($201.10). State School Fund Transfer from General Fund

He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Section 5154 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in this chapter and in Chapter 15 of this division.

SEC. 2. Section 5154 of said code is amended to read:

5154. The amount transferred pursuant to Section 5153 shall be expended in accordance with the following schedule: Expenditure of appropriation

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which

during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance for allowance to county school service funds pursuant to subdivision (a) of Section 7001.

(b) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 7001.

(c) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 3 (commencing with Section 7011), Chapter 15, of this division, except Section 7018.1.

(d) Seven dollars and sixty-four cents ($7.64) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 7018.1, and Articles 12, 13, and 14 (commencing at Sections 7101.1, 7102.1, and 7103.1, respectively), Chapter 15 of this division.

(e) Eleven dollars and two cents ($11.02) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 15 (commencing with Section 7109), Chapter 15, of this division.

(f) One hundred seventy-three dollars and seventy-eight cents ($173.78) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, plus the difference between one dollar and sixty cents ($1.60) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds and twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, for basic and equalization aid, and for allowances in lieu of basic

and equalization aid allowed pursuant to Articles 5 and 6 (commencing with Sections 7041 and 7046, respectively), Chapter 15 of this division, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds.

SEC. 3. Section 5202 of said code is amended to read:

5202. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner as herein prescribed as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction as apportioned under the provisions of Chapter 15 of this division during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, to the county school service fund, and to the county school tuition fund of the county. Warrants

(1) Warrants for amounts apportioned to county school service funds for supervision of instruction, health, attendance, and guidance services and other purposes under Section 7001, shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September, of three-fourths of the amounts apportioned for such purposes by the Superintendent of Public Instruction, and shall constitute an advance upon the amounts payable as the principal apportionment. For all other amounts apportioned, warrants in the months of July, August and September shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September of the amounts certified under Section 7120 by the Superintendent of Public Instruction and shall constitute an advance upon the amounts payable under Section 7121.

(2) Warrants in the months from October to June, inclusive, shall include, in addition to the amounts required by subdivisions (3), (4), and (5) of this subdivision, one-tenth of the difference between the amounts certified by the Superintendent of Public Instruction as apportioned under Section 7121, subject to the provisions of Section 7121.1, and the amounts advanced thereon in the warrants for July, August and September. An additional one-tenth of such difference shall be included in the warrants for the month of November or for another month in the fiscal year as the Controller shall determine.

Warrants for the months of December and January, at the discretion of the Controller, may be reduced not to exceed 50 percent and the amount reduced shall be included in the warrants for any later month or months in the fiscal year as the Controller shall determine.

(3) Warrants in December shall include four-tenths of the amounts certified by the Superintendent of Public Instruction as apportioned under Sections 7122, and 7122.5 and subdivision (a) of Section 7121.2. An additional one-tenth of such

amounts shall be included in the warrants for the months from January to June, inclusive.

(4) Warrants in February shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (a) of Section 7123.

(5) Warrants in June shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (b) of Section 7123 and Section 7124.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

SEC 4 Section 6999 is added to Article 1 of Chapter 15 of Division 3 of said code, to read:

Principles and policies

6999. It is the intent of the Legislature that the administration of the laws governing the financial support of the Public School System in this State be conducted within the purview of the following principles and policies:

The system of public school support should be designed to strengthen and encourage local responsibility for control of public education. Local school districts should be so organized that they can facilitate the provision of full educational opportunities for all who attend the public schools. Local control is best accomplished by the development of strong, vigorous, and properly organized local school administrative units. It is the State's responsibility to create or facilitate the creation of local school districts of sufficient size to properly discharge local responsibilities and to spend the tax dollar effectively.

Effective local control requires that all local administrative units contribute to the support of school budgets in proportion to their respective abilities, and that all have such flexibility in their taxing programs as will readily permit of progress in the improvement of the educational program. Effective local control requires a local taxing power, and a local tax base which is not unduly restricted or overburdened.

The system of public school support should assure that state and local funds are adequate for the support of a realistic foundation program. It is unrealistic and unfair to the less wealthy districts to provide for only a part of the financing necessary for an adequate educational program.

The system of public school support should permit and encourage local school districts to provide and support improved educational programs. Improvement of programs in particular districts is in the interests of the State as a whole as well as of the people in individual districts, since the excellence of the programs in some districts will tend to bring about program improvement in other districts.

The system of public school support should make provision for the apportionment of state funds to local school districts on a strictly objective basis that can be computed as well by the local districts as by the State. The principle of local responsibility requires that the granting of discretionary powers to state officials over the distribution of state aid be avoided.

The system of public school support should effect a partnership between the State and each local district, with each participating in accordance with its relative ability. The respective abilities should be combined to provide a financial plan between the State and the local school district that may be known as the foundation program for public school support.

The system of public school support should provide, through the foundation program, for essential educational opportunities for all who attend the public schools. Provision should be made in the system for adequate financing of all educational services.

The system of public school support should provide for both guaranteed minimum support and equalization support from state funds. State support should be extended to all local districts regardless of wealth, for this not only develops a sense of broader responsibility, but also creates flexibility taxwise permitting the exercise of local initiative. State support should, to assure equal educational opportunity, provide for as large a measure of equalization as possible among districts. The taxing power of the State should be utilized to raise the level of educational opportunity in the financially weakest districts of the State.

The system of public school support should provide for an equitable system of state and local sharing in the foundation program. The degree of local sharing should be based, as nearly as possible, on the true ability of the local district, so that each may contribute uniformly to the foundation program.

SEC. 5. Section 7001 of said code is amended to read:

7001. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 7002, shows is necessary, but:

Total amount allowed

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction and health, attendance, and guidance services pursuant to Articles 4, 5, 6, and 7 (commencing with Section 9515, 9520, 9525, and 9530, respectively, of Chapter 8.1 of Division 4 for pupils in elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance, in high school districts which, during the preceding year had less than 301 units of average daily attendance, and in unified school districts

which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

(c) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed, but not in excess of two hundred thousand dollars ($200,000), to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to the provisions of Sections 7205 and 7206.

(d) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amounts as he determines is needed to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with co-operative county publication projects by the county superintendent of schools or members of his staff.

SEC. 6. Section 7018.1 of said code is amended to read:

Allowance for special students

7018.1. (a) In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 9801.2, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district.

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 9801.2, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

SEC. 7. Section 7032 of said code is amended to read:

Computation of amounts: Elementary school attendance

7032. (a) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute five thousand six hundred dollars ($5,600).

(b) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days school was maintained, he shall compute eleven thousand two hundred dollars ($11,200).

(c) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least three teachers were hired full time for more than one-half of the days school was maintained, he shall compute sixteen thousand eight hundred dollars ($16,800).

(d) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 76 or more but less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least four teachers were hired full time for more than one-half of the days school was maintained, he shall compute twenty-two thousand four hundred dollars ($22,400).

SEC. 8. Section 7032.1 of said code is amended to read:

Same

7032.1. For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred twenty-four dollars ($224).

For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred thirty-four dollars ($234).

SEC. 10. Section 7034 of said code is amended to read:

Same
Necessary small school attendance

7034. For each district on account of each necessary small school, he shall make one of the following computations, whichever applies:

(a) For each necessary small school which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand six hundred dollars ($5,600).

(b) For each necessary small school which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district eleven thousand two hundred dollars ($11,200).

(c) For each necessary small school which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district sixteen thousand eight hundred dollars ($16,800).

(d) For each necessary small school which had an average daily attendance during the preceding fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-two thousand four hundred dollars ($22,400).

SEC. 11. Section 7035.1 of said code is amended to read:

Same·
Seventh and eighth grade attendance

7035.1. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the preceding fiscal year, on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 6944 and 8763, he shall multiply the average daily attendance in such grades by two hundred twenty-four dollars ($224).

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the preceding fiscal year, on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 6944 and 8763, he shall multiply the average daily attendance in such grades by two hundred thirty-four dollars ($234).

SEC. 12. Section 7036 of said code is amended to read:

7036 For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total average daily attendance in the district of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 7034 or 7035.1, by two hundred twenty-four dollars ($224). Same Two or more elementary schools

For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total average daily attendance in the district of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 7034 or 7035.1, by two hundred thirty-four dollars ($234).

SEC. 13. Section 7037 of said code is repealed. Repeal

SEC. 14. Section 7037 is added to said code, to read:

7037. A necessary small high school for the purposes of Section 7037.1, is a high school with an average daily attendance of less than 301 (other than a single high school maintained by a unified district formed under the provisions of Chapter 16 (commencing at Section 4871) and Chapter 14 (commencing at Section 4601) of Division 2, or a high school maintained by any district for the exclusive purpose of educating continuation, juvenile hall, physically handicapped, or mentally retarded pupils) which comes within any one of the following conditions: Necessary small high schools

(a) The projection of its future enrollment on the basis of the enrollment of the elementary schools in the district shows that within eight years the enrollment in high school in grades 9 through 12 will exceed 300 pupils.

(b) Any one of the following combinations of distance and units of average daily attendance applies:

(1) The high school had an average daily attendance of less than 100 in grades 9 through 12 during the preceding fiscal year and is more than 15 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 20 miles or 25 percent of the pupils would be required to travel 30 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(2) The high school had an average daily attendance of 100 or more and less than 150 in grades 9 through 12 during the preceding fiscal year and is more than 10 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 18 miles or

25 percent of the pupils would be required to travel 25 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(3) The high school had an average daily attendance of 150 or more and less than 200 in grades 9 through 12 during the preceding fiscal year and is more than seven and one-half miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 15 miles or 25 percent of the pupils would be required to travel 20 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(4) The high school had an average daily attendance of 200 or more and less than 300 in grades 9 through 12 during the preceding fiscal year and is more than 5 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 10 miles or 25 percent of the pupils would be required to travel 15 miles to the nearest other public high school.

(c) Topographical or other conditions exist in the district which would impose unusual hardships on the pupils if the number of miles specified above were required to be traveled. In these cases, the Superintendent of Public Instruction may, when requested, and after investigation, grant exceptions from the distance requirements.

(d) The Superintendent of Public Instruction has approved the recommendation of a county committee on school district organization designating one of two or more schools as necessary isolated schools in a situation where the schools are operated by two or more districts and the average daily attendance of each of the schools is less than 300 in grades 9 through 12.

SEC. 15. Section 7037.01 is added to said code, to read:

Same

7037.01. If a high school is determined to be a necessary small high school under Section 7037, its status as such shall not be changed except as a review of the determinative factors made every five years following the date of the determination, indicates that the determination should be changed.

Any high school district not presently determined to be a necessary small high school district under Section 7037, may be determined to be such at the beginning of any fiscal year, provided it comes within the provisions of Section 7037.

SEC. 16. Section 7037.02 is added to said code, to read:

Unnecessary small school

7037.02. On and after July 1, 1960, whenever the governing board of a district maintaining a small high school which does not come within the provisions of Section 7037, undertakes any building construction or alteration in respect to that school, of a type requiring the submission of plans to the Division of Architecture of the Department of Public Works, the school shall forthwith be classified as an unnecessary small school. Thereafter, the foundation program for the district in respect to that school shall be computed pursuant to Section 7037.2, notwithstanding an average daily attendance of less than 301.

Repeal

SEC. 17. Section 7037.1 of said code is repealed.

SEC. 18. Section 7037.1 is added to said code, to read:

7037.1. For each district on account of each necessary small high school the Superintendent of Public Instruction, without regard to the required number of certificated employees employed, shall make one of the following computations, whichever applies:

Necessary small high schools

(a) For one which had an average daily attendance during the preceding fiscal year of less than 21 and for which at least three certificated employees were employed full time, he shall compute thirty-three thousand dollars ($33,000).

(b) For one which had an average daily attendance during the preceding fiscal year of 21 or more and less than 41 and for which at least four certificated employees were employed full time, he shall compute thirty-eight thousand one hundred dollars ($38,100).

(c) For one which had an average daily attendance during the preceding fiscal year of 41 or more and less than 61 and for which at least five certificated employees were employed full time, he shall compute forty-three thousand two hundred dollars ($43,200).

(d) For one which had an average daily attendance during the preceding fiscal year of 61 or more and less than 76 and for which at least six certificated employees were employed full time, he shall compute forty-eight thousand three hundred dollars ($48,300).

(e) For one which had an average daily attendance during the preceding fiscal year of 76 or more and less than 91 and for which at least seven certificated employees were employed full time, he shall compute fifty-three thousand four hundred dollars ($53,400).

(f) For each one which had an average daily attendance during the preceding fiscal year of 91 or more and less than 106 and for which at least eight certificated employees were employed full time, he shall compute fifty-eight thousand five hundred dollars ($58,500).

(g) For each one which had an average daily attendance during the preceding fiscal year of 106 or more and less than 121 and for which at least nine certificated employees were employed full time, he shall compute sixty-three thousand six hundred dollars ($63,600).

(h) For each one which had an average daily attendance during the preceding fiscal year of 121 or more and less than 136 and for which at least 10 certificated employees were employed full time, he shall compute sixty-eight thousand seven hundred dollars ($68,700).

(i) For each one which had an average daily attendance during the preceding fiscal year of 136 or more and less than 151 and for which at least 11 certificated employees were employed full time, he shall compute seventy-three thousand eight hundred dollars ($73,800).

(j) For each one which had an average daily attendance during the preceding fiscal year of 151 or more and less than

181 and for which at least 12 certificated employees were employed full time, he shall compute seventy-eight thousand nine hundred dollars ($78,900).

(k) For each one which had an average daily attendance during the preceding fiscal year of 181 or more and less than 221 and for which at least 13 certificated employees were employed full time, he shall compute eighty-four thousand dollars ($84,000).

(l) For each one which had an average daily attendance during the preceding fiscal year of 221 or more and less than 261 and for which at least 14 certificated employees were employed full time, he shall compute eighty-nine thousand one hundred dollars ($89,100).

(m) For each one which had an average daily attendance during the preceding fiscal year of 261 or more and less than 301 and for which at least 15 certificated employees were employed full time, he shall compute ninety-four thousand two hundred dollars ($94,200).

(n) For each one which had an average daily attendance of less than 21 and for which fewer than three certificated employees were employed, he shall add the average daily attendance to the average daily attendance of another high school in the district and shall provide on account of the average daily attendance added not less than five thousand one hundred dollars ($5,100) for each of the teachers employed in the school.

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

SEC. 19. Section 7037.2 of said code is amended to read:

High school district attendance of 301 or more

7037.2. For each high school district which had an average daily attendance of 301 or more during the preceding fiscal year, he shall multiply the average daily attendance by three hundred twenty-four dollars ($324).

SEC. 20. Section 7038 of said code is amended to read:

Junior college districts

7038. For the Fiscal Years 1959-1960, and 1960-1961, for each junior college district he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 6961 and 6971, subject to the provisions of Section 7149, by four hundred twenty-four dollars ($424).

SEC. 20.5. Section 7038.1 is added to said code, to read:

Same

7038.1. For the Fiscal Year 1961-1962 and for each fiscal year thereafter, for each junior college district, he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 6961 and 6971, subject to the provisions of Section 7149, by four hundred ninety-four dollars ($494).

For purposes of this section, the average daily attendance of a junior college district shall, subject to the provisions of

Section 7149, be computed in the manner prescribed by Sections 6961 and 6971 except that there shall be excluded from the computation the attendance of all students who resided in territory which was not a part of any district maintaining a junior college and the attendance of all students who resided in another district which maintained a junior college who were in attendance under an interdistrict attendance agreement which required the payment of tuition by the district of residence, and there shall be included in the computation the attendance of all students residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement which required the payment of tuition by the district of residence.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 9700.1, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 21. Section 7041 of said code is amended to read:

County school service fund allowances

7041. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund:

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply and whenever Sections 7032.1, 7035.1, or 7036 require him to multiply average daily attendance by two hundred twenty-four dollars ($224) he shall, for the purposes of this section multiply by two hundred thirty-four dollars ($234). No allowance shall be made under this subdivision which is in excess of the actual expense of maintaining the emergency schools during the preceding fiscal year.

(b) Three hundred twenty-four dollars ($324) for each unit of average daily attendance of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

SEC. 22. Section 7042 of said code is amended to read:

Special schools or classes

7042. The Superintendent of Public Instruction shall allow to the county school service fund for all special schools or classes for mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply and whenever Sections 7032.1, 7035.1, or 7036 require him to multiply average daily attendance by two hundred twenty-four dollars ($224) he shall, for

the purposes of this section multiply by two hundred thirty-four dollars ($234).

SEC. 23. Section 7043 of said code is amended to read:

Elementary schools in juvenile halls, etc.

7043. The Superintendent of Public Instruction shall allow to the county school service fund for all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply and whenever Sections 7032.1, 7035.1, or 7036 require him to multiply average daily attendance by two hundred twenty-four dollars ($224) he shall, for the purposes of this section, multiply by two hundred thirty-four dollars ($234).

SEC. 24. Section 7044 of said code is amended to read:

Secondary schools in juvenile halls, etc.

7044. The Superintendent of Public Instruction shall allow to the county school service fund for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, an amount computed by multiplying the average daily attendance in such secondary schools during the preceding fiscal year by three hundred twenty-four dollars ($324).

SEC. 25. Section 7075 of said code is amended to read:

Amount per unit of average daily attendance

7075. The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14 during the preceding fiscal year.

Beginning with the Fiscal Year 1961-1962, average daily attendance for the purposes of this section shall be computed under Sections 6961 and 6971, subject to the provisions of Section 7149, except that: (1) the attendance of all students who resided in territory that was not a part of any district maintaining a junior college, and the attendance of all students who resided in another district which maintained a junior college who were in attendance under an interdistrict attendance agreement which required the payment of tuition by the district of residence shall be excluded from the computation, and (2) the attendance of all students who were residing within the district and attending a junior college in another district under an interdistrict attendance agreement and on account of which average daily attendance a tuition payment is required by the junior college district of residence, shall be included in the computation.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 9700.1, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 26. Section 7081 of said code is amended to read:

Computation of district aid

7081. Except as provided in Section 7082, the Superintendent of Public Instruction shall compute for each district

described herein the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year would produce if levied, if such tax was:

(a) Sixty cents ($0.60) in an elementary school district.

(b) Fifty cents ($0.50) in a high school district.

(c) Thirty-three cents ($0.33) in a junior college district for the Fiscal Years 1959-1960 and 1960-1961, and twenty-four cents ($0 24) for the Fiscal Year 1961-1962 and each fiscal year thereafter.

SEC. 27. Section 7091 of said code is amended to read:

State equalization aid Elementary districts

7091. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Articles 7 and 10 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any elementary school district pursuant to Articles 7 and 10 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount computed for such district pursuant to Articles 7 and 10 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Notwithstanding anything in this article to the contrary, the amount computed for any elementary school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6911 and 6944 by two hundred ninety-nine dollars ($299) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of the pupils attending the seventh and eighth grades of a junior high school, or by three hundred nine dollars ($309) if the total average daily attendance of the district during the preceding fiscal year was 901 or more, exclusive of the pupils attending the seventh and eighth grades of a junior high school, and had the tax used in making the computation for the district under Article 10 of this chapter been one dollar and thirty-five cents ($1.35).

SEC. 28. Section 7091.1 is added to said code, to read:

Same

7091.1. Except for any elementary school district which was in existence on or before July 1, 1925, and in which district there was levied a tax for the preceding year of an amount not less than five cents ($0.05) less than the maximum tax rate prescribed for the district by Section 6357, the amount allowed under this article, beginning with the Fiscal

Year 1955-56, to an elementary school district having an average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall not be more than the amount that would have been computed under Section 7091 had the foundation program for the district been computed under Section 7032.1, except that to this allowance shall be added an amount for the Fiscal Year 1955-56 equal to 80 percent, reduced by an additional 20 percent in each the subsequent fiscal years, of the difference between the allowance computed for the district under Section 7091 and the amount that would have been computed for the district under Section 7091 had the foundation program for the district been computed under Section 7032.1 except as to any elementary school district determined to be a necessary school district by the existence of any one or more of the following conditions:

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school, or

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require.

The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

This section shall have no force or effect after June 30, 1960.

SEC. 30. Section 7092.1 of said code is amended to read:

High school districts

7092.1. Notwithstanding anything in this article to the contrary, the amount computed for any high school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district

during the preceding fiscal year as computed under Sections 6943 and 6962 by three hundred ninety-four dollars ($394) if the total average daily attendance of the district during the preceding fiscal year was less than 301, or by four hundred four dollars ($404) if the total average daily attendance of the district during the preceding fiscal year was 301 or more, and had the tax used in making the computation for the district under Article 10 of this chapter been eighty-five cents ($0.85).

The amount allowed under this article to a high school district having an average daily attendance during the preceding fiscal year of less than 301, to which Section 7037.02 is applicable, shall not be more than the amount computed under Section 7092, except that for the first year succeeding the year in which Section 7037 02 became applicable to this allowance shall be added an amount equal to 80 percent, reduced by an additional 20 percent in each of the subsequent fiscal years, of the difference between the allowance computed for the district under Section 7092 and the amount that would have been computed for the district under Section 7092 had the foundation program been computed under Section 7037.1 without regard to the required number of certificated employees employed.

SEC. 31. Section 7092 6 is added to said code, to read:

Same

7092.6. Notwithstanding any provision of this chapter, if one or more districts maintaining necessary small high schools unite with a larger school district, the amount allowed by the Superintendent of Public Instruction during each of the first five fiscal years following that event, as the total basic state aid and state equalization aid on account of the district or districts which maintained any necessary small high schools, shall be not less than the total amount which would have been allowed as basic state aid and state equalization aid to those districts had there been no uniting of the districts; but only if such uniting of the districts maintaining small necessary high schools is effective for all purposes on or before the dates specified for the particular districts classified by enrollment as follows:

(a) 60 or fewer pupils ..... July 1, 1962
(b) 61 to 120 pupils ..... July 1, 1963
(c) 121 to 200 pupils ..... July 1, 1964
(d) 201 to 280 pupils ..... July 1, 1965

For purposes of this section the computation of the foundation program under Article 4 for the district or districts which maintained any necessary small high schools shall be made by using the average daily attendance of the preceding year.

SEC. 31.1. Section 7097 of said code is amended to read:

Computation of allowances for adults and inmates

7097. The Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 9700.1, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates

of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty-five dollars ($125) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Article 11 of this chapter by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 9700.1, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults less fourteen dollars ($14). The total of basic and equalization aid allowed shall not exceed two hundred twenty dollars ($220) for each unit of average daily attendance during the preceding fiscal year for such adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

SEC. 32. Article 11.2 is added to Chapter 15, Division 3, of said code, to read:

Article 11.2. Computation of Allowances for Junior College Pupils Who Are Not Residents of Any Junior College District

Allowances for nonresident pupils

7099. For the Fiscal Year 1961-62 and each fiscal year thereafter the Superintendent of Public Instruction shall allow to each junior college district for each unit of average daily attendance, during the preceding fiscal year, of pupils not residing in the district and not residing in any district maintaining a junior college district, one hundred twenty-five dollars ($125) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Article 11 of this chapter by the average daily attendance of the district during the preceding fiscal year as determined pursuant to Section 7038.1.

There shall be excluded from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 9700.1, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

SEC. 33. Article 11.3 (commencing at Section 7100) is added to Chapter 15 of Division 3 of said code, to read:

Article 11.3 Recomputation of Basic and Equalization Aid for Junior College Districts

Recomputation of aid: Junior college districts

7100. Beginning with the Fiscal Year 1961-1962, the Superintendent of Public Instruction shall compare (1) the amount computed for a district pursuant to Articles 9, 10, and 11, with (2) the amount which would have been computed if all of the following applied:

(a) The foundation program of the district were computed by multiplying by four hundred twenty-four dollars ($424) the number of units of average daily attendance in grades 13 and 14 computed under Sections 6961 and 6971, subject to the provisions of Section 7149, of all pupils attending the junior college of the district, whether or not they reside in the district, and excluding any average daily attendance of pupils residing in the district and attending a junior college in another district maintaining a junior college under an interdistrict attendance agreement.

(b) Basic aid were computed on the basis of the average daily attendance referred to in subdivision (a) above.

(c) The tax used in district aid was thirty-three cents ($0.33).

(d) Equalization aid were computed on the basis of subdivisions (a), (b), and (c) above.

If the amount computed under (2) above exceeds the amount computed under (1) above, the Superintendent of Public Instruction shall, beginning with the Fiscal Year 1961-1962, make an additional allowance to the junior college district, in the following percentages of the amount by which the amount computed under (2) above exceeds the amount computed under (1) above in the 1961-1962 Fiscal Year and the four fiscal years immediately succeeding:

(1) 1961-1962	80 percent
(2) 1962-1963	60 percent
(3) 1963-1964	40 percent
(4) 1964-1965	20 percent
(5) 1965-1966, and after	none

If the amount computed under (2) above is less than the amount computed under (1) above, the Superintendent of Public Instruction shall, beginning with the Fiscal Year 1961-1962, reduce the allowance to the junior college district, in the following percentages of the amount by which the amount computed under (2) above is less than the amount computed under (1) above in the 1961-1962 Fiscal Year and in the four fiscal years immediately succeeding:

(1) 1961-1962	80 percent
(2) 1962-1963	60 percent
(3) 1963-1964	40 percent
(4) 1964-1965	20 percent
(5) 1965-1966, and after	None

In the event that the computation made for any district under (2) above exceeds that made under (1) above for any fiscal year, and there are pupils attending in the district under an interdistrict attendance agreement for which a tuition payment is made to the district, the computation under (1) above for the district in which the pupils reside shall be made by excluding the average daily attendance of those pupils.

SEC. 34. Sections 7094 and 7095 of said code are repealed Repeals

SEC. 35. Section 7095.1 is added to said code, to read:

Tax prerequisite to equalization aid

7095.1. No state equalization aid shall be allowed unless there shall have been levied pursuant to this code, for a district during the preceding fiscal year, a tax, exclusive of taxes levied under Sections 4963.2, 5063, 6557.2, 7516, 7736, 14560.1, 14725, 14775, and 19613.6, as follows:

(a) For purposes of allowances for the Fiscal Year 1959-1960, not less than sixty cents ($0.60) if an elementary district, forty-five cents ($0.45) if a high school district with a total average daily attendance during the preceding fiscal year of less than 301, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of 301 or more, and thirty-three cents ($0.33) if a junior college district.

(b) For purposes of allowances for the Fiscal Year 1960-1961, not less than sixty cents ($0.60) if an elementary district, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of less than 301, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of 301 or more, and thirty-three cents ($0.33) if a junior college district.

(c) For purposes of allowances for the Fiscal Year 1961-1962 and for the fiscal years following, not less than sixty cents ($0 60) if an elementary district, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of less than 301, fifty cents ($0 50) if a high school district with a total average daily attendance during the preceding fiscal year of 301 or more, and twenty-four cents ($0.24) if a junior college district.

SEC. 36. Section 7096 of said code is amended to read:

Aid to original and acquiring districts

7096. Notwithstanding anything in this chapter to the contrary, if under Section 6907 average daily attendance of an original district is credited to an acquiring district, the amounts allowed by the Superintendent of Public Instruction as basic state aid and state equalization aid to the original school district and to the acquiring school district during the first fiscal year in which an apportionment is made to the acquiring school district on account of such average daily attendance, shall be the amounts computed under this section. The Superintendent of Public Instruction shall divide the total amounts of basic state aid and state equalization aid which would have been apportioned to the original school district during said fiscal year had this section not been in effect by the average daily attendance of the original school district for the preceding fiscal year prior to the crediting of any of such average daily attendance to the acquiring school district. He shall allow to the original school district as basic state aid and state equalization aid the amount computed by multiplying the resulting quotients by the units of average daily attendance of the district for the preceding fiscal year less the units credited to the acquiring school district. He shall allow the acquiring

school district as basic state aid and state equalization aid the amount computed by multiplying the same quotients by the units of average daily attendance credited to the district under Section 6907.

Whenever a small elementary school or small high school has been maintained during the preceding fiscal year within the territory of the original district included in the acquiring district, for which a small school foundation program is computed under the provisions of Article 4 of this chapter, the amount allowed by the Superintendent of Public Instruction shall be the larger of (1) an amount determined as the product of the units of average daily attendance credited to the acquiring district and the basic aid for each unit of average daily attendance prescribed in Articles 7 and 8 of this chapter or (2) an amount equal to the product of the average daily attendance credited to the acquiring district and an amount equal to the difference between the foundation program computed for each unit of such average daily attendance under the provisions of Article 4 of this chapter and the district aid for each unit of average daily attendance under the provisions of Article 10 of this chapter.

SEC. 37. Section 7083 is added to said code, to read:

District tax allocations to redevelopment agency

7083. Any school district whose total tax revenues for any fiscal year are less than would have been realized from the total assessed value of property in the district because of allocations of tax receipts to a redevelopment agency pursuant to Article 4 (commencing at Section 33950) of Chapter 5 of Division 24 of the Health and Safety Code may request the Superintendent of Public Instruction to compute district aid for the district under this section. Upon receipt of such a request, the Superintendent of Public Instruction shall, in computing district aid under Section 7081, reduce the amount of the total assessed valuation in the district as shown by the equalized assessment roll for the preceding year by the amount of such assessed valuation upon which such tax receipts for such fiscal year were allocated to the redevelopment agency.

SEC. 38. Section 7101.1 of said code is amended to read:

Physically handicapped minors School districts

7101.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to such district of educating physically handicapped minor pupils but not in excess of nine hundred ten dollars ($910) for each unit of average daily attendance of physically handicapped minor pupils in the district during the next preceding fiscal year, and an additional amount not in excess of nine hundred ten dollars ($910), or the cost to the district, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

SEC. 39. Section 7101.2 of said code is amended to read:

Same: County school service fund

7101.2. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education to the county superintendent of schools of educating physically handicapped minor pupils but not in excess of nine hundred ten dollars ($910) for each unit of average daily attendance of physically handicapped minor pupils educated by the county superintendent of schools during the preceding fiscal year, and an additional amount not in excess of nine hundred ten dollars ($910), or the cost to the county superintendent, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

The allowance made under this section shall in no case exceed the difference between the actual expense of maintaining the emergency schools during the preceding fiscal year and the amount allowed under Section 7041.

SEC. 40. Section 7102.1 of said code is amended to read:

Mentally retarded minors: School districts

7102.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education, including transportation, to the school district, of educating mentally retarded minors who come within the provisions of Section 9801.1 during the preceding fiscal year in special schools or classes but not in excess of three hundred seventy-five dollars ($375) per unit of average daily attendance of such minors.

SEC 41. Section 7102.2 of said code is amended to read:

Same: County school service fund

7102.2. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education, including transportation, to the county superintendent of schools of educating mentally retarded minors coming within the provisions of Section 9801.1, during the preceding fiscal year in special schools or classes but not in excess of three hundred seventy-five dollars ($375) per unit of average daily attendance of such minors.

SEC. 42. Section 7103.1 of said code is amended to read:

Severely mentally retarded minors School districts

7103.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to the district, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 9801.2 during the preceding fiscal year but not in excess of six hundred seventy dollars ($670) per unit of average daily attendance of such minors.

SEC. 43. Section 7103.2 of said code is amended to read:

Same: County school service fund

7103.2. The Superintendent of Public Instruction shall allow to each county school service fund an amount equal to

the excess current expense of education to the county superintendent of school, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 9801.2 during the preceding fiscal year but not in excess of six hundred seventy dollars ($670) per unit of average daily attendance of such minors.

SEC. 44. Section 7109.01 is added to Article 15 of Chapter 15 of Division 3 of said code, to read:

Attendance attributable to growth

7109.01. The allowances provided for in this article for each unit of average daily attendance attributable to growth, shall in no event be less than the basic state aid prescribed per unit of average daily attendance for the various types of school districts.

Repeal

SEC. 45. Sections 7109.2, 7109.21, and 7109.22 of said code are repealed.

SEC. 46. Section 7109.2 is added to said code, to read:

Attendance attributable to growth

7109.2. The Superintendent of Public Instruction shall allow for each unit of average daily attendance attributable to growth, for each period referred to above, an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year and for the same period in the preceding fiscal year shall be computed in the manner prescribed in Chapter 14 of this division.

The Superintendent of Public Instruction shall allow for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal to the difference between (1) the amount of basic state aid and state equalization aid which was apportioned on account of average daily attendance in the regular day classes in such district during the preceding fiscal year and (2) the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in the regular day classes in such district during such year been equal to the total average daily attendance during the period of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the current fiscal year to 175.

In making any computation under Section 7081 for the purposes of this section, the assessed valuation of the district for the current year, increased by the adjustments to the assessed valuation of the preceding fiscal year made under the provisions of Section 7000.1 of this chapter, shall be used.

SEC. 46.5. Section 7119 of said code is amended to read:

Allowance of balance

7119. If the total amount allowed county school service funds under Article 2 (commencing with Section 7001) of this chapter is less than the amounts provided by Section 7001

the balance shall be added to the balances resulting from the application of Sections 7019, 7109.43, 7112, 7113, and subdivision (b) of Section 7121.2. The total of such balances shall be used as follows:

(a) First, to increase proportionately the allowances made to which Section 7115 applied. The increased allowances shall not exceed the amounts computed under Articles 5, 6, 7, 8, 9, 11, and 11.1 of this chapter. The increase for each elementary, high school, or junior college district shall be an amount that bears the same ratio to the total balance as the amount of equalization aid allowed such district bears to the total amount of equalization aid allowed to all districts.

(b) Second, to restore, in the order herein listed, the amounts reduced under Sections 7109.41, 7109.42, 7116, and subdivision (a) of Section 7019.

(c) Thereafter, to allow any remaining balance as additional state aid to all of the districts. The amount of additional state aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts.

Should the balance be sufficient to provide in excess of five dollars ($5) per unit of average daily attendance to such districts, then that part of the balance which would produce such excess shall be apportioned to all districts which receive equalization aid on the basis of average daily attendance.

SEC 47. Section 7121 of said code is amended to read:

Principal apportionment

7121. The Superintendent of Public Instruction shall on or before September 25th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Section 7000.18, and under Articles 2, 5, 6, 7, 8, 9, 11, 11.1, 11.2, 11.3, and 16, excepting Sections 7118 and 7119 of this chapter. This apportionment shall be called the Principal Apportionment.

SEC 48. Section 7121 1 of said code is amended to read:

Withholding of portion

7121.1. The Superintendent of Public Instruction shall withhold from the apportionment made to each district for which a computation was made under Section 7032 or 7034 as follows:

If the district had fewer teachers than prescribed by the subdivision of Section 7032 or 7034 under which the computation was made, the Superintendent of Public Instruction shall withhold an amount determined as the difference between the amount allowed under Articles 7 and 11 and the amount that would have been allowed had the computation for the district under Section 7032 or 7034 been made by multiplying the total average daily attendance by two hundred twenty-four dollars ($224).

SEC. 49. Section 7121 3 is added to said code, to read:

Same: Certificated employees

7121.3. The Superintendent of Public Instruction shall withhold from the apportionment made to any district for which a computation was made under Section 7037.1, if the

district had fewer certificated employees employed than are prescribed by the subdivision of Section 7037.1 under which the computation was made, an amount determined as the difference between the amounts allowed under Articles 8 and 11 and the amount which would have been allowed had the computation for the district under Section 7037.1 been made with regard only to the number of certificated employees employed.

If, by the tenth day of November of any current fiscal year, an additional certificated employee or additional certificated employees are hired for a school in a district from which such a withholding was made, and the school then fully meets the requirements of the appropriate subdivision of Section 7037.1, the Superintendent of Public Instruction shall apportion, at the time the apportionment under Section 7122 is made to the district, the amount withheld. If the amount so apportioned is less than the amount of the withholding, the balance shall be allowed pursuant to Section 7119.

SEC. 49.3. Section 9191 of said code is amended to read:

Tuition charge for adults

9191. Adults enrolled in all classes, except classes maintained in English and citizenship for foreigners and classes in elementary subjects, where no charge of any kind shall be made, may be required by the governing board of the district maintaining the class to pay a tuition for such classes. The total of the tuition required and the apportionments from the State School Fund for all attendance in the classes shall not exceed the estimated cost of all such classes maintained.

Repeal

SEC. 49.7. Section 9192 of said code is repealed.

SEC. 50. Section 10208 of said code is amended to read:

Driver training classes

10208. Allowances by the Superintendent of Public Instruction shall be made only for driver training classes maintained in accordance with the rules and regulations as set forth by the State Board of Education. Not more than the maximum enrollment of the tenth, eleventh, or twelfth grade classes of the district shall be counted as eligible for instruction in automobile driver training each year.

Repeal

SEC. 51. Section 9176.1 of said code is repealed.

SEC 52. Section 10808 of the Education Code as enacted at the 1959 Regular Session is amended to read:

Credit for attendance

10808. Except as may otherwise be specially provided, the average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a junior high school, who reside in one school district and attend school in another school district shall be credited to the district attended for apportionment purposes.

Repeal

SEC. 53. Section 17301 of said code is repealed.

SEC. 54. Section 17301.1 of said code is amended and renumbered to read:

State School Fund Transfer from General Fund

17301. The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in

the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction, two hundred one dollars and ten cents ($201.10).

He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Section 17303 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, 11257, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

Repeal

SEC. 54.5. Section 17303 of said code is repealed.

SEC. 55. Section 17303.1 of said code is amended and renumbered to read:

Expenditure of appropriation

17303. The amount transferred pursuant to Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 18352.

(c) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (Sections 18051 to 18061, inclusive) of Chapter 3 of this division, except Section 18060.

(d) Seven dollars and sixty-four cents ($7.64) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 18060, and Articles 11, 12, and 13 (and Sections 18101 to 18106, inclusive,

Sections 18151 to 18156, inclusive, and Sections 18201 to 18206, inclusive), Chapter 3 of this division.

(e) Eleven dollars and two cents ($11.02) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 9 (Sections 18001 to 18009, inclusive) of Chapter 3 of this division.

(f) One hundred seventy-three dollars and seventy-eight cents ($173.78) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, plus the difference between one dollar and sixty cents ($1.60) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds and twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the second preceding school year to elementary school districts which during the second preceding school year had less than 901 units of average daily attendance, to high school districts which during the second preceding school year had less than 301 units of average daily attendance, and to unified districts which during the second preceding school year had less than 1,501 units of average daily attendance, for basic and equalization aid, and for allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355 to 18401, inclusive, to be apportioned on account of average daily attendance during the preceding school year credited to all kindergarten, elementary, high school and junior college schools in the State and county school tuition funds.

SEC. 56. Section 17352 of said code is amended to read:

17352. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner as herein prescribed as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction as apportioned under the provisions of Sections 11256, 11257, 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, to the county school service fund, and to the county school tuition fund of the county. Warrants

(1) Warrants for amounts apportioned to county school service funds for supervision of instruction, health, attendance, and guidance services and other purposes under Section 18352 shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September, of three-fourths of the amounts apportioned for such purposes by the Superintendent of Public Instruction, and shall constitute an advance upon the

amounts payable as the principal apportionment. For all other amounts apportioned, warrants in the months of July, August and September shall be for amounts equal to 8 percent in July, 16 percent in August, and 12 percent in September of the amounts certified under Section 17401 by the Superintendent of Public Instruction and shall constitute an advance upon the amounts payable under Section 17402.

(2) Warrants in the months from October to June, inclusive, shall include, in addition to the amounts required by subdivisions (3), (4), and (5) of this subdivision, one-tenth of the difference between the amounts certified by the Superintendent of Public Instruction as apportioned under Section 17402, subject to the provisions of Section 17403, and the amounts advanced thereon in the warrants for July, August and September. An additional one-tenth of such difference shall be included in the warrants for the month of November or for another month in the fiscal year as the Controller shall determine.

Warrants for the months of December and January, at the discretion of the Controller, may be reduced not to exceed 50 percent and the amount reduced shall be included in the warrants for any later month or months in the fiscal year as the Controller shall determine.

(3) Warrants in December shall include four-tenths of the amounts certified by the Superintendent of Public Instruction as apportioned under Section 17405, and 17406 and subdivision (a) of Section 17404. An additional one-tenth of such amounts shall be included in the warrants for the months from January to June, inclusive.

(4) Warrants in February shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (a) of Section 17407.

(5) Warrants in June shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (b) of Section 17407 and Section 17408.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

SEC. 57. Section 17300 is added to said code, to read:

Principles and policies

17300. It is the intent of the Legislature that the administration of the laws governing the financial support of the Public School System in this State be conducted within the purview of the following principles and policies:

The system of public school support should be designed to strengthen and encourage local responsibility for control of public education. Local school districts should be so organized

that they can facilitate the provision of full educational opportunities for all who attend the public schools. Local control is best accomplished by the development of strong, vigorous, and properly organized local school administrative units. It is the State's responsibility to create or facilitate the creation of local school districts of sufficient size to properly discharge local responsibilities and to spend the tax dollar effectively.

Effective local control requires that all local administrative units contribute to the support of school budgets in proportion to their respective abilities, and that all have such flexibility in their taxing programs as will readily permit of progress in the improvement of the educational program. Effective local control requires a local taxing power, and a local tax base which is not unduly restricted or overburdened.

The system of public school support should assure that state and local funds are adequate for the support of a realistic foundation program. It is unrealistic and unfair to the less wealthy districts to provide for only a part of the financing necessary for an adequate educational program.

The system of public school support should permit and encourage local school districts to provide and support improved educational programs. Improvement of programs in particular districts is in the interests of the State as a whole as well as of the people in individual districts, since the excellence of the programs in some districts will tend to bring about program improvement in other districts.

The system of public school support should make provision for the apportionment of state funds to local school districts on a strictly objective basis that can be computed as well by the local districts as by the State. The principle of local responsibility requires that the granting of discretionary powers to state officials over the distribution of state aid be avoided.

The system of public school support should effect a partnership between the State and each local district, with each participating in accordance with its relative ability. The respective abilities should be combined to provide a financial plan between the State and the local school district that may be known as the foundation program for public school support.

The system of public school support should provide, through the foundation program, for essential educational opportunities for all who attend the public schools. Provision should be made in the system for adequate financing of all educational services.

The system of public school support should provide for both guaranteed minimum support and equalization support from state funds. State support should be extended to all local districts regardless of wealth, for this not only develops a sense of broader responsibility, but also creates flexibility taxwise permitting the exercise of local initiative. State support should, to assure equal educational opportunity, provide for as large a measure of equalization as possible among districts. The taxing power of the State should be utilized to raise the

level of educational opportunity in the financially weakest districts of the State.

The system of public school support should provide for an equitable system of state and local sharing in the foundation program. The degree of local sharing should be based, as nearly as possible, on the true ability of the local district, so that each may contribute uniformly to the foundation program.

Repeal

SEC. 58. Section 18352 of said code is repealed.

SEC. 59. Section 18352.1 of said code is amended and renumbered to read:

Total amount allowed

18352. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 18351, shows is necessary, but:

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction and health, attendance, and guidance services pursuant to Sections 8601 to 8753, inclusive, for pupils in elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance, in high school districts which, during the preceding year had less than 301 units of average daily attendance, and in unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

(c) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed, but not in excess of two hundred thousand dollars ($200,000), to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to the provisions of Sections 20105 and 20106.

(d) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with co-operative county publication projects by the county superintendent of schools or members of his staff.

SEC. 60. Section 18060 of said code is repealed. Repeal

SEC. 61. Section 18060.1 of said code is amended and renumbered to read:

18060. (a) In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district. Allowance for special students

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

SEC. 62. Section 17655 of said code is repealed. Repeal

SEC. 63. Section 17655.1 of said code is amended and renumbered to read:

17655. (a) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute five thousand six hundred dollars ($5,600). Computation of amounts Elementary school attendance

(b) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days school was maintained, he shall compute eleven thousand two hundred dollars ($11,200).

(c) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least three teachers were hired full time for more than one-half

of the days school was maintained, he shall compute sixteen thousand eight hundred dollars ($16,800).

(d) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 76 or more but less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least four teachers were hired full time for more than one-half of the days school was maintained, he shall compute twenty-two thousand four hundred dollars ($22,400).

Repeal

SEC. 64. Section 17656 of said code is repealed.

SEC. 65. Section 17656.1 of said code is amended and renumbered to read:

Elementary school attendance

17656. For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred twenty-four dollars ($224).

For each elementary school district which maintained only one elementary school and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had an average daily attendance of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, by two hundred thirty-four dollars ($234).

Repeal

SEC. 67. Section 17658 of said code is repealed.

SEC. 68. Section 17658.1 of said code is amended and renumbered to read:

Necessary small school attendance

17658. For each district on account of each necessary small school, he shall make one of the following computations, whichever applies:

(a) For each necessary small school which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand six hundred dollars ($5,600).

(b) For each necessary small school which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district eleven thousand two hundred dollars ($11,200).

(c) For each necessary small school which had an average daily attendance during the preceding fiscal year of 51 or

more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district sixteen thousand eight hundred dollars ($16,800).

(d) For each necessary small school which had an average daily attendance during the preceding fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-two thousand four hundred dollars ($22,400).

SEC. 69. Section 17660 of said code is repealed. Repeal

SEC. 70. Section 17660.1 of said code is amended and renumbered to read:

17660. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the preceding fiscal year, on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred twenty-four dollars ($224). Seventh and eighth grade attendance

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the preceding fiscal year, on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred thirty-four dollars ($234).

SEC. 71. Section 17661 of said code is repealed. Repeal

SEC. 72. Section 17661.1 of said code is amended and renumbered to read:

17661. For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total average daily attendance in the district of 101 or more but less than 901 during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 17658 or 17660, by two hundred twenty-four dollars ($224). Two or more elementary schools

For each elementary school district maintaining two or more schools and which, exclusive of pupils attending the seventh and eighth grades of a junior high school, had a total

average daily attendance in the district of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 17658 or 17660, by two hundred thirty-four dollars ($234).

Repeals

SEC. 73. Sections 17663 and 17663.1 of said code are repealed.

SEC. 74. Section 17663 is added to said code, to read:

Necessary small high schools

17663. A necessary small high school for the purposes of Section 17664, is a high school with an average daily attendance of less than 301 (other than a single high school maintained by a unified district formed under the provisions of Sections 3001 to 3451, inclusive, or formed under Sections 813, 1481 to 1493, inclusive, 2811 to 2931, inclusive, 13005, 13554, and 21802, or a high school maintained by any district for the exclusive purpose of educating continuation, juvenile hall, physically handicapped, or mentally retarded pupils) which comes within any one of the following conditions:

(a) The projection of its future enrollment on the basis of the enrollment of the elementary schools in the district shows that within eight years the enrollment in high school in grades 9 through 12 will exceed 300 pupils.

(b) Any one of the following combinations of distance and units of average daily attendance applies:

(1) The high school had an average daily attendance of less than 100 in grades 9 through 12 during the preceding fiscal year and is more than 15 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 20 miles or 25 percent of the pupils would be required to travel 30 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(2) The high school had an average daily attendance of 100 or more and less than 150 in grades 9 through 12 during the preceding fiscal year and is more than 10 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 18 miles or 25 percent of the pupils would be required to travel 25 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(3) The high school had an average daily attendance of 150 or more and less than 200 in grades 9 through 12 during the preceding fiscal year and is more than 7½ miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 15 miles or 25 percent of the pupils would be required to travel 20 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(4) The high school had an average daily attendance of 200 or more and less than 300 in grades 9 through 12 during

the preceding fiscal year and is more than five miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 10 miles or 25 percent of the pupils would be required to travel 15 miles to the nearest other public high school.

(c) Topographical or other conditions exist in the district which would impose unusual hardships on the pupils if the number of miles specified above were required to be traveled. In these cases, the Superintendent of Public Instruction may, when requested, and after investigation, grant exceptions from the distance requirements.

(d) The Superintendent of Public Instruction has approved the recommendation of a county committee on school district organization designating one of two or more schools as necessary isolated schools in a situation where the schools are operated by two or more districts and the average daily attendance of each of the schools is less than 300 in grades 9 through 12.

SEC. 75. Section 17663.5 is added to said code, to read:

Same

17663.5. If a high school is determined to be a necessary small high school under Section 17663, its status as such shall not be changed except as a review of the determinative factors made every five years following the date of the determination, indicates that the determination should be changed.

Any high school district not presently determined to be a necessary small high school district under Section 17663, may be determined to be such at the beginning of any fiscal year; provided, it comes within the provisions of Section 17663.

SEC. 76. Section 17663.7 is added to said code, to read:

Unnecessary small school

17663.7. On and after July 1, 1960, whenever the governing board of a district maintaining a small high school which does not come within the provisions of Section 17663, undertakes any building construction or alteration in respect to that school, of a type requiring the submission of plans to the Division of Architecture of the Department of Public Works, the school shall forthwith be classified as an unnecessary small school. Thereafter, the foundation program for the district in respect to that school shall be computed pursuant to Section 17665, notwithstanding an average daily attendance of less than 301.

Repeals

SEC. 77. Sections 17664 and 17664.1 of said code are repealed.

SEC. 78. Section 17664 is added to said code, to read:

Necessary small high schools

17664. For each district on account of each necessary small high school the Superintendent of Public Instruction shall make one of the following computations without regard to the number of certificated employees employed, whichever applies:

(a) For one which had an average daily attendance during the preceding fiscal year of less than 21 and for which at least three certificated employees were employed full time, he shall compute thirty-three thousand dollars ($33,000).

(b) For one which had an average daily attendance during the preceding fiscal year of 21 or more and less than 41 and for which at least four certificated employees were employed full time, he shall compute thirty-eight thousand one hundred dollars ($38,100).

(c) For one which had an average daily attendance during the preceding fiscal year of 41 or more and less than 61 and for which at least five certificated employees were employed full time, he shall compute forty-three thousand two hundred dollars ($43,200).

(d) For one which had an average daily attendance during the preceding fiscal year of 61 or more and less than 76 and for which at least six certificated employees were employed full time, he shall compute forty-eight thousand three hundred dollars ($48,300).

(e) For one which had an average daily attendance during the preceding fiscal year of 76 or more and less than 91 and for which at least seven certificated employees were employed full time, he shall compute fifty-three thousand four hundred dollars ($53,400).

(f) For each one which had an average daily attendance during the preceding fiscal year of 91 or more and less than 106 and for which at least eight certificated employees were employed full time, he shall compute fifty-eight thousand five hundred dollars ($58,500).

(g) For each one which had an average daily attendance during the preceding fiscal year of 106 or more and less than 121 and for which at least nine certificated employees were employed full time, he shall compute sixty-three thousand six hundred dollars ($63,600).

(h) For each one which had an average daily attendance during the preceding fiscal year of 121 or more and less than 136 and for which at least 10 certificated employees were employed full time, he shall compute sixty-eight thousand seven hundred dollars ($68,700).

(i) For each one which had an average daily attendance during the preceding fiscal year of 136 or more and less than 151 and for which at least 11 certificated employees were employed full time, he shall compute seventy-three thousand eight hundred dollars ($73,800).

(j) For each one which had an average daily attendance during the preceding fiscal year of 151 or more and less than 181 and for which at least 12 certificated employees were employed full time, he shall compute seventy-eight thousand nine hundred dollars ($78,900).

(k) For each one which had an average daily attendance during the preceding fiscal year of 181 or more and less than 221 and for which at least 13 certificated employees were employed full time, he shall compute eighty-four thousand dollars ($84,000).

(*l*) For each one which had an average daily attendance during the preceding fiscal year of 221 or more and less than

261 and for which at least 14 certificated employees were employed full time, he shall compute eighty-nine thousand one hundred dollars ($89,100).

(m) For each one which had an average daily attendance during the preceding fiscal year of 261 or more and less than 301 and for which at least 15 certificated employees were employed full time, he shall compute ninety-four thousand two hundred dollars ($94,200).

(n) For each one which had an average daily attendance of less than 21 and for which fewer than three certificated employees were employed, he shall add the average daily attendance to the average daily attendance of another high school in the district and shall provide on account of the average daily attendance added not less than five thousand one hundred dollars ($5,100) for each of the teachers employed in the school.

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

SEC. 79. Section 17665 of said code is repealed. Repeal

SEC. 79.5. Section 17665.1 of said code is amended and renumbered to read:

17665. For each high school district which had an average daily attendance of 301 or more during the preceding fiscal year, he shall multiply the average daily attendance by three hundred twenty-four dollars ($324). High school district attendance of 301 or more

SEC. 80. Section 17666 of said code is repealed. Repeal

SEC. 81. Section 17666.1 of said code is amended and renumbered to read:

17666. For the Fiscal Years 1959-1960 and 1960-1961, for each junior college district he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by four hundred twenty-four dollars ($424). Junior college districts

SEC. 81.5. Section 17666.2 is added to said code, to read:

17666.2. For the Fiscal Year 1961-1962 and for each fiscal year thereafter, for each junior college district, he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by four hundred ninety-four dollars ($494). Same

For purposes of this section, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students who resided in territory which was not a part of any district maintaining a junior college and the attendance of all students who

resided in another district which maintained a junior college who were in attendance under an interdistrict attendance agreement which required the payment of tuition by the district of residence, and there shall be included in the computation the attendance of all students residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement which required the payment of tuition by the district of residence.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

Repeal

SEC. 82. Section 18355 of said code is repealed.

SEC. 82.5. Section 18355.1 of said code is amended and renumbered to read:

County school service fund

18355. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund:

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply and whenever Sections 17656, 17660, or 17661 require him to multiply average daily attendance by two hundred twenty-four dollars ($224) he shall, for the purposes of this section multiply by two hundred thirty-four dollars ($234). No allowance shall be made under this subdivision which is in excess of the actual expense of maintaining the emergency schools during the preceding fiscal year.

(b) Three hundred twenty-four ($324) for each unit of average daily attendance of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

Repeal

SEC. 83. Section 18356 of said code is repealed.

SEC. 84. Section 18356.1 of said code is amended and renumbered to read:

Special schools or classes

18356. The Superintendent of Public Instruction shall allow to the county school service fund for all special schools or classes for mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply and whenever Sections 17656, 17660, or 17661 require him to multiply average daily attendance by two hundred twenty-four dollars ($224) he shall, for the purposes of this section multiply by two hundred thirty-four dollars ($234).

SEC. 85. Section 18357 of said code is repealed. Repeal

SEC. 86. Section 18357.1 of said code is amended and renumbered to read:

Elementary schools in juvenile halls, etc

18357. The Superintendent of Public Instruction shall allow to the county school service fund for all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools the same amount as he would compute as the foundation program of an elementary school district under Sections 17651 to 17667, inclusive, whichever are in effect, except that the provisions of Section 17657 shall not apply and whenever Sections 17656, 17660, or 17661 require him to multiply average daily attendance by two hundred twenty-four dollars ($224) he shall, for the purposes of this section, multiply by two hundred thirty-four dollars ($234).

SEC. 87. Section 18358 of said code is repealed. Repeal

SEC. 88. Section 18358.1 of said code is amended and renumbered to read:

Secondary schools in juvenile halls, etc.

18358. The Superintendent of Public Instruction shall allow to the county school service fund for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, an amount computed by multiplying the average daily attendance in such secondary schools during the preceding fiscal year by three hundred twenty-four dollars ($324).

SEC. 89. Section 17851 of said code is repealed. Repeal

SEC. 90. Section 17851.1 of said code is amended and renumbered to read:

Amount per unit of average daily attendance

17851. The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14 during the preceding fiscal year.

Beginning with the Fiscal Year 1961-1962, average daily attendance for the purpose of this section shall be computed under Sections 11451 and 11501, subject to the provisions of Section 17611, except that: (1) the attendance of all students who resided in territory that was not part of any district maintaining a junior college, and the attendance of all students who resided in another district which maintained a junior college who were in attendance under an interdistrict attendance agreement which required the payment of tuition by the district of residence shall be excluded from the computation, and (2) the attendance of all students who were residing within the district and attending a junior college in another district under an interdistrict attendance agreement and on account of which average daily attendance tuition payment is required by the junior college district of residence shall be included in the computation.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates

of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

Repeal

SEC. 91. Section 17702 of said code is repealed.

SEC. 92. Section 17702.1 of said code is amended and renumbered to read:

Computation of district aid

17702. Except as provided in Section 17703, the Superintendent of Public Instruction shall compute for each district described herein the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year would produce if levied, if such tax was:

(a) Sixty cents ($0.60) in an elementary school district.

(b) Fifty cents ($0.50) in a high school district.

(c) Thirty-three cents ($0.33) in a junior college district for the Fiscal Years 1959-1960 and 1960-1961, and twenty-four cents ($0.24) for the Fiscal Year 1961-1962 and each fiscal year thereafter.

Repeal

SEC. 93. Section 17901 of said code is repealed.

SEC. 94. Section 17901.1 of said code is amended and renumbered to read:

State equalization aid Elementary districts

17901. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Sections 17751, 17702 and 17703 with the amount of the foundation program of school support computed for each such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect.

If the total amount allowed to, and computed for, any elementary school district pursuant to Sections 17751, 17702 and 17703 is less than the amount of the foundation program of school support computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect, he shall add to the amount computed for such district pursuant to Sections 17751, 17702 and 17703 such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Sections 17651 to 17667, inclusive, whichever are in effect

Notwithstanding any thing in Sections 17614, 17615, 17901, 17902, 17903, 17904, 17905, and 17906 to the contrary, the amount computed for any elementary school district under Sections 17614, 17615, 17901, 17902, 17903, 17904, 17905, and 17906 shall be not less than it would have been had the foundation program of school support for such district under Sections 17651 to 17667, inclusive, whichever are in effect, been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 11301 and 11404 by two hundred ninety-nine dollars ($299) if the total average daily attendance of the district during the preceding fiscal year was less than 901, exclusive of the pupils attending the seventh and eighth grades of a junior high school, or by three hundred nine dollars ($309) if the total average daily attendance of

the district during the preceding fiscal year was 901 or more, exclusive of the pupils attending the seventh and eighth grades of a junior high school, and had the tax used in making the computation for the district under Sections 17702.1 and 17703 been one dollar and thirty-five cents ($1.35).

SEC. 95. Section 17901.1 is added to said code, to read:

17901.1. Except for any elementary school district which was in existence on or before July 1, 1925, and in which district there was levied a tax for the preceding year of an amount not less than five cents ($0.05) less than the maximum tax rate prescribed for the district by Section 20751, the amount allowed under this article, beginning with the Fiscal Year 1955-56, to an elementary school district having an average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall not be more than the amount that would have been computed under Section 17901 had the foundation program for the district been computed under Section 17656, except that to this allowance shall be added an amount for the Fiscal Year 1955-56 equal to 80 percent, reduced by an additional 20 percent in each of the subsequent fiscal years, of the difference between the allowance computed for the district under Section 17901 and the amount that would have been computed for the district under Section 17901 had the foundation program for the district been computed under Section 17656 except as to any elementary school district determined to be a necessary school district by the existence of any one or more of the following conditions: Same

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school, or

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require.

The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

This section shall have no force or effect after June 30, 1960.

Repeal

SEC. 96. Section 17903 of said code is repealed.

SEC. 97. Section 17903.1 of said code is amended and renumbered to read:

High school districts

17903. Notwithstanding anything in Sections 17614 and 17615, and Sections 17901, 17902, 17903, 17904, 17905, and 17906 to the contrary, the amount computed for any high school district under Sections 17614 and 17615, and Sections 17901, 17902, 17903, 17904, 17905, and 17906 shall be not less than it would have been had the foundation program of school support for such district under Sections 17651 to 17667, inclusive, whichever are in effect, been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 11403 and 11452 by three hundred ninety-four dollars ($394) if the total average daily attendance of the district during the preceding fiscal year was less than 301, or by four hundred four dollars ($404) if the total average daily attendance of the district during the preceding fiscal year was 301 or more, and had the tax used in making the computation for the district under Sections 17702 and 17703 been eighty-five cents ($0.85).

The amount allowed under Sections 17614 and 17615 and Sections 17901 to 17906, inclusive, to a high school district having an average daily attendance during the preceding fiscal year to which Section 17663.7 is applicable shall not be more than the amount which would have been computed under Section 17902, except that to this allowance shall be added an amount for the first year succeeding the year in which Section 17663.7 became applicable equal to 80 percent, reduced by an additional 20 percent in each of the subsequent fiscal years, of the difference between the allowance computed for the district under Section 17902 and the amount which would have been computed for the district under Section 17902 had the foundation program been computed under Section 17665 without regard to the required number of certificated employees employed.

SEC. 98. Section 17903.2 is added to said code, to read:

Same

17903.2. Notwithstanding any provision of Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, if one or more districts maintaining necessary small high schools unite with a larger school district, the amount allowed by the Superintendent of Public Instruction during each of the first five fiscal years following that event, as the total basic state aid and state equalization aid on account of the district or districts which maintained any necessary small high schools, shall be not less than the total amount which would have been allowed as basic state aid and state equalization aid to those districts had there been no uniting of the districts; but only if such uniting of the

districts maintaining small necessary high schools is effective for all purposes on or before the dates specified for the particular districts classified by enrollment as follows:

(a) 60 or fewer pupils ..... July 1, 1962
(b) 61 to 120 pupils ..... July 1, 1963
(c) 121 to 200 pupils ..... July 1, 1964
(d) 201 to 280 pupils ..... July 1, 1965

For purposes of this section the computation of the foundation program under Sections 17651 to 17667, inclusive, for the district or districts which maintained any necessary small high schools shall be made by using the average daily attendance of the preceding year.

SEC. 99. Section 17951 of said code is repealed. Repeal

SEC. 100. Section 17951.1 of said code is amended and renumbered to read:

Computation of allowances for adults and inmates

17951. The Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty-five dollars ($125) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Sections 17614, 17615, and Sections 17901, 17902, 17903, 17904, 17905, and 17906 by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 6352, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults less fourteen dollars ($14). The total of basic and equalization aid allowed shall not exceed two hundred twenty dollars ($220) for each unit of average daily attendance during the preceding fiscal year for such adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

SEC. 101. Article 8.5 (commencing with Section 17970) is added to Chapter 3 of Division 14 of said code, to read:

Article 8.5. Computation of Allowances for Junior College Pupils Who Are Not Residents of Any Junior College District

Allowances for nonresident pupils

17970. For the Fiscal Year 1961-62 and each fiscal year thereafter, the Superintendent of Public Instruction shall allow to each junior college district for each unit of average daily attendance, during the preceding fiscal year, of pupils not residing in the district and not residing in any district maintaining a junior college district, one hundred twenty-five dollars ($125) as basic state aid and the same amount as

state equalization aid as is computed by dividing the allowance computed for the district under Sections 17614 and 17615, and Sections 17901 to 17906, inclusive, by the average daily attendance of the district during the preceding fiscal year as determined pursuant to Section 17666.2.

There shall be excluded from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

SEC. 101.5. Article 8.6 (commencing at Section 17990) is added to Chapter 3 of Division 14 of said code, to read:

Article 8.6. Recomputation of Basic and Equalization Aid for Junior College Districts

Recomputation of aid Junior college districts

17990. Beginning with the Fiscal Year 1961-1962, the Superintendent of Public Instruction shall compare (1) the amount computed for a district pursuant to Articles 3, 6, and 7, with (2) the amount which would have been computed if all of the following applied:

(a) The foundation program of the district were computed by multiplying by four hundred twenty-four dollars ($424) the number of units of average daily attendance in grades 13 and 14 computed under Sections 11451 and 11501, subject to the provisions of Section 17611, of all pupils attending the junior college of the district, whether or not they reside in the district, and excluding any average daily attendance of pupils residing in the district and attending a junior college in another district maintaining a junior college under an interdistrict attendance agreement.

(b) Basic aid were computed on the basis of the average daily attendance referred to in subdivision (a) above.

(c) The tax used in district aid was thirty-three cents ($0.33).

(d) Equalization aid were computed on the basis of subdivisions (a), (b), and (c) above.

If the amount computed under (2) above exceeds the amount computed under (1) above, the Superintendent of Public Instruction shall, beginning with the Fiscal Year 1961-1962, make an additional allowance to the junior college district in the following percentages of the amount by which the amount computed under (2) above exceeds the amount computed under (1) above in the 1961-1962 Fiscal Year and the four fiscal years succeeding:

(1) 1961-1962	80 percent
(2) 1962-1963	60 percent
(3) 1963-1964	40 percent
(4) 1964-1965	20 percent
(5) 1965-1966, and after	None

If the amount computed under (2) above is less than the amount computed under (1) above, the Superintendent of Public Instruction shall, beginning with the Fiscal Year 1961-1962, reduce the allowance to the junior college district, in the following percentages of the amount by which the amount computed under (2) above is less than the amount computed under (1) above in the 1961-1962 Fiscal Year and in the four fiscal years immediately succeeding:

(1) 1961-1962 ..... 80 percent
(2) 1962-1963 ..... 60 percent
(3) 1963-1964 ..... 40 percent
(4) 1964-1965 ..... 20 percent
(5) 1965-1966, and after ..... None

In the event that the computation made for any district under (2) above exceeds that made under (1) above for any fiscal year, and there are pupils attending in the district under an interdistrict attendance agreement for which a tuition payment is made to the district, the computation under (1) above for the district in which the pupils reside shall be made by excluding the average daily attendance of those pupils.

Repeals

SEC. 102. Sections 17905, 17905.1, 17906, and 17906.1 of said code are repealed.

SEC. 103. Section 17906.2 is added to said code, to read:

Tax prerequisite to equalization aid

17906.2. No state equalization aid shall be allowed unless there shall have been levied pursuant to this code, for a district during the preceding fiscal year, a tax, exclusive of taxes levied under Sections 3356, 14214, 14657, 14758, 16633, 19443, 19619, 20801, and 22101, as follows:

(a) For purposes of allowances for the Fiscal Year 1959-1960, not less than sixty cents ($0.60) if an elementary district, forty-five cents ($0.45) if a high school district with a total average daily attendance during the preceding fiscal year of less than 301, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of 301 or more, and thirty-three cents ($0.33) if a junior college district.

(b) For purposes of allowances for the Fiscal Year 1960-1961, not less than sixty cents ($0.60) if an elementary district, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of less than 301, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of 301 or more, and thirty-three cents ($0.33) if a junior college district.

(c) For purposes of allowances for the Fiscal Year 1961-1962 and for the fiscal years following, not less than sixty cents ($0.60) if an elementary district, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of less than 301, fifty cents ($0.50) if a high school district with a total average daily attendance during the preceding fiscal year of 301 or more, and twenty-four cents ($0.24) if a junior college district.

Aid to original and acquiring districts

SEC. 104. Section 17614 of said code is amended to read:

17614. Notwithstanding anything in Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, to the contrary, if under Section 11255 average daily attendance of an original district is credited to an acquiring district, the amounts allowed by the Superintendent of Public Instruction as basic state aid and state equalization aid to the original school district and to the acquiring school district during the first fiscal year in which an apportionment is made to the acquiring school district on account of such average daily attendance, shall be the amounts computed under this section. The Superintendent of Public Instruction shall divide the total amounts of basic state aid and state equalization aid which would have been apportioned to the original school district during said fiscal year had this section not been in effect by the average daily attendance of the original school district for the preceding fiscal year prior to the crediting of any of such average daily attendance to the acquiring school district. He shall allow to the original school district as basic state aid and state equalization aid the amount computed by multiplying the resulting quotients by the units of average daily attendance of the district for the preceding fiscal year less the units credited to the acquiring school district. He shall allow the acquiring school district as basic state aid and state equalization aid the amount computed by multiplying the same quotients by the units of average daily attendance credited to the district under Section 11255.

Whenever a small elementary school or small high school has been maintained during the preceding fiscal year within the territory of the original district included in the acquiring district, for which a small school foundation program is computed under the provisions of Sections 17651 to 17667, inclusive, the amount allowed by the Superintendent of Public Instruction shall be the larger of (1) an amount determined as the product of the units of average daily attendance credited to the acquiring district and the basic aid for each unit of average daily attendance prescribed in Sections 17751, 17801, or 17871, or (2) an amount equal to the product of the average daily attendance credited to the acquiring district and an amount equal to the difference between the foundation program computed for each unit of such average daily attendance under the provisions of Sections 17651 to 17667, inclusive, and the district aid for each unit of average daily attendance under the provisions of Sections 17702 and 17703.

SEC. 105. Section 17704 is added to said code, to read:

District tax allocations to redevelopment agency

17704. Any school district whose total tax revenues for any fiscal year are less than would have been realized from the total assessed value of property in the district because of allocations of tax receipts to a redevelopment agency pursuant to Article 4 (commencing at Section 33950) of Chapter 5 of Division 24 of the Health and Safety Code, may request the

Superintendent of Public Instruction to compute district aid for the district under this section. Upon receipt of such a request, the Superintendent of Public Instruction shall, in computing district aid under Section 17702, reduce the amount of the total assessed valuation in the district as shown by the equalized assessment roll for the preceding year by the amount of such assessed valuation upon which such tax receipts for such fiscal year were allocated to the redevelopment agency.

SEC. 106. Section 18102 of said code is amended to read:

Physically handicapped minors School districts

18102. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to such district of educating physically handicapped minor pupils but not in excess of nine hundred ten dollars ($910) for each unit of average daily attendance of physically handicapped minor pupils in the district during the next preceding fiscal year, and an additional amount not in excess of nine hundred ten dollars ($910), or the cost to the district, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

SEC. 107. Section 18103 of said code is amended to read:

Same County school service fund

18103. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education to the county superintendent of schools of educating physically handicapped minor pupils but not in excess of nine hundred ten dollars ($910) for each unit of average daily attendance of physically handicapped minor pupils educated by the county superintendent of schools during the preceding fiscal year, and an additional amount not in excess of nine hundred ten dollars ($910), or the cost to the county superintendent, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase or making of sound recordings and the purchase of special supplies and equipment for blind pupils.

The allowance made under this section shall in no case exceed the difference between the actual expense of maintaining the emergency schools during the preceding fiscal year and the amount allowed under Section 18355.

SEC. 107.5. Section 18152 of said code is amended to read:

Mentally retarded minors: School districts

18152. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education, including transportation, to the school district, of educating mentally retarded minors who come within the provisions of Section 6902 during the pre-

ceding fiscal year in special schools or classes but not in excess of three hundred seventy-five dollars ($375) per unit of average daily attendance of such minors.

Same: County school service fund

SEC. 108. Section 18153 of said code is amended to read:

18153. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education, including transportation, to the county superintendent of schools of educating mentally retarded minors coming within the provisions of Section 6902, during the preceding fiscal year in special schools or classes but not in excess of three hundred seventy-five dollars ($375) per unit of average daily attendance of such minors.

Severely mentally retarded minors. School districts

SEC. 109. Section 18202 of said code is amended to read:

18202. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to the district, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 6903 during the preceding fiscal year but not in excess of six hundred seventy dollars ($670) per unit of average daily attendance of such minors.

Same. County school service fund

SEC. 109.5. Section 18203 of said code is amended to read:

18203. The Superintendent of Public Instruction shall allow to each county school service fund an amount equal to the excess current expense of education to the county superintendent of school, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 6903 during the preceding fiscal year but not in excess of six hundred seventy dollars ($670) per unit of average daily attendance of such minors.

Attendance attributable to growth

SEC. 110. Section 18001.5 is added to said code, to read:

18001.5. The allowances provided for in this article (commencing with Section 18001) for each unit of average daily attendance attributable to growth, shall in no event be less than the basic state aid prescribed per unit of average daily attendance for the various types of school districts.

Repeals

SEC. 111. Sections 18003, 18005, 18005.1, and 18006 of said code are repealed.

Attendance attributable to growth

SEC. 112. Section 18003 is added to said code, to read:

18003. The Superintendent of Public Instruction shall allow for each unit of average daily attendance attributable to growth, for each period referred to above, an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year and for the same period in the preceding fiscal year shall be computed in the manner prescribed in Sections 11251 to 11255, inclusive, and Sections 11301 to 11653, inclusive.

The Superintendent of Public Instruction shall allow for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal to the difference between (1) the amount of basic state aid

and state equalization aid which was apportioned on account of average daily attendance in the regular day classes in such district during the preceding fiscal year and (2) the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in the regular day classes in such district during such year been equal to the total average daily attendance during the period of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the current fiscal year to 175.

In making any computation under Section 17702 for the purposes of this section, the assessed valuation of the district for the current year increased by the adjustments to the assessed valuation of the preceding fiscal year made under the provisions of Section 17602 of this chapter, shall be used.

SEC. 113. Section 17402 of said code is amended to read:

Principal apportionment

17402. The Superintendent of Public Instruction shall on or before September 25th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 17401, 17602.7, 17614 and 17615, Section 17751 to 17906, inclusive, Sections 17951 to 17952, inclusive, Section 17970, and Sections 18351 to 18458, inclusive, whichever are in effect. This apportionment shall be called the principal apportionment.

Repeal

SEC. 114. Section 17403 of said code is repealed.

SEC. 115. Section 17403.1 of said code is amended and renumbered to read:

Withholding of portion

17403. The Superintendent of Public Instruction shall withhold from the apportionment made to each district for which a computation was made under Section 17655 or 17658 as follows:

If the district had fewer teachers than prescribed by the subdivision of Section 17655 or 17658 under which the computation was made, the Superintendent of Public Instruction shall withhold an amount determined as the difference between the amount allowed under Sections 17651, 17614 and 17615, and Sections 17901 to 17906, inclusive, whichever are in effect, and the amount that would have been allowed had the computation for the district under Section 17655 or 17658 been made by multiplying the total average daily attendance by two hundred twenty-four dollars ($224).

SEC. 116. Section 17404.5 is added to said code, to read:

Same: Certificated employees

17404.5. The Superintendent of Public Instruction shall withhold from the apportionment made to any district for which a computation was made under Section 17664, if the district had fewer certificated employees employed than are prescribed by the subdivision of Section 17664 under which

the computation was made, an amount determined as the difference between the amounts allowed under Sections 17614, 17615, and 17801, and Sections 17901 to 17906, inclusive, and the amount which would have been allowed had the computation for the district under Section 17664 been made with regard only to the number of certificated employees employed.

If, by the tenth day of November of any current fiscal year, an additional certificated employee or additional certificated employees are hired for a school in a district from which such a withholding was made, and the school then fully meets the requirements of the appropriate subdivision of Section 17664, the Superintendent of Public Instruction shall apportion, at the time the apportionment under Section 17405 is made to the district, the amount withheld. If the amount so apportioned is less than the amount of the withholding, the balance shall be allowed pursuant to Section 18460.

SEC. 117. Section 8109 of said code is amended to read:

Driver training classes

8109. Allowances by the Superintendent of Public Instruction shall be made only for driver training classes maintained in accordance with the rules and regulations as set forth by the State Board of Education. Not more than the maximum enrollment of the tenth, eleventh, or twelfth grade classes of the district shall be counted as eligible for instruction in automobile driver training each year.

SEC. 117.3. Section 6353 of said code is amended to read:

Tuition charge for adults

6353. Adults enrolled in all classes, except classes maintained in English and citizenship for foreigners and classes in elementary subjects, where no charge of any kind shall be made, may be required by the governing board of the district maintaining the class to pay a tuition for such classes. The total of the tuition required and the apportionments from the State School Fund for all attendance in the classes shall not exceed the estimated cost of all such classes maintained.

Repeal

SEC. 118. Section 6354 of said code is repealed.

Same

SEC. 118.5. Section 18602 of said code is repealed.

Same

SEC. 119. Sections 13525, 17306, 17405, 17411, 17503, 17616, 17751, 17801, 17952, 18101, 18104, 18105, 18151, 18154, 18155, 18201, 18204, 18205, 18401, 18451, 18452, 18453, 18454, 18455, 18456, 18457, 18459, and 18460, of said code are repealed.

SEC. 119.3. Section 12155 of said code is amended to read:

Instruction by tutors

12155. Children not attending a private, full-time, day school and who are being instructed in study and recitation for at least three hours a day for 175 days each calendar year by a private tutor or other person in the several branches of study required to be taught in the public schools of this State and in the English language shall be exempted. The tutor or other person shall hold a valid State credential for the grade taught. The instruction shall be offered between the hours of 8 o'clock a.m. and 4 o'clock p.m.

SEC. 119.5. Section 13525.1 of said code is amended and renumbered to read:

13525. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than four thousand two hundred dollars ($4,200). Minimum teachers' salaries

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to four thousand two hundred dollars ($4,200) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

SEC. 120. Section 17306.1 of said code is amended and renumbered to read:

17306. If any amount is appropriated by the Legislature in augmentation of any of the purposes set forth in the schedule in Section 17303.1, the amounts allowed for such purpose to districts and funds under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, shall not exceed the amount computed under the formula or provisions of Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460.1, inclusive, whichever are in effect, for such purpose. If the amount in the schedule plus the amount appropriated in augmentation exceeds the total of the amounts so computed for such purpose for all districts and funds, the excess shall be allowed pursuant to Section 18460.1 for purposes specified in subdivisions (a), (b), (c), (d), (e), and (f) of Section 17303.1. Limitation

SEC. 122. Section 17405.1 of said code is amended and renumbered to read:

17405. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Sections 18051 to 18206, inclusive, whichever are in effect, and subdivision (a) of Section 17404. This apportionment shall be called the special purpose apportionment. Special purpose apportionment

SEC. 123. Section 17411.1 of said code is amended and renumbered to read:

17411. The Superintendent of Public Instruction shall withhold from the apportionment to an elementary school district the amount allowed the elementary school district for Withholding portion. Elementary school districts

the average daily attendance in grades 7 and 8 in a junior high school by reason of the operation of subdivision (a) of Section 17601. The amount withheld shall be the larger of the following amounts:

(a) One hundred twenty-five dollars ($125) per unit of average daily attendance in grades 7 and 8 of the junior high school.

(b) An amount determined by the following process:

(1) Divide the district aid computed under Section 17702 or the amount which would have resulted had the tax used for such computation been one dollar and thirty-five cents ($1.35), whichever amount was used in computing equalization aid apportioned to the district, by the units of average daily attendance in kindergarten and grades 1 through 8;

(2) Subtract the quotient resulting from the computation in subparagraph (1) from the amount allowed per unit of average daily attendance as a foundation program for units of average daily attendance in grades 7 and 8 in the district;

(3) Multiply the result obtained in subparagraph (2) by the units of average daily attendance in grades 7 and 8 in a junior high school.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the high school district maintaining the junior high school.

SEC. 124. Section 17503.1 of said code is amended and renumbered to read:

Use of apportioned money

17503. During any fiscal year there shall be expended for the payment of salaries of persons employed by the district in positions requiring certification qualifications or for the payment of tuition by the district to another district the following amounts:

(a) Not less than 65 percent of the foundation program for elementary school attendance in elementary districts with an average daily attendance during the preceding year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive) of Chapter 3 of this division, or pursuant to Section 17901, if the foundation program for such district is computed pursuant to Section 17901, whichever is the case for the particular district, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, reduced by the amount chargeable to the district for tuition for interdistrict attendance, pursuant to Section 5659, if such amount is less than the amount computed on the basis of the foundation program.

(b) Not less than 65 percent of the foundation program for elementary school attendance of an elementary district with an average daily attendance during the preceding year of 101 or

more, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, as such foundation program would be computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive, whichever are in effect) of Chapter 3, or as it would be computed pursuant to Section 17901.1 for apportionments in the same fiscal year, whichever is the larger amount; but if an amount computed by determining 65 percent of the total basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, reduced by the amount chargeable to the district for tuition for interdistrict attendance, pursuant to Section 5659, is less than the larger of the two amounts computed on the basis of the foundation program, such amount shall be used in lieu of the amount computed on the basis of the foundation program.

(c) Not less than 65 percent of the foundation program for high school attendance in high school districts with an average daily attendance during the preceding year of less than 267, as such foundation program is actually computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive) of Chapter 3 of this division, or pursuant to Section 17903, if the foundation program for such district is computed pursuant to Section 17903, whichever is the case for the particular district, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance, if such amount is less than the amount computed on the basis of the foundation program.

(d) Not less than 65 percent of the foundation program for high school attendance in a high school district which had an average daily attendance during the preceding year of 267 or more, which would be computed for apportionments in the same fiscal year pursuant to Article 2 (Sections 17651 to 17667, inclusive) of Chapter 3 of this division, or which would be computed for apportionments in the same fiscal year pursuant to Section 17903, whichever is the larger amount; but if an amount computed by determining 65 percent of the total basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance, is less than the larger of the two amounts computed on the basis of the foundation program, such amount shall be used in lieu of the amount computed on the basis of the foundation program.

(e) Not less than 65 percent of the foundation program computed for apportionments in the same fiscal year for junior college attendance, or 65 percent of the total state basic and equalization aid plus the amount which would be raised by the levy of the maximum tax rate prescribed for the district by Section 20751 on each one hundred dollars ($100) of assessed valuation of the district during the current fiscal year, increased by amounts received as tuition payments for interdistrict attendance and reduced by amounts of interdistrict attendance payments chargeable to it, if such amount is less than the amount computed on the basis of the foundation program.

(f) In addition to the above amounts, as determined for each district, not less than 65 percent of the apportionments for growth computed for the district during the preceding fiscal year, and not less than 65 percent of the apportionments computed pursuant to Sections 17951 and 17411 during the same fiscal year.

The terms "elementary district," "high school district" and "elementary school attendance," "high school attendance," and "junior college attendance," as used in this section, have the same meanings as if used in Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive

In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year would result in serious hardship to the district, or in the payment of salaries to persons employed by the district in positions requiring certification qualifications substantially in excess of the salaries paid persons employed in positions requiring certification qualifications by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than July 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made.

If any portion of the money is not expended as required by this section and is not exempted by the Superintendent of Public Instruction, the county superintendent of schools having jurisdiction over the district shall add such portion to the amount required to be expended for salaries or tuition for the next succeeding fiscal year or he may transfer 80 percent of such amount to the county school service fund pursuant to Section 20104.

SEC. 125. Section 17616.1 of said code is amended and renumbered to read:

17616. The average daily attendance of pupils attending high school courses maintained by an elementary school district shall be, for the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, considered average daily attendance in high school classes maintained by a high school district and apportionments of one hundred twenty-five dollars ($125) per unit of average daily attendance, and no more, on account of such average daily attendance shall be made to the elementary school district.

High school courses

SEC. 126. Section 17751.1 of said code is amended and renumbered to read:

17751. The Superintendent of Public Instruction shall allow one hundred twenty-five dollars ($125) to each elementary school district for each unit of average daily attendance therein during the preceding fiscal year as computed for the district under Sections 11301 and 11404, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any elementary school district, to be known as basic state aid.

Amount per unit of average daily attendance

SEC. 127. Section 17801.1 of said code is amended and renumbered to read:

17801. The Superintendent of Public Instruction shall allow to each high school district one hundred twenty-five dollars ($125) for each unit of average daily attendance in the district during the preceding fiscal year as computed under Sections 11403, 11452, and 11501, subject to the provisions of Section 17610, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid.

Same

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 127.5. Section 1840.1 of said code is amended and renumbered to read:

18401. The Superintendent of Public Instruction shall allow to each county school tuition fund one hundred twenty-five dollars ($125) for each unit of average daily attendance of pupils residing in the county and attending school in an adjoining state during the preceding fiscal year.

Attendance in schools in adjoining state

SEC. 128. Section 18451.1 of said code is amended and renumbered to read:

18451. (a) The total amount allowed from the State School Fund as basic and equalization aid, and allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355, 18356, 18357, 18358 and 18401, to be apportioned on account of average daily attendance during the preceding fiscal

Maximum allowances

year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds on account of elementary, high school, and junior college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Section 18060 and Sections 18101 to 18206, inclusive, shall not exceed the amount provided by law therefor.

SEC. 129. Section 18452.1 of said code is amended and renumbered to read:

Increased allowances

18452. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 17614, 17615, 17751, 17801, 17851, 17901, 17902, 17903, 17904, 17905, 17906, 17951, 17952, 18355, 18356, 18357, 18358, and 18401 on account of average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 130. Section 18453.1 of said code is amended and renumbered to read:

Same

18453. If the total amount allowed from the State School Fund to all school districts and county school service funds under Section 18060 and Sections 18101 to 18206, inclusive, on account of average daily attendance during the preceding fiscal year is less than the total amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 131. Section 18455.1 of said code is amended and renumbered to read:

Reduction in apportionment

18455. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Sections 17614, 17615, 17751, 17801, 17851, 17951, 17952, 17901, 17902, 17903, 17904, 17905, 17906, 18355, 18356, 18357, 18358, and 18401, on account of average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

SEC. 131.5. Section 18456.1 of said code is amended and renumbered to read:

Same

18456. If the total amount allowed from the State School Fund to all districts and county school service funds under Section 18060 and Sections 18101 to 18206, inclusive, on account of average daily attendance during the preceding fiscal year is more than the total amount provided by law for such

purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced proportionately.

SEC. 132. Section 18460.1 of said code is amended and renumbered to read:

Allowance of balance

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18009, 18061, 18452, 18453, and subdivision (b) of Section 17404. The total of such balances shall be used as follows:

(a) First, to increase proportionately the allowances made to which Section 18455 applied. The increased allowances shall not exceed the amounts computed under Sections 17614, 17615, 17751, 17801, 17851, 17951, 17952, 17901, 17902, 17903, 17904, 17905, 17906, 18355, 18356, 18357, 18358, 18401. The increase for each elementary, high school, or junior college district shall be an amount that bears the same ratio to the total balance as the amount of equalization aid allowed such district bears to the total amount of equalization aid allowed to all districts.

(b) Second, to restore, in the order herein listed, the amounts reduced under Sections 18007, 18008, 18456, and subdivision (a) of Section 18061.

(c) Thereafter, to allow any remaining balance as additional state aid to all of the districts. The amount of additional state aid allowed each such district for each unit of average daily attendance shall be determined by dividing such remaining balance by the average daily attendance of all districts.

Should the balance be sufficient to provide in excess of five dollars ($5) per unit of average daily attendance to such districts, then that part of the balance which would produce such excess shall be apportioned to all districts which receive equalization aid on the basis of average daily attendance.

Effect. Stats 1959, Ch 2

SEC. 133. Sections 52 to 132, inclusive, of this act shall become operative at the same time as the Education Code as enacted by the Legislature at its 1959 Regular Session takes effect, at which time the sections of the Education Code added or amended by Sections 1 to 51 of this act are repealed.

Report to Legislature

SEC. 134. The State Department of Education shall report to the Legislature at the beginning of the 1961 Regular Session concerning the operation, effect, administration, adequacy, and needed revision of laws relating to the subject of the support of the Public School System, including in the report its recommendations for appropriate legislation.

Operative date

SEC. 135. All sections of the Education Code amended and added by this act, and all repeals of sections of said code effected by this act, shall become operative on July 1, 1959.

Repeal

SEC. 136. Section 47 of Chapter 1073 of the Statutes of 1957 is repealed. All amendments, additions and repeals of

sections of the Education Code, effected by Chapter 1073 of the Statutes of 1957, shall be deemed to have been of permanent duration from the effective date of that chapter, and without limitation as to time.

Urgency

SEC. 137. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to meet the urgent needs of the Public School System of this State for additional financial support and to assure that the children of this State will receive the adequate education necessary to become good citizens it is necessary that this act take effect immediately.

CHAPTER 1252

An act to add Section 7141.5 to the Education Code, and to add Section 17252 to the Education Code as enacted at the 1959 Regular Session, relating to the duties of county superintendents of schools and county auditors in respect to state apportionments for school districts, and declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor June 29, 1959. Filed with Secretary of State June 29, 1959.]

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

SECTION 1. Section 7141.5 is added to the Education Code, to read:

Revised reports

7141.5. The governing board of any school district may, to obtain adjustments in amounts specified as the total assessed valuation of property in the district where nonassessable possessory interests in personal property were included, request the county auditor and the county superintendent of schools to prepare, before June 30, 1959, revisions of all reports and information which those officers are required to file with the Superintendent of Public Instruction relating to the assessed valuation of property within the district during the 1958-1959 Fiscal Year for purposes of computing state apportionments for the district. Upon the receipt of such a request the county auditor and the county superintendent of schools shall revise all such reports and information to eliminate any items of assessment involving nonassessable possessory interests in personal property, and shall, irrespective of whether or not the reports and information have previously been filed with the Superintendent of Public Instruction, file with that officer the revisions thereof on or before June 30, 1959. The Superintendent of Public Instruction shall utilize, in computing state apportionments to the district for the 1959-1960 Fiscal Year,

the assessed valuation arrived at in the revision of such reports and information.

SEC. 2. Section 17252 is added to the Education Code as enacted at the 1959 Regular Session, to read:

17252. The governing board of any school district may, to obtain adjustments in amounts specified as the total assessed valuation of property in the district where nonassessable possessory interests in personal property were included, request the county auditor and the county superintendent of schools to prepare, before June 30, 1959, revisions of all reports and information which those officers are required to file with the Superintendent of Public Instruction relating to the assessed valuation of property within the district during the 1958-1959 Fiscal Year for purposes of computing state apportionments for the district. Upon the receipt of such a request the county auditor and the county superintendent of schools shall revise all such reports and information to eliminate any items of assessment involving nonassessable possessory interests in personal property, and shall, irrespective of whether or not the reports and information have previously been filed with the Superintendent of Public Instruction, file with that officer the revisions thereof on or before June 30, 1959. The Superintendent of Public Instruction shall utilize, in computing state apportionments to the district for the 1959-1960 Fiscal Year, the assessed valuation arrived at in the revision of such reports and information. Same

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code enacted by the Legislature at its 1959 Regular Session takes effect, at which time Section 7141.5 added to the Education Code by Section 1 of this act is repealed. Effect. Stats 1959, Ch. 2

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Recent judicial decisions of the appellate courts of this State have held invalid under the State Constitution and the applicable statutory laws, the assessment of possessory interests in certain types of personal property. School districts which had been in expectation of the receipt of revenues from the taxation of such property are now confronted with prospects of realizing substantially lower tax revenues than had been expected. Since apportionments of state aid to school districts are computed, in large measure, in accordance with the assessed valuation of property in the districts and local ability to provide financial support, it is essential that immediate action to adjust total assessed valuations of property within districts be permitted, and it is necessary, therefore, that provisions of this act take effect immediately.

CHAPTER 1253

An act to add Section 29007.2 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the granting of diplomas evidencing the completion of courses beyond high school.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 29007.2 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

29007.2. In addition to the persons, firms, associations, partnerships, or corporations, authorized by Section 29007 to issue or confer a diploma or an honorary diploma, any person, firm, association, partnership or corporation which meets the requirements of this section is authorized to issue or confer the diplomas specified by the Superintendent of Public Instruction. The person, firm, association, partnership, or corporation shall first obtain the permission of the Superintendent of Public Instruction to issue specified diplomas. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction upon the submission of information to him that the courses of instruction, and the faculty or requirements of such applicant will afford students or require of students a course of education comparable to that being furnished by persons, firms, associations, partnerships and corporations offering similar instruction and complying with Section 29007. If a person, firm, association, partnership or corporation has faculty and educational standards comparable to the faculty and educational standards of institutions which qualify under Section 29007, but offers a course in a field of knowledge or endeavor not given by any such institution, the Superintendent of Public Instruction may, at his discretion, authorize the issuance of any specified diploma based thereon other than a degree and other than a document bearing the word "diploma"; provided, that he finds that the course furnishes necessary training to reach a professional or vocational objective and has substantial educational merit. For the purpose of this section, the Superintendent of Public Instruction may rely on the findings of an accrediting agency generally accepted by the class of institution concerned and shall consider the results of the examination taken pursuant to Business and Professions Code Section 2941.5 by students of any applicant. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the superintendent made pursuant to this section.

CHAPTER 1254

An act to add Section 4302.6 to the Government Code, relating to the purchase, by public agencies, of printing presses not manufactured in the United States.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4302.6 is added to the Government Code, to read:

4302.6. The provisions of this article do not apply to the purchase of printing presses of rotary gripper system or single revolution design, which are purchased exclusively for use in schools and colleges for educational purposes; provided, however, that if printing presses of rotary gripper system or single revolution design are manufactured within the United States that only such presses as are manufactured in the United States shall be purchased.

CHAPTER 1255

An act to amend Sections 3854, 3858, 3859, and 3861 of, to repeal Sections 3856, 3860, and 3863 of, and to add Sections 3856 and 3860 to, the Labor Code, relating to workmen's compensation.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3854 of the Labor Code is amended to read:

Evidence of amount of compensation: Actions by employer

3854. If the action is prosecuted by the employer alone, evidence of any amount which the employer has paid or become obligated to pay by reason of the injury or death of the employee is admissible, and such expenditures or liability shall be considered as proximately resulting from such injury or death in addition to any other items of damage proximately resulting therefrom.

Repeal

SEC. 2. Section 3856 of said code is repealed.

SEC. 3. Section 3856 is added to said code, to read:

Payments for judgment

3856. In the event of suit against such third party:

(a) If the action is prosecuted by the employer alone, the court shall first order paid from any judgment for damages recovered the reasonable litigation expenses incurred in preparation and prosecution of such action, together with a reasonable attorney's fee which shall be based solely upon the services rendered by the employer's attorney in effecting recovery both for the benefit of the employer and the employee. After

the payment of such expenses and attorney's fees, the court shall apply out of the amount of such judgment an amount sufficient to reimburse the employer for the amount of his expenditure for compensation together with any amounts to which he may be entitled as special damages under Section 3852 and shall order any excess paid to the injured employee or other person entitled thereto.

(b) If the action is prosecuted by the employee alone, the court shall first order paid from any judgment for damages recovered the reasonable litigation expenses incurred in preparation and prosecution of such action, together with a reasonable attorney's fee which shall be based solely upon the services rendered by the employee's attorney in effecting recovery both for the benefit of the employee and the employer. After the payment of such expenses and attorney's fee the court shall, on application of the employer, allow as a first lien against the amount of such judgment for damages, the amount of the employer's expenditure for compensation together with any amounts to which he may be entitled as special damages under Section 3852.

(c) If the action is prosecuted both by the employee and the employer, in a single action or in consolidated actions, and they are represented by the same agreed attorney or by separate attorneys, the court shall first order paid from any judgment for damages recovered, the reasonable litigation expenses incurred in preparation and prosecution of such action or actions, together with reasonable attorneys' fees based solely on the services rendered for the benefit of both parties where they are represented by the same attorney, and where they are represented by separate attorneys, based solely upon the service rendered in each instance by the attorney in effecting recovery for the benefit of the party represented. After the payment of such expenses and attorneys' fees the court shall apply out of the amount of such judgment for damages an amount sufficient to reimburse the employer for the amount of his expenditures for compensation together with any other amounts to which he may be entitled as special damages under Section 3852.

(d) The amount of reasonable litigation expenses and the amount of attorneys' fees under subdivisions (a), (b), and (c) of this section shall be fixed by the court. Where the employer and employee are represented by separate attorneys they may propose to the court, for its consideration and determination, the amount and division of such expenses and fees.

SEC. 4. Section 3858 of said code is amended to read:

Relief of employer, satisfaction of judgment, etc.

3858. After payment of litigation expenses and attorneys' fees fixed by the court pursuant to Section 3856 and payment of the employer's lien, the employer shall be relieved from the obligation to pay further compensation to or on behalf of the employee under this division up to the entire amount of the balance of the judgment, if satisfied, without any deduction. No satisfaction of such judgment in whole or in part, shall be

valid without giving the employer notice and a reasonable opportunity to perfect and satisfy his lien.

SEC. 5. Section 3859 of said code is amended to read:

Consent to release or settlement

3859. No release or settlement of any claim under this chapter as to either the employee or the employer is valid without the written consent of both. The consent of both the employer and employee filed in court in writing together with the approval of the court, is sufficient in any action or proceeding where such approval is required by law.

Repeal

SEC. 6. Section 3860 of said code is repealed.

SEC. 7. Section 3860 is added to said code, to read:

Release or settlement

3860. (a) No release or settlement under this chapter, with or without suit, is valid or binding as to any party thereto without notice to both the employer and the employee, with opportunity to the employer to recover the amount of compensation he has paid or become obligated to pay and any special damages to which he may be entitled under Section 3852, and opportunity to the employee to recover all damages he has suffered and with provision for determination of expenses and attorney's fees as herein provided.

(b) The entire amount of such settlement, with or without suit, is subject to the employer's full claim for reimbursement for compensation he has paid or become obligated to pay and any special damages to which he may be entitled under Section 3852, together with expenses and attorney fees, if any, subject to the limitations in this section set forth.

(c) Where settlement is effected, with or without suit, solely through the efforts of the employee's attorney, then prior to the reimbursement of the employer, as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred in effecting such settlement, including costs of suit, if any, together with a reasonable attorney's fee to be paid to the employee's attorney, for his services in securing and effecting settlement for the benefit of both the employer and the employee.

(d) Where settlement is effected, with or without suit, solely through the efforts of the employer's attorney, then, prior to the reimbursement of the employer as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred in effecting such settlement, including costs of suit, if any, together with a reasonable attorney's fee to be paid to the employer's attorney, for his services in securing and effecting settlement for the benefit of both the employer and the employee.

(e) Where both the employer and the employee are represented by the same agreed attorney or by separate attorneys in effecting a settlement, with or without suit, prior to reimbursement of the employer, as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred by both the employer and the employee or on behalf of either, including costs of

suit, if any, together with reasonable attorneys' fees to be paid to the respective attorneys for the employer and the employee, based upon the respective services rendered in securing and effecting settlement for the benefit of the party represented. In the event both parties are represented by the same attorney, by agreement, the attorney's fee shall be based on the services rendered for the benefit of both.

(f) The amount of expenses and attorneys' fees referred to in this section shall, on settlement of suit, or on any settlement requiring court approval, be set by the court. In all other cases these amounts shall be set by the commission. Where the employer and the employee are represented by separate attorneys they may propose to the court or the commission, for consideration and determination, the amount and division of such expenses and fees.

SEC. 8. Section 3861 of said code is amended to read:

Credit

3861. The commission is empowered to and shall allow, as a credit to the employer to be applied against his liability for compensation, such amount of any recovery by the employee for his injury, either by settlement or after judgment, as has not theretofore been applied to the payment of expenses or attorneys' fees, pursuant to the provisions of Sections 3856, 3858, and 3860 of this code, or has not been applied to reimburse the employer.

Repeal

SEC 9. Section 3863 of said code is repealed.

Applicability

SEC. 10 The amendments of Sections 3854, 3858, 3859, and 3861 of the Labor Code, the repeal of Sections 3856, 3860, and 3863, and the addition of Sections 3856 and 3860 to said code by the 1959 Regular Session of the Legislature shall apply only to causes of action arising subsequent to their effective date, and all rights presently existing under these sections shall be continued in force.

CHAPTER 1256

An act to amend Sections 4119, 4124, 6403, 6700 and 6801 of, to add Sections 6403.1, 6403.2, and 6403.3 to, and to repeal Sections 6202, 6303, 6400, 6401, 6402, 6408, 6409 and 6802 of, the Corporations Code, relating to foreign corporations.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 4119 of the Corporations Code is amended to read:

Filing of agreement and certificate

4119. If the consolidated or surviving corporation be a domestic corporation, the agreement and certificate of such corporation as well as the certificate of each constituent domestic corporation shall be filed in the Office of the Secretary of State and thereupon the consolidation or merger shall be

effective as to any such domestic corporation. There shall be attached to the agreement a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the provisions of the Corporate Securities Law. Each constituent foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the Office of the Secretary of State a certificate of surrender of right to transact intrastate business as provided for by Section 6700.

If the consolidated or surviving corporation be a foreign corporation, each constituent consolidated or merged foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the Office of the Secretary of State a certificate of surrender of its right to transact intrastate business as provided for by Section 6700. No filing need be made in this State by or on behalf of the surviving foreign corporation even though it be qualified for the transaction of intrastate business. Each constituent domestic corporation shall file in the Office of the Secretary of State a copy of the agreement, certificate or other document filed by the consolidated or surviving foreign corporation in the state or place of its incorporation for the purpose of effecting the consolidation or merger which copy shall be certified by the public officer having official custody of the original, or, in lieu thereof, an executed counterpart of the agreement or certificate and thereupon the consolidation or merger shall be effective as to such domestic corporation. Attached to the copy of the agreement or certificate shall be a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the provisions of the Corporate Securities Law. Certified copies of such agreement, certificate or other document shall be filed by each constituent domestic corporation as provided in Section 4114.

SEC. 2. Section 4124 of said code is amended to read:

Merger with wholly owned subsidiary

4124. Any corporation existing under the laws of this State and owning all the outstanding stock of any other domestic or foreign corporation may merge such wholly owned subsidiary corporation, if the laws under which the subsidiary corporation exists permits a merger as in this section provided, by filing in the Office of the Secretary of State a certificate of ownership in its name signed by its president or a vice president and its secretary or an assistant secretary which shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge. The certificate shall set forth:

(a) That it owns all the outstanding stock of the merged corporation.

(b) A copy of the resolution adopted by a majority of its board of directors to merge such other corporation and to assume all of its obligations.

(c) The time and place of the meeting of the board of directors at which said resolution was adopted and the vote by which it was adopted.

Thereupon, all of the estate, property, rights, privileges and franchises of the merged corporation shall vest in and be held and enjoyed by the parent corporation as fully as the same were before held and enjoyed by the merged corporation but subject to all liabilities and obligations of the merged corporation and the rights of all creditors thereof. The parent corporation shall not, however, thereby acquire the right to engage in any business or to exercise any right, privilege or franchise of a kind which it could not lawfully engage in or exercise under the law under which it exists. The parent corporation shall be deemed to have assumed all the liabilities and obligations of the merged corporation, and shall be liable in the same manner as if it had itself incurred such liabilities and obligations.

The parent corporation may adopt the name of the merged corporation in place of its own by appropriate provision in the resolution of merger amending its articles for that purpose but the articles may not be amended in any other respect by the certificate of merger. The resolution shall identify the article or provision being amended in the manner prescribed by Section 3631 and shall set forth in full the amended article or provision as amended.

If the merged subsidiary is a domestic corporation a copy of the certificate shall be filed in the Office of the Secretary of State on behalf of the domestic subsidiary. If the merged subsidiary is a foreign corporation qualified for the transaction of intrastate business in this State there shall be filed in the Office of the Secretary of State on behalf of the foreign subsidiary a certificate of surrender of right to transact intrastate business as provided for in Section 6700. Certified copies of the certificate shall also be filed as provided in Section 4114.

No copy of the certificate shall be filed for or on behalf of a domestic subsidiary corporation unless there is also filed with the Secretary of State the certificate of satisfaction of the Franchise Tax Board that all taxes imposed upon such corporation by the Bank and Corporation Franchise Tax Act have been paid or secured.

SEC. 3. Section 6403 of said code is amended to read:

Filing statement with Secretary of State

6403. A foreign corporation shall not transact intrastate business in this State without having first obtained from the Secretary of State a certificate of qualification. To obtain such certificate, the corporation shall file with the Secretary of State, in duplicate, a statement and designation in its corporate name, signed by its president, or a vice president, or its secretary or assistant secretary, or its treasurer, which shall set forth all of the following:

(a) Its name and the state or country of its incorporation.

(b) The location and address of its main office.

(c) The location and address of its principal office within this State.

(d) The specific business it proposes to transact in this State.

(e) The name of an agent upon whom process directed to the corporation may be served within this State. The agent may be a natural person residing within the State in which case his complete business or residence address shall be set forth, or it may be a domestic corporation which has filed the certificate provided for in Section 3301.5 or a foreign corporation which has filed the certificate provided for in Section 6403.5. If a corporate agent be designated, the statement shall set forth the state or place under the laws of which such agent was incorporated and the name of the city, town or village wherein it has the office at which the corporation designating it as such agent may be served, as set forth in the certificate filed by such corporate agent pursuant to Section 3301.5, 3301 6, 6403.5 or 6403.6.

(f) Its irrevocable consent to service of process directed to it upon the agent designated, and to service of process on the Secretary of State if the agent so designated or the agent's successor is no longer authorized to act or cannot be found at the address given. Annexed to such statement and designation shall be a certificate by the public officer of the state or country having custody of the original articles or certificate of incorporation or of the act creating such corporation, or by a public officer authorized by the laws of such state or country to make such certificate, to the effect that such corporation is an existing corporation in good standing in the state or country of its incorporation.

SEC. 4. Section 6403.1 is added to said code, to read:

Certificate of qualification

6403.1. Upon payment of the fees required by law the Secretary of State shall file the statement and designation prescribed in Section 6403 and shall issue to the corporation a certificate of qualification stating the date of filing of said statement and designation and that the corporation is qualified to transact intrastate business in this State, subject, however, to any licensing requirements otherwise imposed by this State. A copy of said statement and designation shall be annexed to the certificate of qualification.

SEC. 5. Section 6403.2 is added to said code, to read:

Qualification continued

6403.2. Every corporation which, at the time this section takes effect, has qualified to transact intrastate business in this State shall continue to have such authority.

SEC. 6. Section 6403.3 is added to said code, to read:

Change of name, etc

6403.3. If any foreign corporation qualified to transact intrastate business shall change its name, the location or address of its main office, the location or address of its principal office in this State, the specific business to be transacted in this State, its agent for the service of process, or if the stated address of any natural person designated as agent for the service of process shall be changed, or the city, town or village

wherein any designated corporate agent may be served is changed, it shall file with the Secretary of State, in duplicate, an amended statement and designation setting forth the change or changes made. In the case of a change of name the amended statement and designation shall set forth the name relinquished as well as the new name assumed and there shall be attached to the amended statement and designation a certificate of the public officer having custody of the original corporation documents in the state or place of incorporation to the effect that such change of name was made in accordance with the laws of the state or place of incorporation If a certificate of qualification has previously been issued to the corporation such certificate shall be surrendered at the time of the filing of the amended statement and designation and thereupon the Secretary of State shall issue a new certificate of qualification to which shall be annexed a copy of the amended statement and designation. If the certificate of qualification to be surrendered has been lost or destroyed there shall be attached to the amended statement and designation an affidavit of the president, or a vice president, or the secretary or an assistant secretary, or of the treasurer to the effect that such certificate has been lost or destroyed, as the case may be.

SEC. 7. Section 6700 of said code is amended to read:

Certificate of surrender

6700. A foreign corporation which has qualified to transact intrastate business in this State may surrender its right to engage in such business within this State by filing in the Office of the Secretary of State a certificate signed and acknowledged by its president or a vice president and its secretary or an assistant secretary or treasurer, setting forth all of the following:

(a) The name of the corporation as shown on the records of the Secretary of State, and the state or place of incorporation.

(b) That it revokes its designation of agent for the service of process.

(c) That it surrenders its authority to transact intrastate business in this State and returns for cancellation its certificate of qualification to transact intrastate business in this State, or that such certificate has been lost or destroyed, if such be the fact.

(d) That it consents that process against it in any action upon any liability or obligation incurred within this State prior to the filing of the certificate of withdrawal may be served upon the Secretary of State.

(e) A post office address to which the Secretary of State may mail a copy of any process against the corporation that is served upon him, which address may be changed from time to time by filing a certificate entitled "certificate of change of address of surrendered foreign corporation" signed and acknowledged by the president, a vice president, secretary, assistant secretary or treasurer. If the name of the corporation has been changed since the filing of its certificate of surrender of authority, the certificate of change of address shall set forth

such new name as well as the name appearing on the certificate of surrender of authority.

The certificate of qualification shall be attached to the certificate of surrender unless such certificate of qualification has been lost or destroyed in which event there shall be attached an affidavit of the president, a vice president, the secretary, an assistant secretary or the treasurer to the effect that such certificate of qualification has been lost or destroyed, as the case may be.

SEC. 8. Section 6801 of said code is amended to read:

Disability to maintain actions upon intrastate business

6801. A foreign corporation subject to the provisions of Chapter 3 of this part which transacts intrastate business in this State without complying therewith shall not maintain any action or proceeding upon any intrastate business so transacted in any court of this State, commenced prior to compliance with Chapter 3 until it has complied with the provisions thereof, and has paid to the Secretary of State a penalty of two hundred fifty dollars ($250) in addition to the fees due for filing the statement and designation required by Section 6403, and has filed with the clerk of the court in which the action is pending, receipts showing the payment of said fees and penalty and all franchise taxes and any other taxes on business or property in this State that should have been paid for the period during which it transacted intrastate business.

Repeals

SEC. 9. Sections 6202, 6303, 6400, 6401, 6402, 6408, 6409 and 6802 of said code are repealed.

CHAPTER 1257

An act to amend Section 1532 of the Probate Code, relating to sales by guardians.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1532 of the Probate Code is amended to read:

1532. All sales must be for cash or for part cash and part deferred payments, the credit in no case to exceed 10 years from the date of sale, and the terms being subject to the approval of the court. When real property is sold upon deferred payments, the guardian must demand and receive from the purchasers, notes, and a mortgage or deed of trust on the property sold, with such additional security as the court deems necessary and sufficient to secure the prompt payment of the amounts so deferred, and the interest thereon. The mortgage or deed of trust herein provided for shall be subject only to encumbrances existing at date of sale and such other encumbrances as the court shall approve.

Where property sold by the guardian for part cash and part deferred payments consists of an undivided interest in real or personal property, a joint tenancy interest, or any other interest therein less than the entire ownership, and the owner or owners of the remaining interests therein join in such sale, the note and deed of trust or mortgage may be made to the ward and such others having an interest in such property. The interest of the ward in such note and deed of trust or mortgage shall be in the same tenancy and in the same proportions as the ward's interest in the property prior to the sale.

CHAPTER 1258

An act to repeal Section 2 of Chapter 1820 of the Statutes of 1955 and to repeal and add Article 7 (commencing with Section 12580) to Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to state supervision and enforcement of certain charitable trusts and similar relationships, declaring the urgency thereof, to take effect immediately.

In effect immediately

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

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

Repeals

SECTION 1. Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, and Section 2 of Chapter 1820 of the Statutes of 1955 are hereby repealed.

SEC. 2. A new Article 7 (commencing with Section 12580) is added to Chapter 6 of Part 2 of Division 3 of Title 2 of said code, to read:

Article 7. Uniform Supervision of Trustees for Charitable Purposes Act

Short title

12580. This article may be cited as the Uniform Supervision of Trustees for Charitable Purposes Act.

Application

12581. This article applies to all charitable corporations and trustees holding property for charitable purposes over which the State or the Attorney General has enforcement or supervisory powers.

"Trustee"

12582. "Trustee" means (a) any individual, group of individuals, corporation, or other legal entity holding property in trust pursuant to any charitable trust, (b) any corporation which has accepted property to be used for a particular charitable corporate purpose as distinguished from the general purposes of the corporation, and (c) a corporation formed for the administration of a charitable trust, pursuant to the directions of the settlor or at the instance of the trustee.

12582.1. "Charitable corporation" means any nonprofit corporation organized under the laws of this State for charitable or eleemosynary purposes and any similar foreign corporation doing business or holding property in this State for such purposes. "Charitable corporation"

12583. This article does not apply to the United States, any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or to any of their agencies or governmental subdivisions, to any religious corporation sole or other religious corporation or organization which holds property for religious purposes, or to any officer, director, or trustee thereof who holds property for like purposes, to a cemetery corporation regulated under Chapter 19 of Division 3 of the Business and Professions Code, or to a charitable corporation organized and operated primarily as a religious organization, educational institution or hospital. Exceptions

12584. The Attorney General shall establish and maintain a register of charitable corporations and trustees subject to this article and of the particular trust or other relationship under which they hold property for charitable purposes and, to that end, may conduct whatever investigation is necessary, and shall obtain from public records, court officers, taxing authorities, trustees, and other sources, whatever information, copies of instruments, reports, and records are needed for the establishment and maintenance of the register. Register

12585. Every charitable corporation and trustee subject to this article who has received property for charitable purposes shall file with the Attorney General, within six months after any part of the income or principal is authorized or required to be applied to a charitable purpose, a copy of the articles of incorporation or other instrument providing for his title, powers or duties. If any part of the income or principal is authorized or required to be applied to a charitable purpose at the time this article takes effect, the filing shall be made within six months thereafter. Filing

12586. (a) Except as otherwise provided and except corporate trustees which are subject to the jurisdiction of the Superintendent of Banks of the State of California or to the Comptroller of Currency of the United States, every charitable corporation and trustee subject to this article shall, in addition to filing copies of the instruments previously required, file with the Attorney General periodic written reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the corporation or trustee, in accordance with rules and regulations of the Attorney General. Reports

(b) The Attorney General shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. He may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the

trust or other relationship, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or otherwise, and may establish different rules for the different classes as to time and nature of the reports required to the ends (1) that he shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature, which will enable him to ascertain whether they are being properly administered, and (2) that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts and similar relationships. The Attorney General may suspend the filing of reports as to a particular charitable trust or relationship for a reasonable, specifically designated time upon written application of the trustee filed with the Attorney General and after the Attorney General has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by his office.

(c) A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the Attorney General, may be filed as a report required by this section.

(d) The first report for a trust or similar relationship hereafter established, unless the filing thereof is suspended as herein provided, shall be filed not later than four (4) months and fifteen (15) days following the close of the first calendar or fiscal year in which any part of the income or principal is authorized or required to be applied to a charitable purpose. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this article takes effect, the first report shall be filed at the close of the calendar or fiscal year in which it was registered with the Attorney General or not later than four (4) months and fifteen (15) days following the close of such calendar or fiscal period.

Rules and regulations

12587. The Attorney General may make additional rules and regulations necessary for the administration of this article.

Powers of Attorney General

12588. The Attorney General may investigate transactions and relationships of corporations and trustees subject to this article for the purpose of ascertaining whether or not the purposes of the corporation or trust are being carried out in accordance with the terms and provisions of the articles of incorporation or other instrument. He may require any agent, trustee, fiduciary, beneficiary, institution, association, or corporation, or other person to appear, at a named time and place, in the county designated by the Attorney General, where the person resides or is found, to give information under oath and to produce books, memoranda, papers, documents of title, and evidence of assets, liabilities, receipts, or disbursements in the possession or control of the person ordered to appear.

12589. When the Attorney General requires the attendance of any person, as provided in Section 12588, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least 14 days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena and, upon application of the Attorney General, obedience to the order may be enforced by the superior court in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend or postpone all or any part of its provisions. Order to appear

12590. Subject to reasonable rules and regulations adopted by the Attorney General, the register, copies of instruments, and the reports filed with the Attorney General shall be open to public inspection. The Attorney General shall withhold from public inspection any instrument so filed whose content is not exclusively for charitable purposes. Public inspection

12591. The Attorney General may institute appropriate proceedings to secure compliance with this article and to invoke the jurisdiction of the court. The powers and duties of the Attorney General provided in this article are in addition to his existing powers and duties. Nothing in this article shall impair or restrict the jurisdiction of any court with respect to any of the matters covered by it, except that no court shall have jurisdiction to modify or terminate any trust of property for charitable purposes unless the Attorney General is a party to the proceedings. Powers and duties of Attorney General

12592. This article shall apply regardless of any contrary provisions of any instrument. Application

12593. Every person who offers for probate any instrument which establishes a testamentary trust of property for charitable purposes or who records in any county or city and county any inter vivos transfer of property for charitable purposes shall furnish a copy of such document to the Attorney General. The custodian of the records of a court having jurisdiction of probate matters or of charitable trusts shall furnish such copies of papers, records and files of his office relating to the subject of this article as the Attorney General requires. Probate of charitable trusts

12594. Every officer, agency, board, or commission of this State receiving applications for exemption from taxation of any corporation, charitable trust or similar relationship in which the corporation or trustee is subject to this article shall annually file with the Attorney General a list of all applications received during the year. List of applications for tax exemptions

12595. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it. Construction

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the in- Severability

validity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Tremendous sums of money are given each year for charitable purposes. A considerable amount of these funds will be diverted or wasted unless these provisions of the Uniform Supervision of Trustees for Charitable Purposes Act are continued on a permanent basis.

The proper supervision of the administration of charitable trusts lends encouragement to donors to create trusts to benefit the people of California.

Unless this measure is to have immediate effect, the Uniform Supervision of Trustees for Charitable Purposes Act will terminate on July 1, 1959, with the possible loss of funds intended to preserve the health, safety, and welfare of the people of California.

CHAPTER 1259

An act to amend and renumber the heading of Part 10 (commencing with Section 15750) of Division 3 of Title 2 of, to amend Sections 16407, 16408, and 16409 of, and to repeal Sections 15750, 15751, 15772, 15794, 15795, 15796, 15797, 15798, 16407.1, 16407.2, and 16407.4 of, the Government Code, relating to the construction of state buildings, declaring the urgency thereof, to take effect immediately.

In effect immediately

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

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

SECTION 1. **The heading of Part 10 of Division 3 of Title 2** of the Government Code is amended and renumbered to read:

PART 10.5. STATE PUBLIC WORKS BOARD

SEC. 2. Section 16407 of said code is amended to read:

Capital Outlay and Savings Fund abolished

16407. The Capital Outlay and Savings Fund in the State Treasury is abolished. All money credited to the Capital Outlay and Savings Fund is transferred to the General Fund. All appropriations heretofore made from the Capital Outlay and Savings Fund shall be payable, for the same purposes and periods, from the General Fund.

SEC. 3. Section 16408 of said code is amended to read:

Transfer of unexpended balance

16408. The unexpended balance in any appropriation heretofore made payable from the Capital Outlay and Savings

Fund, or hereafter made from the General Fund for capital outlay purposes, which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to and in augmentation of the appropriation made by Section 16409.

SEC. 4. Section 16409 of said code is amended to read:

Appropriation

16409. There is hereby appropriated from the General Fund, without regard to fiscal years, any amounts transferred to this appropriation in accordance with the provisions of Section 16408, and such amounts may be expended for acquisition of real property or for construction and equipment of state public works projects for which an appropriation has been made from the Capital Outlay and Savings Fund or the General Fund. Expenditures shall be made pursuant to allocations made by the Director of Finance upon approval of the State Public Works Board.

Allocations may be made for expenditure upon any state public works project in augmentation of appropriations made from the Capital Outlay and Savings Fund or the General Fund, where such project cannot be undertaken because the estimate exceeds the amount available for such construction or bids received are in excess of the estimate, and upon such augmentation, contracts may be awarded therefor, notwithstanding the provisions of Section 14275.

Allocations may be made for acquisition of real property in augmentation of appropriations made from the Capital Outlay and Savings Fund or the General Fund for acquisition of real property and which cannot be acquired because acquisition costs are in excess of the amounts provided in the appropriation.

Allocations may be made for purchase of equipment in augmentation of appropriations made from the Capital Outlay and Savings Fund or the General Fund from which purchase of equipment is authorized.

Repeals

SEC. 5. Sections 15750, 15751, 15772, 15794, 15795, 15796, 15797, 15798, 16407.1, 16407.2 and 16407.4 of said code are repealed.

Operative date

SEC. 6. This act shall become operative July 1, 1959.

Urgency

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The accounts of the State are kept and reported on a fiscal-year basis. If a change in funding is made during the course of a fiscal year, it results in the expenditures being reported partially from one fund and partially from another. This destroys the continuity of recording for year-by-year comparisons From an operating standpoint also, there is less work involved in making the transition if it can be done at the start of a fiscal year.

CHAPTER 1260

An act to amend Section 5003 of the Public Utilities Code, relating to transportation fees, to take effect immediately, tax levy.

In effect immediately

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

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

SECTION 1. Section 5003 of the Public Utilities Code is amended to read:

5003. Every railroad corporation, express corporation, freight forwarder, and every person or corporation operating vessels, as these terms are defined in Part 1 (commencing at Section 201) of Division 1, and every motor transportation broker, as the term is defined in the Motor Transportation Brokers' Act, and every person or corporation owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the commission shall, between the first and fifteenth days of January, April, July, and October of each year, file with the commission a statement showing the gross operating revenue derived by such person or corporation from the transportation of property for the preceding three calendar months, and shall at the time of filing such report pay to the commission a fee of four dollars ($4) for each quarter, together with one-third of 1 percent of the amount of such gross operating revenue.

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

SEC. 3. This act shall be operative until July 1, 1964, at which time Section 5003 of the Public Utilities Code is repealed.

CHAPTER 1261

An act to repeal Section 6 of Chapter 9 of the 1958 Regular Session, relating to transportation fees.

In effect September 18, 1959

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

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

SECTION 1. Section 6 of Chapter 9 of the 1958 Regular Session is repealed.

CHAPTER 1262

An act to add Section 1885 to the Code of Civil Procedure, relating to interpreters for deaf parties in civil and criminal actions and proceedings, declaring the urgency thereof, to take effect immediately.

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

In effect immediately

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

SECTION 1. Section 1885 is added to the Code of Civil Procedure, to read:

1885. (a) In all criminal prosecutions, where the accused is a deaf person, he shall have all of the proceedings of the trial interpreted to him in a language that he can understand by a qualified interpreter appointed by the court.

(b) In all cases where the mental condition of a person is being considered and where such person may be committed to a mental institution, and where such person is a deaf person, all of the court proceedings, pertaining to him, shall be interpreted to him in a language that he understands by a qualified interpreter appointed by the court.

(c) An interpreter who shall be appointed under the terms of this section shall be required to take an oath that he will make a true interpretation to the person accused or being examined of all the proceedings of his case in a language that he understands; and that he will repeat such person's answers to questions to counsel, court, or jury, in the English language, with his best skill and judgment.

(d) Interpreters appointed under this section shall be paid for their services a reasonable sum to be determined by the court, which shall be a charge against the county.

(e) As used in this section, "deaf person" means a person with a hearing loss so great as to prevent his understanding normal spoken language with or without a hearing aid.

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

It is a fundamental part of due process that an accused or a person sought to be committed for mental illness be present at the proceedings in which he is the accused or at which his competency is in question. This is premised partly on the reasonable assumption that if he is present and aware of what is transpiring, he may be able to present good reasons why he should not be convicted or committed. Plainly this is not possible when a person is deaf and cannot hear what is going on. So long as this situation is allowed to continue, grave injustices may be done. It is therefore imperative that this act, providing interpreters for deaf persons, go into immediate effect.

CHAPTER 1263

An act to appropriate one hundred thousand dollars ($100,000) to be expended pursuant to Chapter 13 of Division 10 of the Education Code, relating to the National Defense Education Act of 1958, declaring the urgency thereof, to take effect immediately.

In effect immediately

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

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

SECTION 1. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the General Fund without regard to fiscal years to be expended for the purpose of making all or part of the contributions payable to student loan funds pursuant to agreements entered into under Title II of the Act of Congress cited as the National Defense Education Act of 1958 on behalf of the following institutions of higher education, the appropriation to be allocated by the Director of Education in approximately the sums specified opposite the name of the respective institution:

State College for Alameda County	$2,000
California State Polytechnic College	15,000
Chico State College	3,000
Fresno State College	3,300
Humboldt State College	2,000
Long Beach State College	7,000
Los Angeles State College of Applied Arts and Sciences	12,000
Orange County State College	2,000
Sacramento State College	8,400
San Diego State College	15,500
San Fernando Valley State College	4,300
San Francisco State College	12,000
San Jose State College	12,000
California Maritime Academy	1,500

SEC. 2. It is in the interests of the State and of the people thereof for the State to provide money for student loan funds in public institutions of higher learning on the basis of an amount equal to not less than one-ninth of federal capital contributions to such student loan funds as provided by the National Defense Education Act of 1958 for needy students at these publicly supported institutions.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The United States Commissioner of Education has allotted money under the act to the State for the Fiscal Year 1958-59, and it is necessary that this measure become effective immediately in order that the needy students of state colleges may receive loans under Title II of the act for the second semester, which at most state colleges begins about February 1, 1959.

CHAPTER 1264

An act to add Section 69749.2 to the Government Code, relating to sessions of the superior court, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1959. Filed with Secretary of State June 30, 1959.] In effect immediately

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

SECTION 1. Section 69749.2 is added to the Government Code, to read:

69749.2. Except in those cities in which sessions of the superior court are required by law to be held and in which sessions were being held on the effective date of this section, no sessions of the superior court shall be held prior to the ninety-first day after the adjournment of the 1959 Session of the Legislature in any city meeting the requirements of this article unless the board of supervisors by resolution provides an earlier date upon which such sessions may be held.

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

The public peace, health and safety are dependent upon the establishment of sufficient courts for the convenient and timely administration of justice. County officers, and judges of the superior courts, are charged with the responsibility of providing the most reasonable and efficient facilities and personnel possible for the efficient and timely administration of justice within their respective counties, consistent with their responsibility to the electors and taxpayers thereof for the costs thereof. The solution of these problems is very complex and difficult in the counties affected by this act, because of the tremendous influx of population and the accelerated growth and development therein. Satisfactory solution of these problems in such counties cannot be effected without the benefit of the final action of the Legislature on legislation being considered at this session of the Legislature affecting the jurisdiction and sessions of the superior court, the jurisdiction and abolition of courts inferior thereto, the officers and attaches thereof, and other legislation affecting such courts and the costs of maintenance thereof.

CHAPTER 1265

An act to amend Sections 803, 803.5, 806.1, 828.4, and 829.2 of the Agricultural Code, relating to agricultural containers, declaring the urgency thereof, to take effect immediately.

In effect immediately

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

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

SECTION 1. Section 803 of the Agricultural Code is amended to read:

Peaches

803. Fresh peaches shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end, and from mold, brown rot, and decay, and free from serious damage, due to cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes. Damage to any one peach is not serious unless it causes a waste of 10 percent, by weight, of the individual peach.

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

Packed peaches shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

Peaches of the freestone variety shall not be considered mature unless at the time of picking, the flesh breaks free from the pit. In addition the flesh of peaches of the Elberta variety shall be a yellowish color.

All containers of fresh peaches shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the peaches or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description, when the peaches are packed in the four-basket crate, or the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size. When the count is used to designate the contents of the container a variation of four peaches more or less than the number stated shall be allowed.

Peaches, when packed, shall be in standard containers numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 22D, 25, 26, 27, 27A, 27B, or 27C. Containers of peaches placed in molded forms shall be

marked with the exact number of peaches placed therein, and may be packed in standard container number 31. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

SEC. 2. Section 803.5 of said code is amended to read:

803.5. Nectarines shall be mature, but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end; and from mold, brown rot, and decay which has affected the edible portion; and free from serious damage due to skin breaks or cuts, growth cracks, bruises, or other causes. Damage to any one nectarine is not serious unless it causes a waste of 10 percent, by weight, of the individual nectarine. Nectarines

Nectarines shall not be considered mature unless at the time of picking (a) an aggregate area of at least one inch in diameter of the surface of the individual fruit has broken from green or dark green to a distinct flecking of light green or a light green indicating equivalent maturity, or (b) the shoulders and suture are well developed and filled out.

Except in the case of nectarines affected by split pits which are visible, not more than 10 percent, by count, of the nectarines in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. In the case of nectarines affected by split pits which are visible, an additional tolerance of not more than 10 percent, by count, of the nectarines in any one container or bulk lot shall be allowed.

Packed nectarines shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section

All containers of fresh nectarines shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the nectarines or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description, when the nectarines are packed in the four-basket crate, or the count, when wrapped and packed throughout, in straight-side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the basket shall be used to designate size. When the count is used to designate the contents of the container a variation of four nectarines more or less than the number stated shall be allowed.

Nectarines, when packed, shall be in standard containers numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 12C, 22B, 22D, 25,

26, 27, 27A, 27B, or 27C. Containers of nectarines placed in molded forms shall be marked with the exact number of nectarines placed therein, and may be packed in standard container number 31. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

SEC 3. Section 806.1 of said code is amended to read:

Plums or fresh prunes

806.1. When plums or fresh prunes are packed in standard container number 9c the bottom layer or layers may contain a fewer number of plums or fresh prunes than in the top layer providing (a) the plums or fresh prunes in each such bottom layer are placed so that they are not compact within the layer and (b) all of the plums or fresh prunes in the container are uniform in size as required in Section 806.

In lieu of the size designations required by Section 806 to be marked on containers of plums or fresh prunes, standard container number 9c may be marked with the row size of the plums or fresh prunes in the container followed by the term "row size," all in like size type. "Row size" as used in this section shall mean that number of plums or fresh prunes, representative of the variations in size of the plums in the container, which would tightly pack laterally across the side of a tray used to hold the top layer which distance shall not be less than 12 inches or the number of plums or fresh prunes whose aggregate width will equal 12 inches. The row size measurements of plums or fresh prunes shall be established with the stem end downward and utilizing the widest portion of cross section at a right angle to a straight line drawn from stem end to the distal end thereof.

SEC. 4. Section 828.4 of said code is amended to read:

Lug boxes

828.4.

22A	Special lug box	$3\frac{5}{8}$	11	$14\frac{5}{8}$
22B	Special lug box $4\frac{1}{4}$ or	$4\frac{5}{8}$	$12\frac{1}{2}$	$16\frac{1}{8}$
22C	Standard lug box	$3\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
22D	Standard lug box $2\frac{7}{8}$ to	$3\frac{7}{8}$	$13\frac{1}{2}$	$16\frac{1}{8}$
23	Standard lug box	4	$13\frac{1}{2}$	$16\frac{1}{8}$
24	Standard lug box	$4\frac{1}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
25	Standard lug box	$4\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
26	Standard lug box	$5\frac{1}{16}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27	Standard lug box	$5\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27A	Bay City lug	$7\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27B	Standard lug box	$6\frac{3}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$
27C	Standard lug box	$6\frac{1}{4}$	$13\frac{1}{2}$	$16\frac{1}{8}$

SEC. 5. Section 829.2 of said code is amended to read:

Standard containers

829.2. 7. Fresh peaches, numbers, 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 22D, 25, 26, 27, 27A, 27B, or 27C.

7a. Nectarines, numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 12C, 22B, 22D, 25, 26, 27, 27A, 27B, or 27C.

8. Fresh pears, numbers 1A, 19, 20, 26, 27 or 29A. Container number 19 shall be standard only when used with three pads or cushions.

9. Oriental persimmons, numbers 6, 7, 8, 13, 14, 15, 16, 17, 18, 22D, 27, 27B or 32.

10. Plums or fresh prunes, numbers 1, 1A, 5, 6, 7, 8, 9, 9C, 12A, 12B, 14, 15, 16, 17, 18A, 22B, 22D, 23, 24, 25, 26 or 27.

11. "Wonderful" pomegranates, number 34.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In order that the 1959 crops of the fruits to which this act relates may be packed, shipped and marketed under the beneficial provisions which it prescribes, it is necessary that this act take effect immediately.

CHAPTER 1266

An act to amend Section 787 of the Probate Code, relating to a sale made upon a credit by an executor or administrator.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.] In effect September 18, 1959

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

SECTION 1. Section 787 of the Probate Code is amended to read:

787. If a sale is made upon a credit, the executor or administrator must take the note or notes of the purchaser for the unpaid portion of the purchase money, with a mortgage or deed of trust on the property to secure their payment, which mortgage or deed of trust shall be subject only to encumbrances existing at date of sale and such other encumbrances as the court shall approve. Where property sold by an executor or administrator for part cash and part deferred payments consists of an undivided interest in real or personal property or any other interest therein less than the entire ownership, and the owner or owners of the remaining interests therein join in such sale, the note and deed of trust or mortgage may be made to the executor or administrator and such others having an interest in such property. The interest of the executor or administrator in such note and deed of trust or mortgage shall be in the same tenancy and in the same proportions as the estate's interest in the property prior to the sale.

CHAPTER 1267

An act to amend Sections 13581, 13582, 13592, 13601, 13621, 13622, and 13651 of, and to add Sections 13580, 13604, 13651.3, 13651.4, and 13739.1 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school district employees.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 13580 is added to the Education Code, immediately preceding Section 13581 thereof, to read:

Application

13580. The provisions of Sections 997 to 999, inclusive, and Articles 1 to 4, inclusive, of this chapter (commencing at Section 13580) shall apply to all classified employees of a school district; except these provisions shall not apply to (a) employees who are members of the classified service as provided in Article 5 (commencing at Section 13701) of this chapter unless otherwise provided in this chapter and (b) employees of a school district lying wholly within a city or city and county which provides in its charter for a merit system of employment for employees not employed in positions requiring certification qualifications. These provisions shall also apply to all persons a part of the classified service employed in the office of a county superintendent of schools.

SEC. 2. Section 13581 of said code is amended to read:

Classified service

13581. The governing board of any school district shall employ persons for positions not requiring certification qualifications. The governing board shall, except where Article 5 (commencing at Section 13701) of this chapter or Section 13756 applies, classify all such employees and positions. The employees and positions shall be known as the classified service. Substitute and short term employees, employed and paid for less than 75 percent of a school year, shall not be a part of the classified service. Part-time playground positions, full-time day students employed part time, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service.

The provisions of this section shall be complied with no later than July 1, 1960.

SEC. 3. Section 13582 of said code is amended to read:

Fixing of duties

13582. Governing boards shall fix and prescribe the duties to be performed by all persons in the classified service and other positions not requiring certification qualifications of the school district, except those persons employed as a part of a personnel commission staff as provided in Article 5 (commencing at Section 13701) of this chapter.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 4. Section 13592 of said code is amended to read:

Age limits

13592. Notwithstanding any other provisions of Sections 997 to 999, inclusive, or Articles 1 to 4, inclusive, of this chapter (commencing at Section 13580), no minimum or maximum age limits shall be established for the employment or continuance in employment of persons a part of the classified service.

Any person possessing all of the minimum qualifications for any employment shall be eligible for appointment to that employment, and no rule, either written or unwritten, shall be adopted prohibiting the employment or continued employment, solely because of the age of any such person in any school employment who is otherwise qualified therefor.

This section does not authorize the employment of any person in particular school employment who has reached the retirement age for that particular employment prescribed by any retirement system applicable thereto, whether or not the person is a member of the retirement system, or entitled to a retirement salary thereunder, nor shall any person be employed in such employment while he is receiving a retirement allowance under any retirement system by reason of prior school employment.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter, other than to a district or districts governed by the same governing board in which the combined average daily attendance of all districts is in excess of 400,000. In such district or districts in which the combined average daily attendance of all districts is in excess of 400,000, no minimum age limit shall be established for employment in the classified service and any maximum age limit which is established by the governing board of the district shall be not less than 65 years of age and not more than the compulsory retirement age for such employment as provided herein.

SEC. 5. Section 13601 of said code is amended to read:

Salaries for classified service

13601. The governing board of any school district shall fix and order paid the compensation of persons a part of the classified service and other employees not requiring certification qualifications employed by the board unless otherwise prescribed by law.

SEC. 6. Section 13604 is added to said code, to read:

Payment of wages

13604. Orders for the payment of wages and payroll orders and warrants for the payment of wages of employees a part of the classified service in any public school system shall be drawn at least once during each calendar month, for those districts not using the provisions of Section 21114 of this code, on days designated by the governing board of each school district, but such payment shall be made on or before the tenth day of the

calendar month following the month in which the labor was performed for which payment is to be made.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 7. Section 13621 of said code is amended to read:

Annual institutes

13621. The superintendent of schools of every county and of every city and county, and of every city school district governed by a city board of education may hold at least one annual institute of persons employed in the classified service. The superintendents of schools shall designate the persons to attend the institute.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 8. Section 13622 of said code is amended to read:

Procedure and expense

13622. The superintendents of schools may unite institutes of classified employees, and may hold institutes of classified employees in the same manner as teachers' institutes. The expenses of such institutes shall be paid in the same manner and from the same funds as are teachers' institutes.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC 9. Section 13651 of said code is amended to read:

Leaves of absences and vacations:

13651. Governing boards of school districts may grant leaves of absence and vacations, with or without pay, to persons employed in the classified service of the district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 10. Section 13651.3 is added to said code, to read:

Pregnancy

13651.3. The governing board of any school district may provide for such leave of absence from duty as it deems appropriate for any female employee in the classified service of the district who is required to absent herself from her duties because of pregnancy or convalescence following childbirth, and may adopt rules and regulations prescribing the manner of proof of pregnancy, the time during pregnancy at which the leave of absence shall be taken, and the length of time for which the leave of absence shall continue after birth of the child. The board may also provide in the rules and regulations whether leave granted under this section shall be with or without pay and, if with pay, the amount, if any, to be deducted from the salary due the employee for the period in which the absence occurs. However, nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 11. Section 13651.4 is added to said code, to read:

13651.4. Every person employed in the classified service of any school district may be granted necessary leave of absence, not to exceed three days, on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section. Member of the immediate family, as used in this section, means the mother, mother-in-law, father, father-in-law, spouse, son, daughter, brother or sister of the employee, or any relative living in the immediate household of the employee.

Death in immediate family

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 12. Section 13739.1 is added to said code, to read:

13739.1. The permanent classification of any employee who is classified as a permanent employee under the provisions of this article (commencing with Section 13701) shall cease at the close of the fiscal year in which the employee reaches the age of 65 years. The employee shall, however, be continued in employment in accordance with the provisions of Articles 1 to 4, inclusive, (commencing with Section 13580), of this chapter, except that in a school district or districts, governed by the same governing board, in which the combined average daily attendance of all districts is in excess of 400,000, the employment of such an employee beyond the close of the fiscal year in which he reaches the age of 65 years shall be at the discretion of the governing board of the district. The governing board may terminate at its pleasure the services of an employee who is employed or continued in employment beyond the fiscal year in which he reaches the age of 65 years. Employment beyond age 65 shall be in accordance with rules for such employment approved by the Board of Education and the personnel commission of the district.

Employment beyond age 65

CHAPTER 1268

An act to maintain the Business and Professions Code by amending Section 2457.5 thereof, and by repealing Sections 2025, 6060.5, 6060.8, and 6061 thereof, relating to the regulation and protection of licensed professions and business enterprises, and making an appropriation.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2457.5 of the Business and Professions Code is amended to read:

Exemptions

2457.5. Every person licensed under this chapter is exempt from the payment of the annual tax and registration fee in any one of the following instances:

(a) While engaged in full-time active service in the Medical Corps of the Army, Navy, Air Force or Marines or in the United States Public Health Service.

(b) While fulfilling his full-time period of training and active service, whether as a draftee or volunteer, under the Selective Training and Service Act of 1940 and any amendments or additions thereto or acts supplementary thereof.

Every person exempted from the payment of the annual tax and registration fee by this section shall not engage in any private practice and shall become liable for such tax and fee upon the completion of his period of full-time active service and shall have a period of 60 days after becoming liable within which to pay the tax and fee before the delinquent fee becomes applicable. Any person who completes his period of full-time active service within 60 days of the end of the calendar year is exempt from the payment of the tax and fee for that year.

Repeals

SEC. 2. Sections 202.5, 6060.5, 6060.8, and 6061 of said code are repealed.

CHAPTER 1269

An act to maintain the Water Code by amending Sections 163, 251, 401, 2603, 11581, 12640, 12868, 12874, the heading of Article 9.5 (commencing with Section 11260) of Chapter 2, Part 3, Division 6, and the heading of Article 4 (commencing with Section 55610) of Chapter 2, Part 4, Division 16 thereof, and by amending and renumbering the heading of Article 9.6 (commencing with Section 11270) of Chapter 2, Part 3, Division 6 thereof, relating to the control, utilization, and distribution of water.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 163 of the Water Code is amended to read:

Technical and clerical assistants

163. The department may employ, and shall do so to the extent funds are made available, such technical and clerical assistants for the California Water Commission as may be necessary for the proper discharge of its duties and may purchase or rent for the commission any necessary supplies, instruments, tools, equipment, and conveniences.

SEC. 1.5. Section 251 of said code is amended to read:

Declaration as evidence

251. The declaration of the director, supported by a resolution of the California Water Commission or its successor, shall be conclusive evidence:

(a) Of the public necessity of such proposed public improvement.

(b) That such real property or interest therein is necessary therefor.

(c) That such proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

SEC. 2. Section 401 of said code is amended to read:

401. As used in this chapter:

"Department"

(a) "Department" means the Department of Water Resources.

(b) "Person" means any person, firm, association, organization, partnership, company, corporation, private or public, county, city, city and county, district, or other public agency.

SEC. 3. Section 2603 of said code is amended to read:

Extension of time

2603. After the date fixed for the filing of proofs, no proofs shall be received or filed unless the board, for cause shown, extends the time in which proofs may be filed.

SEC. 4. The heading of Article 9.5 (commencing with Section 11260) of Chapter 2, Part 3, Division 6 of said code is amended to read:

Article 9.5. Feather River and Sacramento-San Joaquin Delta Diversion Projects

SEC. 5. The heading of Article 9.6 (commencing with Section 11270) of Chapter 2, Part 3, Division 6 of said code is amended and renumbered to read:

Article 9.7. North Bay Aqueduct

SEC. 6. Section 11581 of said code is amended to read:

Declaration of necessity

11581. The department has no power to commence any proceedings in eminent domain unless and until the director first makes a declaration, concurred in by resolution of the California Water Commission, that public interest and necessity require the acquisition of the property; provided, the project for which the property is being acquired has been authorized and funds are available therefor.

SEC. 7. Section 12640 of said code is amended to read:

Applicable provisions, etc.

12640. The provisions of Part 2 of this division shall be applicable to all water made available by the construction of the works of any project approved by Chapters 1 and 2 of this part. No priority under Part 2 shall be released nor assignment made of any appropriation that will, in the judgment of the Department of Water Resources, deprive the county in which the appropriated water originates of any water necessary for the development of the county.

SEC. 8. Section 12868 of said code is amended to read:

Conditions to payment of costs

12868. The State shall pay the costs of lands, easements and rights of way for projects described in subsection (b) of Section 12865 only if, or to the extent that:

(a) The Secretary of Agriculture and local organizations have agreed on a plan for works of improvement pursuant to Public Law 566, Eighty-third Congress, Second Session.

(b) Local organizations have given the required assurances to the Secretary of Agriculture that they will:

(1) Acquire without cost to the Federal Government such land, easements, or rights of way as will be needed in connection with works of improvement installed with federal assistance;

(2) Assume such proportionate share of the cost of installing any works of improvement involving federal assistance as may be determined by the secretary to be equitable in consideration of anticipated benefits from such improvements;

(3) Make arrangements satisfactory to the secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) Acquire, or provide assurance that landowners have acquired, such water rights, pursuant to state law, as may be needed in the installation and operation of the work of improvement.

(5) Obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with federal assistance.

(c) The Secretary of Agriculture has determined that the benefits to be derived from the proposed works of improvement will exceed the cost.

(d) The Secretary of Agriculture has transmitted a copy of the plan and justification therefor to the Congress through the President and, where applicable, to the Secretary of the Interior and the Secretary of the Army, as required by said Public Law 566.

(e) The department finds in its judgment that the benefits of the proposed works of improvement for an entire project will reasonably exceed the costs thereof. Cost figures based upon a reconnaissance-type survey may be used for such purpose providing the department finds that all elements of cost reasonably appear to be included and the cost figures appear reasonably accurate for the purpose of supporting a finding that total costs will be less than the total benefits.

(f) The department recommends to the Legislature that an appropriation of funds be made for the project for reallocation for payment of the costs of lands, easements and rights of way

which it finds have already been incurred or which it is anticipated will be incurred during the next fiscal year.

SEC. 9. Section 12874 of said code is amended to read:

12874. Money appropriated to the department for reallocation to local organizations shall be reallocated to local organizations upon order of the department after application therefor has been made to it by such local organizations showing the necessity, purpose and use to be made of the money or showing that such organizations have made necessary advances or incurred obligations for the purpose of expediting projects for which the allocation is made and giving such other information as the department may require. Such application may be filed with or as a part of the application for recommendation to the Legislature for appropriation of funds. Expenditures of the reallocated sums shall be reported to the department as and when required by it. The reports shall give such information as the department may require. Reallocations

SEC. 10. The heading of Article 4 (commencing with Section 55610) of Chapter 2, Part 4, Division 16 of said code is amended to read:

Article 4. Adoption of the Revenue Bond Law of 1941

CHAPTER 1270

An act to add Section 2015 to the Fish and Game Code, relating to possession of fish and game.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2015 is added to the Fish and Game Code, to read:

2015. It is unlawful to possess any bird, mammal, fish or amphibian which may not be legally sold, in any restaurant or other eating establishment unless the possession is by the person who lawfully took or otherwise legally possessed the bird, mammal, fish, or amphibian or is by a person preparing the bird, mammal, fish or amphibian for consumption by the person who lawfully took or possessed it, or such person and others, and the person who took or possessed it is present on the premises.

This section does not apply to birds, mammals, fish or amphibia in a restaurant or other eating establishment which are tagged with a signed statement of the name and address of the person who took them, the date taken, and the total number and kind of birds, mammals, fish or amphibia.

CHAPTER 1271

An act to amend Sections 14001 and 14057 of, and to add Section 14001.3 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, and to amend Section 20335 of the Government Code, relating to the State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 20335 of the Government Code is amended to read:

Requests for exclusion

20335. A person who, if this system did not exist, would be subject to Chapter 4, Division 10 of the Education Code and who filed request for exclusion with the board before March 1, 1939, or who so files request for exclusion from this system within six months after becoming employed in a status in which he would otherwise be eligible for membership in this system, is excluded from such membership, as to service which would make him subject to said Chapter 4. The right to request an exclusion under this section shall terminate on October 1, 1959.

SEC. 2. Section 14001 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Persons excluded from membership

14001. The following persons are excluded from membership in the retirement system:

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status requisite for membership, who are entitled to be credited under this system with less than five years of service, but who are on June 16, 1944, or who thereafter become members of the State Employees' Retirement System or any other retirement system, except a local retirement system, and receive credit thereunder for service which would be credited hereunder to a member. Persons who are members of a local retirement system shall be members of both the state and the local retirement systems; upon retirement such persons shall be entitled to the full benefits from the Permanent Fund, but shall not receive benefits from the Retirement Annuity Fund for any service for which they are entitled to benefits from a local retirement system, as provided in Article 13 (commencing with Section 14351) of this chapter. Persons who are members of any retirement system other than a local retirement system, and who continue to be members of this system, shall not contribute to this system or receive benefits from it, on account of service or salary earned in service which is credited under such other retirement system. A member whose membership is terminated by this sub-

division shall be considered, solely for the purpose of Section 14151, as ceasing to be employed in a status requisite to membership.

(c) Persons serving as exchange teachers from outside of this State.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who render less than 100 complete days of service during the school year. If, at the end of a pay period, a substitute teacher has rendered 100 or more complete days of substitute service in that school year and subsequently renders one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was rendered.

(e) Persons who enter employment after October 1, 1959, in which they otherwise would become members of this system under the provisions of Sections 13959, 13962, 13963, 13964 or 13966.

(f) Persons not already members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or on a daily basis and who will serve less than four days per pay period.

(g) Persons not already members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter of 12 weeks if the district operates its adult education program on that basis.

(h) Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, other than a local system, supported wholly or in part by public funds.

For the purposes of this section a pay period may not be less than four weeks or more than one calendar month.

SEC. 3. Section 14001.3 is added to said code, to read:

Credit for service

14001.3. A person who has been excluded from membership in this system under the provisions of subdivisions (d), (e), (f), or (g) of Section 14001 and who subsequently becomes a member shall receive credit for the service rendered while so excluded; provided, he elects to pay, and pays, prior to retirement and in a manner provided by the board, contributions with respect to such service with interest at 3 percent to the date of payment. Said contributions shall be equal to what they would have been had he not been excluded from membership but calculated at the rate of contribution first applicable to him as a member.

SEC. 4. Section 14057 of said code is amended to read:

Member of other retirement system

14057. The member shall receive credit for time during which he is excluded from membership herein because of membership in any other retirement system and during which he serves in a status requisite for membership in this system or its predecessors, if he subsequently ceases to be a member

of, and ceases to be entitled to benefits from, the other retirement system and becomes a member hereof, except that such credit shall not be given if the termination of membership in the other system resulted from his voluntary withdrawal, after January 1, 1960, of his contributions to that system.

CHAPTER 1272

An act to amend Sections 14310, 14311, and 14372 of, and to add Section 14372.1 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 14310 of the Education Code is amended to read:

Reinstatement and ceasing of retirement payments

14310. If any person retired pursuant to this article (commencing at Section 14301) is re-employed, after complying with the requirements in Section 14309, in a status requisite to membership in the Retirement System or in any teaching capacity in a public school, or if any person retired for disability ceases to be incapacitated, his retirement allowance shall cease, and he shall be reinstated to membership in the Retirement System.

SEC. 2. Section 14311 of said code is amended to read:

Medical examination of beneficiary

14311. The Retirement Board may require any beneficiary who has been retired for disability and who has not attained the age of 58 years, to undergo a medical examination. If the examination, together with other available information, shows to the satisfaction of the Retirement Board that he is no longer incapacitated, his retirement allowance shall cease, and he shall be reinstated to membership in the Retirement System.

SEC. 3. Section 14372 of said code is amended to read:

Retirement after prior retirement

14372. When a member who has been retired and has thereafter re-entered membership in the Retirement System, subsequently retires and the prior and subsequent retirements were either both for service or disability or if the prior retirement was for service and the subsequent retirement is for disability, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14355, or 14369, according to whether retirement is for service or disability, but shall receive (1) an annuity, based upon his salary earned in service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) annuities equal to the annuities he received next preceding his re-entry into membership, adjusted according to any change in the provisions gov-

erning the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the Retirement System; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next preceding said re-entry were based, but calculated under Section 14355 or 14369, as the case may be, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, however, that such adjusted age shall be taken at not less than 58 for males or 58½ for females if the subsequent retirement is for disability. If the member renders five years of service after his re-entry into membership, the salary earnable by him after his re-entry shall be used in the calculation of benefits due for service rendered prior to such re-entry into membership.

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14355 or 14369, according to whether retirement is for service or disability, but shall receive (1) a retirement salary, based upon his credited service from the date of re-entry into the Retirement System to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) a retirement salary equal to the retirement salary he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14355, or 14369, as the case may be, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

SEC. 4. Section 14372.1 is added to said code, to read:

Same

14372.1. When a member who has been retired for disability and has thereafter re-entered membership in the Retirement System and subsequently retires for service, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14355 but shall receive (1) an annuity, based upon his credited service and salary from the date of reinstatement to the date of his subsequent retirement and calculated under Section 14355, plus (2) annuities equal to the annuities he received next preceding his reinstatement, adjusted according to any change in the provisions governing

the calculation of retirement allowances made after such reinstatement and applicable to allowances being paid at the date of the change, or, if less, annuities based on the same salary and service which were the basis of the annuities he received next preceding the reinstatement but calculated under Section 14355 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, that such subsequent retirement occurs before he renders after his reinstatement, at least one year of service credited under the Retirement System; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he receives next preceding the reinstatement were based, but calculated under Section 14355 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement, except that such adjusted age shall not be less than 55. If the member renders five years of service after his re-entry into membership, the salary earnable by him after his re-entry shall be used in the calculation of benefits due for service rendered prior to such re-entry into membership.

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14355 but shall receive (1) a retirement salary, based upon his credited service from the date of reinstatement to the date of his subsequent retirement, and calculated under Section 14355, plus (2) a retirement salary equal to the retirement salary he received next preceding his reinstatement, adjusted according to any change in the provisions governing the calculation of retirement allowances made after such reinstatement and applicable to allowances being paid at the date of the change, or, if less, a retirement salary based on the same service which was the basis of the retirement salary he received next preceding such reinstatement but calculated under Section 14355 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the Retirement System, otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14355 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement, except that such adjusted age shall not be less than 55.

CHAPTER 1273

An act to amend Section 1557.1 of the Probate Code, relating to the purchase of realty.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1557.1 of the Probate Code is amended to read:

1557.1. On the application of the guardian, the court may authorize the guardian to purchase or join with the spouse of the ward or with any other person or persons in the purchase of real property, or some interest, equity or estate therein, in severalty, in common, in community, or in joint tenancy, for cash or upon a credit or for part cash and part credit. Upon the filing of the application, the clerk shall set the same for hearing by the court and shall give notice thereof by causing a notice to be posted at the courthouse of the county where the proceeding is pending at least five days before the day of hearing in the manner prescribed in Section 1200 of this code. At least five days before the day of hearing, the guardian shall cause a copy of the notice to be given to all persons who have requested special notice in the manner prescribed in Section 1200 of this code. The court or judge may order the notice to be given for a shorter period or dispensed with. At the hearing the court shall proceed to hear the application and any objection thereto that may be presented and may require such additional proof of the fairness and feasibility of the transaction as it deems proper and may inquire into the terms of the purchase. If, after such hearing, the court is satisfied that it will be to the advantage of the ward or those whom he is legally bound to support to enter into the proposed purchase, it may make an order authorizing the guardian to consummate such purchase on behalf of the ward and to execute all necessary instruments and commitments to consummate the transaction, and such order may prescribe the terms upon which the purchase shall be made.

CHAPTER 1274

An act to amend Sections 20750.1, 20750.2, 20750.3, 20750.4, 21251.1, 21253, and 20130 and to repeal Sections 20750.112, 20750.15, 20750.22, 20750.25, 20750.32, 20750.35, 20750.42, and 20750.45 of the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect immediately

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

SECTION 1. Section 20750.1 of the Government Code is amended to read:

State's contribution: Miscellaneous members

20750.1. The State's contribution to the Retirement Fund in respect to state miscellaneous members is a sum equal to 8.18 percent of the compensation paid state miscellaneous members.

Repeals

SEC. 2. Sections 20750.112 and 20750.15 are repealed.

SEC. 3. Section 20750.2 of said code is amended to read:

State's contribution Patrol members

20750.2 The State's contribution to the Retirement Fund in respect to state patrol members is a sum equal to 19.61 percent of the compensation paid state patrol members.

Repeals

SEC. 4. Sections 20750.22 and 20750.25 of said code are repealed.

SEC. 5. Section 20750.3 of said code is amended to read:

State's contribution: Forestry members

20750.3. The State's contribution to the Retirement Fund in respect to forestry members is a sum equal to 10.16 percent of the compensation paid forestry members.

Repeals

SEC. 6. Sections 20750.32 and 20750.35 of said code are repealed.

SEC. 7. Section 20750.4 of said code is amended to read:

State's contribution Warden members

20750.4. The State's contribution to the Retirement Fund in respect to warden members is a sum equal to 14.17 percent of the compensation paid warden members.

Repeals

SEC. 8. Sections 20750.42 and 20750.45 of said code are repealed.

SEC. 9. Section 21251.1 of said code is amended to read:

Current service pension

21251.1. The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the State, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service except service in a category of membership other than that of a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.725357	.740718
55¼	.736896	.751649
55½	.748435	.762580
55¾	.759974	.773511
56	.771513	.784443
56¼	.784034	.796281
56½	.796555	.808119
56¾	.809076	.819957

Age of retirement	Fraction Men	Fraction Women
57	.821597	.831797
57¼	.835205	.844643
57½	.848813	.857489
57¾	.862421	.870335
58	.876031	.883182
58¼	.890847	.897152
58½	.905663	.911122
58¾	.920479	.925092
59	.935298	.939065
59¼	.951473	.954298
59½	.967648	.969531
59¾	.983823	.984764
60	1.000000	1.000000
60¼	1.014867	1.015470
60½	1.029734	1.030940
60¾	1.044601	1.046410
61	1.059471	1.061880
61¼	1.075001	1.078222
61½	1.090531	1.094564
61¾	1.106061	1.110906
62	1.121594	1.127249
62¼	1.137943	1.144624
62½	1.154292	1.161999
62¾	1.170641	1.179374
63	1.186991	1.196752
63¼	1.204289	1.215338
63½	1.221587	1.233924
63¾	1.238885	1.252510
64	1.256186	1.271098
64¼	1.274615	1.291085
64½	1.293044	1.311072
64¾	1.311473	1.331059
65 and over	1.329903	1.351046

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, 1959, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Prior service pension

SEC. 10. Section 21253 of said code is amended to read:

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provision of this section, is an annual pension derived from the contributions of the State, or of the contracting agency, equal to the sum of the following:

(a) The fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.696711	.730732
55¼	.709122	.741964
55½	.721533	.753196
55¾	.733944	.764428
56	.746358	.775661
56¼	.759979	.787878
56½	.773600	.800095
56¾	.787221	.812312
57	.800845	.824531
57¼	.815831	.837854
57½	.830817	.851177
57¾	.845803	.864500
58	.860789	.877823
58¼	.877316	.892390
58½	.893843	.906957
58¾	.910370	.921524
59	.926898	.936092
59¼	.945173	.952069
59½	.963448	.968046
59¾	.981723	.984023
60	1.000000	1.000000
60¼	1.015130	1.015733
60½	1.030260	1.031466
60¾	1.045390	1.047199
61	1.060522	1.062934
61¼	1.076828	1.080055
61½	1.093134	1.097176
61¾	1.109440	1.114297
62	1.125746	1.131421
62¼	1.143375	1.150091
62½	1.161004	1.168761
62¾	1.178633	1.187431
63	1.196265	1.206102
63¼	1.215355	1.226509

Age of retirement	Fraction Men	Fraction Women
63½	1.234445	1.246916
63¾	1.253535	1.267323
64	1.272626	1.287733
64¼	1.293376	1.310094
64½	1.314126	1.332455
64¾	1.334876	1.354816
65 and over	1.355626	1.377178

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, 1959, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section

SEC. 11. Section 20130 of said code is amended to read:

20130. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt such mortality, service and other tables and interest rate as it deems necessary, and make such revision in rates of contribution of members as it deems necessary to provide the benefits for which the rates for normal contributions are required to be calculated. Adoption of tables etc

No adjustment shall be included in the new rates for time prior to the effective date of such revision.

A change in interest rate adopted by the board shall not apply to any election of a member to deposit or redeposit contributions, including interest, filed prior to the date such change was placed into effect.

SEC. 12. This act shall become operative on July 1, 1959. Operative date

SEC. 13. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The quadrennial valuation conducted by the Board of Administration for the period ending June 30, 1959, discloses an

experience under the system requiring adjustment in the State's rate of contribution to the State Employees' Retirement System. In order that the adjusted rates may be placed into effect July 1, 1959, it is necessary that this act take effect immediately.

CHAPTER 1275

An act to add Section 10143 to the Business and Professions Code, relating to rentals.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 10143 is added to the Business and Professions Code, to read:

10143. Every real estate licensee who attempts to negotiate a rental or who furnishes rental information to a prospective tenant for a fee paid by said prospective tenant shall give every such prospective tenant a contract or receipt, and in such contract or receipt shall undertake to repay any amount over and above the sum of ten dollars ($10) service charge to the prospective tenant if the prospective tenant does not obtain a rental. A demand from the prospective tenant for the return of the fee, or any part of it, shall be made within 10 days following the final day on which the real estate licensee has contracted to perform services to the prospective tenant. In the event that rental information is not current or accurate in regard to the type of rental desired, the full fee shall be repaid to the tenant. Such contract or receipt shall also conform to the regulations adopted by the commissioner in order to effect disclosure of material information regarding the service to be provided to the prospective tenant.

CHAPTER 1276

An act to amend Section 25450.4 of the Government Code, relating to construction contracts in counties with population of 500,000 or more.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 25450.4 of the Government Code is amended to read:

25450.4. In counties containing a population of 500,000 or over, the work referred to in Section 25450 need not be done by contract if the estimated cost thereof is less than five thousand dollars ($5,000), exclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457.4.

CHAPTER 1277

An act to amend Section 692 of the Code of Civil Procedure, relating to notice of sale of property.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

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

692. Before the sale of property on execution or under power contained in any mortgage or deed of trust, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than five days nor more than 10 days.

3. In case of real property: by posting a similar notice particularly describing the property at least 20 days before date of sale, in one public place in the city where the property is to be sold if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation printed and published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation printed and published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation be printed and published in the city or judicial district, as the case may be, in some newspaper of general circulation printed and published in the county in which the property or some part thereof is situated; provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage or where real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 1278

An act to amend Sections 493 and 494 of the Agricultural Code, relating to the qualifications of persons regularly engaged in the enforcement of laws, rules, regulations and ordinances pertaining to milk and milk products.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 493 of the Agricultural Code is amended to read:

Examination for employment

493. The State Personnel Board shall hold examinations in various parts of the State for the purpose of determining the qualifications of persons desiring to become employed by the department in the enforcement of the provisions of this division and the rules and regulations of the director, and shall establish an eligible list therefor; provided, that persons in the employ of the State of California or any county or city or city and county in California may be eligible for employment by any county or city without being on such eligible list if such person was in the employ of the State of California or any county or city or city and county in California, and while so employed, enforcing laws, rules, regulations and ordinances pertaining to milk and milk products within four years immediately preceding date of such subsequent employment.

SEC. 2. Section 494 of said code is amended to read:

Required qualifications

494. No person shall be eligible to take such examination unless he possesses one of the following qualifications:

(a) Graduation either from a four-year college with specialization in studies relating to dairy farms or milk and milk products; or graduation from a veterinary college of recognized standing at time of graduation and one year of experience in the production, processing, or inspection of milk or milk products; or

(b) Three years of experience in the State of California with an approved milk inspection service, or with the Bureau of Dairy Service, State Department of Agriculture, in inspection and enforcement work pertaining to dairy farms or milk and milk products.

CHAPTER 1279

An act to amend Section 6021 of the Government Code, relating to newspapers of general circulation.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 6021 of the Government Code is amended to read:

6021. The petition or the substance thereof, together with a notice that the petitioner intends on a named day to apply for an order declaring it to be a newspaper of general circulation, shall be published pursuant to Section 6062:

(a) In the petitioning newspaper, and

(b) In some other newspaper of general circulation published in the same city as the petitioning newspaper if there is one, and if there is none, or if publication in such newspaper is refused, then in some other newspaper of general circulation published in the same county, if there is one, and if there is none, or if publication in such newspaper is refused, then, in lieu thereof, in some other newspaper of general circulation published in an adjacent county or in such other newspaper as the court shall direct.

SEC. 2. All publications heretofore or hereafter made in a newspaper that was adjudged to be a newspaper of general circulation during the period from September 7, 1955 to the effective date hereof, shall be deemed valid and sufficient (except as to publications made after the decision and judgment establishing such newspaper's standing as a newspaper of general circulation may have been vacated or set aside in the manner provided by Section 6024 of the Government Code) notwithstanding that the decision and judgment establishing such newspaper's standing as a newspaper of general circulation may have been rendered and entered in the records of the court without such newspaper having complied with the provisions of subdivision (b) of Section 6021 of the Government Code as such existed during said period of September 7, 1955 to the effective date hereof. Any such decision and judgment rendered and entered in the records of the court during said period without there having been compliance with the provisions of subdivision (b) of said Section 6021 is hereby validated and declared legally effective.

CHAPTER 1280

An act to add Section 25.5 to the Civil Code, relating to giving of blood donations.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25.5 is added to the Civil Code, to read:

25.5. Every male who, pursuant to Section 25, is deemed an adult for the purpose of entering into a contract, shall be deemed an adult also for the purpose of consenting to give a donation of his blood and consenting to such penetration of tissue as is necessary to accomplish such donation

CHAPTER 1281

An act to amend Section 22 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), relating to contracts for improvements.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 22 of the Alameda County Flood Control and Water Conservation District Act is amended to read:

Sec. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars ($5,000), exclusive of the estimated cost of materials or supplies, shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in

the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds three thousand five hundred dollars ($3,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder. If any change or alteration in a contract awarded under the provisions of this section is deemed necessary and the cost thereof does not exceed ten percent (10%) of the original contract price, the board may authorize the contractor to proceed with the change or alteration without the formality of obtaining bids therefor.

CHAPTER 1282

An act to amend Section 23102 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to driving a vehicle under the influence of liquors and drugs.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 23102 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101 of this code.

(b) Any person convicted of a second or subsequent offense under this section shall not be granted probation by the court, nor shall the court suspend the execution of the sentence imposed upon such person.

CHAPTER 1283

An act to add Sections 7¾ and 7⅚ to Chapter 361 of the Statutes of 1915, relating to the Sacramento River West Side Levee District.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 7¾ is added to Chapter 361 of the Statutes of 1915, to read:

Sec. 7¾. When any parcel located in the district is divided or subdivided, the board of levee commissioners, upon written application signed by any or all of the landowners within the divided or subdivided parcel, shall enter a minute order ordering the reapportionment of any assessment, or of the assessment valuation for maintenance and repair, upon such parcel in such manner as will charge each of the smaller parcels with a just proportion of such assessment or assessment valuation.

When any parcel in the district is subdivided for the purposes of sale in accordance with Part 2 (commencing at Section 11000) of Division 4 of the Business and Professions Code, the subdivider shall make written application to the board of levee commissioners for the reapportionment of any assessment or assessment valuation of the district upon such parcels and the board shall proceed to make the reapportionment in the manner provided in this section. The expense of such reapportionment shall be paid by the subdivider.

If the application for reapportionment is signed by all of the landowners within the divided or subdivided parcel, the reapportionment is final upon entry of the minute order.

If the application for reapportionment is not signed by all of the landowners within the divided or subdivided parcel there shall be served upon each owner of land within the divided or subdivided parcel either in person, or by mail to the owner at his place of residence, if known, or entered upon the assessment roll of the county, a notice of such order of reapportionment calling attention to the requirement for filing written objection thereto.

The reapportionment ordered by the board of levee commissioners shall be deemed final unless within 30 days from and after the service or mailing of the notice of reapportionment, as above prescribed, an affected landowner files with the board of levee commissioners a written objection to the reapportionment, in which event the board shall file with the Reclamation Board a list of the charges or valuations assessed against each portion of the divided or subdivided parcel. The reapportionment shall then be approved by the Reclamation Board in the manner prescribed in Section 7½ of this act for approval of assessment valuations; provided, however, that publication

of notice of the hearing before the Reclamation Board and commencement of any action to review the decision of the Reclamation Board shall be only in the county in which the divided or subdivided parcel or the greater part thereof is located.

The board of levee commissioners shall require as a condition to the making of any reapportionment pursuant to this section that each parcel of the divided or subdivided parcel be given suitable means of ingress and egress.

When any assessment or assessment valuation has been reapportioned on any parcel, the board of levee commissioners shall cause such reapportionment to be properly entered or endorsed upon the assessment list or lists and shall file notice of such reapportionment with the treasurer of Colusa County and also with the treasurer of Yolo County if any portion of the reapportioned parcel is situated in that county.

SEC. 2. Section $7\frac{5}{6}$ is added to said act, to read:

Sec. $7\frac{5}{6}$. In lieu of levying an assessment for maintenance and repair of the works of the district and incidental expenses of the district, the board of levee commissioners may in any year elect to utilize the tax rolls of Colusa and Yolo Counties, in the manner prescribed for reclamation districts as set forth in Article 4 (commencing at Section 51360) of Chapter 2, Part 7, Division 15 of the Water Code and all amendments thereto.

CHAPTER 1284

An act to add Section 3448 to Title 3, Part 2, Division 4 of the Civil Code, relating to assignments for the benefit of creditors.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3448 is added to Title 3, Part 2, Division 4 of the Civil Code, to read:

3448. The provisions of this title are intended to provide an alternative method of making assignments for benefit of creditors in addition to common law assignments for such purpose which are hereby expressly recognized. The provisions of this title shall not be construed as preventing or invalidating a common law assignment of real or personal property, or both, for the benefit of creditors generally.

CHAPTER 1285

An act to amend Sections 12800, 12803, 12826, and 12829, to repeal Article 2 (commencing at Section 12810) of Chapter 3, Part 6, Division 6, and to amend and renumber the title

of Article 3 (commencing at Section 12825) of Chapter 3, Part 6, Division 6, of the Water Code, relating to the Flood Control Fund of 1946, and making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

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

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

SECTION 1. Section 12800 of the Water Code is amended to read:

Short title

12800. This chapter shall be known and may be cited as "The Flood Control Law of 1946."

SEC. 2. Section 12803 of said code is amended to read:

Allocations

12803. The Legislature intends that from time to time by law allocations from the General Fund for flood control projects will be made to pay for the cost of all lands, easements, and rights-of-way necessary for the construction of flood control projects adopted and authorized by the Legislature prior to March 12, 1946, and also those adopted and authorized on or after that date by the Congress of the United States, recommended by the department, and approved by the Legislature, in the order in which the Congress makes available funds for their construction.

Repeal

SEC. 3. Article 2 (commencing at Section 12810) of Chapter 3, Part 6, Division 6 of said code is repealed.

SEC. 4. The title of Article 3 (commencing at Section 12825) of Chapter 3, Part 6, Division 6 of said code is amended and renumbered to read:

Article 2. Extent and Method of Allocations

SEC. 5. Section 12826 of said code is amended to read:

Limitation on allocations

12826. No money appropriated for flood control projects shall be allocated for the purchase of lands, easements, and rights-of-way necessary for multiple purpose dams or reservoirs constructed by the United States, except the projects on the Fresno and Merced County Stream Groups.

SEC. 6. Section 12829 of said code is amended to read:

Reallocation of funds

12829. Money allocated to the department for flood control projects shall be reallocated to public agencies upon order of the department after application therefor has been made to it by such agencies showing the necessity, purpose and use to be made of the money or by the showing that such agencies have made necessary advances or incurred obligations for the purpose of expediting projects for which the allocation is made and giving such other information as the department may require. Expenditures of the reallocated sums shall be reported to the department as and when required by it. The reports shall give such information as it may require.

Transfer of undisbursed balance

SEC. 7. The undisbursed balance in the Flood Control Fund of 1946 as of July 1, 1959, according to the records of

the State Controller, is hereby transferred to the General Fund. All appropriations payable from the Flood Control Fund of 1946 which are still available for expenditure on the operative date of this act, and all appropriations made from the Flood Control Fund of 1946 by the Legislature at the 1959 Regular Session, are hereby reappropriated from the General Fund and such appropriations shall remain available for the same purposes and for the same period as they were originally made.

SEC. 8. This act shall become operative on July 1, 1959. Operative date

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

The accounts of the State are kept and reported on a fiscal year basis. If a change in funding is made during the course of a fiscal year, it results in the expenditures being reported partially from one fund and partially from another. This destroys the continuity of recording for year by year comparisons. From an operating standpoint also, the amount of work involved in making the transition is less if it can be done at the start of a fiscal year.

CHAPTER 1286

An act making an appropriation for participation by the State in the benefits of the National Defense Education Act of 1958, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1959. Filed with Secretary of State June 30, 1959.] In effect immediately

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

SECTION 1. The sum of three hundred thousand dollars ($300,000), or so much thereof as may be necessary is hereby appropriated from the General Fund to the Department of Education to be expended for the purpose of enabling the State to participate in the benefits of the National Defense Education Act of 1958 (Public Law 864, Eighty-fifth Congress, Second Session), in accordance with the following schedule:

(a) Of the total amount appropriated hereby, two hundred fifty thousand dollars ($250,000), or so much thereof as may be necessary, for expenditure, together with amounts received from the United States Commissioner of Education under Section 304(b) of the Act of Congress cited as the National Defense Education Act of 1958, during the fiscal year ending June 30, 1960, for the carrying out of the program referred to in Paragraph (5) of Section 303(a) for expansion or im-

provement of supervisory or related services in public elementary and secondary schools in the fields of science, mathematics and modern foreign languages and administration under a state plan approved by the United States Commissioner of Education pursuant to Section 303(b) of the National Defense Education Act of 1958.

(b) Of the total amount appropriated hereby, fifty thousand dollars ($50,000), or so much thereof as may be necessary, for expenditure, together with grants received from the United States Commissioner of Education under Section 1009 of the National Defense Education Act of 1958, during the fiscal year ending June 30, 1960, for the carrying out of the programs specified in Section 1009 of the National Defense Education Act of 1958 pursuant to the state plan approved pursuant to that section, including improving the collection, analysis, and reporting of statistical data supplied by local educational units, the development of accounting and reporting manuals to serve as guides for local education units, the conduct of conferences and training for personnel of local educational units and of periodic reviews and evaluation of the program for records and reports, improving methods for obtaining, from other state agencies within the State, educational data not collected by the state educational agency, or expediting the processing and reporting of statistical data through installation and operation of mechanical equipment.

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

In order to fulfill the purpose of the foregoing programs for the fiscal year ending June 30, 1960, and in order to avoid any delay in the conduct of such programs, it is necessary that the money appropriated herein be available at the beginning of that fiscal year for expenditure as provided herein.

CHAPTER 1287

An act to add Section 26207 to the Government Code, relating to rewards for apprehension and conviction of vandals.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 26207 is added to the Government Code, to read:

26207. The board of supervisors may offer and pay rewards, payable from county funds, for the furnishing of information leading to the apprehension and conviction of persons who willfully destroy or damage property of the county.

CHAPTER 1288

An act to add Section 1481.1 to the Government Code, and to amend Section 1203.8 of the Penal Code, relating to bonding of probation officers and their assistants.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1481.1 is added to the Government Code, to read:

1481.1. For the purposes of Section 1481 the board of supervisors of a county is deemed to be the appointing power of the adult probation officer, his assistants and deputies and the adult probation officer, his assistants and deputies are deemed to be employees of the county in which they are appointed. They may be included as covered employees in any master bond used in such county.

Appointing power, etc

SEC. 2. Section 1203.8 of the Penal Code is amended to read:

1203.8. In counties and cities and counties herein mentioned the adult probation officer, assistants and deputies herein provided shall be nominated by the adult probation board and shall be appointed by a majority vote of the judges presiding in the departments designated for the hearing and disposition of criminal cases. The term of office of the adult probation officer, assistants and deputies herein provided for shall be two years from the date of their appointment. The said officers may at any time be suspended or removed by an order of a majority of the judges presiding in the department designated for the hearing and disposition of criminal cases and proceedings for good cause shown and on the filing of written charges by the said judge or judges by a written resolution of the adult probation board or by the chief probation officer. Upon filing such charges, said judge or judges shall make an order setting the same for hearing at a specified time and place not less than 10 days nor more than 20 days after filing such charges. Notice shall be served upon the person against whom such charges are made at least five days before such hearing together with a copy of such charges.

Adult probation officers, etc.

Each adult probation officer, assistant and deputy shall give a bond in the sum of not more than two thousand dollars ($2,000) and approved by the judges of the superior court presiding in the departments designated for the hearing and disposition of criminal cases, conditioned for the faithful discharge of the duties of said office. If said bonds are furnished by a surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury. In the event the adult probation officer, as-

sistants and deputies are included as covered employees in a master bond pursuant to Sections 1481 and 1481.1 of the Government Code the individual bonds prescribed above shall not be required.

The adult probation officer may appoint as many additional deputies as he may desire; provided, however, that such deputies shall not have authority to act until their appointment shall be approved by a majority vote of the adult probation board and by a majority vote of the judges presiding in departments designated for the hearing and disposition of criminal cases. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer may at any time in his discretion revoke and terminate such appointment. Such deputies, except as herein provided, shall serve without compensation.

Boards of supervisors of counties and cities and counties herein mentioned shall provide and maintain at the expense of such county or city and county in a location in the vicinity of the county jail, suitable offices and quarters for the adult probation officer. Nothing contained in this subdivision shall apply to offenses defined by Section 21 of the said juvenile court law.

CHAPTER 1289

An act to add Section 24311.1 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to resignations of state college employees.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 24311.1 is added to the Education Code, to read:

24311.1. The resignation of any employee of a state college may be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence, or that for any other reason it was not the free, voluntary and binding act of the person resigning; providing, a petition to set the resignation aside is filed with the State Personnel Board within 30 days after the last date upon which services to the state college are rendered, or the date the resignation is tendered, whichever is later. The State Personnel Board shall hold a hearing and render a decision on the petition following the same procedure as in state civil service procedures governing resignations from the state civil service.

CHAPTER 1290

An act to amend Sections 640, 645 and 646 of the Probate Code, relating to the administration of estates.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 640 of the Probate Code is amended to read:

Estates not exceeding $3,500

640. If the decedent leaves a surviving spouse or minor child or minor children, and the net value of the whole estate, over and above all liens and encumbrances at the date of death and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of three thousand five hundred dollars ($3,500), the same may be set aside to the surviving spouse, if there be one, and if there be none, then to the minor child or minor children of the decedent.

SEC. 2. Section 645 of said code is amended to read:

Assignment to surviving spouse or children

645. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances at the date of the death of the decedent and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of three thousand five hundred dollars ($3,500), as of the date of such death, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the surviving spouse of the decedent, if there be a surviving spouse; provided, said surviving spouse shall not have theretofore remarried, or, if there be no surviving spouse, then to such child or children of the decedent as may then be minors, if any, the whole of the estate, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in such surviving spouse, or if there be no such surviving spouse, the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered. But no surviving spouse or minor child shall be entitled to such an assignment who has other estate, including the total value of any property held by such surviving spouse or minor child in joint tenancy with the decedent and the value of any homestead interest set apart to such person out of decedent's estate under Section 660 or Section 661 of this code, the net value of which, over and above all liens and encumbrances, exceeds the sum of twelve thousand five hundred dollars ($12,500).

SEC. 3. Section 646 of said code is amended to read:

Administration in usual manner

646. If the court finds that the net value of the estate exceeds three thousand five hundred dollars ($3,500), or that the surviving spouse or minor child has other estate of twelve thousand five hundred dollars ($12,500) in value, or that there is neither a surviving spouse nor a minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

Application to estates pending

SEC. 4. The amendments to Sections 640, 645 and 646 contained in Sections 1, 2 and 3 of this act shall not apply to estates pending on the effective date of this act.

CHAPTER 1291

An act to amend Section 29320 of the Government Code, relating to a revolving fund for the superior court.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 29320 of the Government Code is amended to read:

29320. As used in this article, "officer of the county" includes any elective or appointive officer of a county, superior court, or judicial district and any person in charge of any office, department, service, or institution of the county, except a deputy or assistant of a county officer.

CHAPTER 1292

An act to amend Section 8278 of the Fish and Game Code, relating to crabs.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 8278 of the Fish and Game Code is amended to read:

8278. No crab less than seven inches in breadth, and no female crab, may be taken, possessed, bought, or sold except that not more than 1 percent in number of any load or lot of crabs may be less than seven inches but not less than six inches in breadth. Crabs shall be measured across the back from point to point.

CHAPTER 1293

An act to amend Sections 21756, 21810, 21812, 22051, and 22052 of, and to add Section 21800 to, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district bonds.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21756 of the Education Code is amended to read:

21756. If it appears that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds, the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The governing board shall certify to the county superintendent of schools the results of the election.

Approval of bond issue

SEC. 2. Section 21800 is added to said code, to read:

21800. Bonds of a school district shall be offered for sale by the board of supervisors of the county, the county superintendent of which has jurisdiction over the district, as soon as possible following receipt of a resolution duly adopted by the governing board of the school district. The resolution shall prescribe the total amount of bonds to be sold. The resolution may also prescribe the maximum acceptable interest rate, not to exceed 5 percent, and the time or times when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds.

Resolution

SEC. 3. Section 21810 of said code is amended to read:

21810. The bonds shall be issued by the board of supervisors, payable out of the interest and sinking fund of the district, and shall be sold at the times and in the amounts prescribed by the school district governing board, but for not less than par. The proceeds of the sale of the bonds, exclusive of any premium received, shall be deposited in the county treasury to the credit of the building fund of the school district. The proceeds deposited shall be drawn out as other school moneys are drawn out. The bond proceeds withdrawn shall not be applied to any other purposes than those for which the bonds were issued. Any premium or accrued interest received from the sale of the bonds shall be deposited in the interest and sinking fund of the district.

Sale of bonds, etc

SEC. 4. Section 21812 of said code is amended to read:

21812. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder or

Award or rejection of bids

bidders, and the county clerk shall prepare and certify to all of the proceedings on file in his office relative to the issuance and sale of said bonds, which transcript of proceedings shall be delivered to the successful bidder or bidders without charge. If no bids are received, or if the board determines that the bids received exceed either the maximum acceptable interest rate prescribed by the governing board or the maximum rate prescribed by Section 21807, or that they are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and without further authorization from the governing board, either readvertise or sell the bonds at private sale.

For the purpose of determining whether or not a bid exceeds the maximum acceptable interest rate, the interest rate of that bid shall be deemed to be the interest rate resulting from the total net interest cost arrived at by computing the total amount of interest which the district would be required to pay from the date of the bonds to the respective maturity dates thereof at the rate or rates specified in the bid and by deducting therefrom any premium bid.

SEC. 5. Section 22051 of said code is amended to read:

Order fixing time of payment

22051. The board of supervisors by an order entered upon its minutes shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. If the governing board of the district has prescribed in its resolution the time or times when the whole or any part of the bonds shall be payable, such times and amounts shall be fixed by the order of the board of supervisors.

Any bonds authorized at an election held after September 15, 1945 may be issued subject to call and redemption before maturity at the option of the governing board of the district. Said governing board may include in its resolution a requirement that all or any part of such bonds shall be issued subject to call and redemption before maturity and the price or prices at which said bonds shall be redeemed. The board of supervisors, in its order fixing the form of the bonds and the maturities thereof, shall provide that the bonds be redeemable at the option of said governing board and at the price or prices fixed in said resolution. Bonds issued subject to call and redemption prior to maturity shall contain a recital to that effect, and no bond shall be subject to call or redemption prior to maturity unless it contains such a recital. The board of supervisors in its order shall fix the method of giving notice of redemption to holders of bonds to be redeemed.

SEC. 6. Section 22052 of said code is amended to read:

Bond series

22052. The board of supervisors at the direction of governing board of the school district may divide the principal amount of bonds authorized at any election into two or more series and may fix different dates for the bonds of each series,

in which event the maximum maturity date of the bonds shall be calculated from the date of each series respectively. When the issuance of bonds shall have been authorized pursuant to two or more propositions submitted at the same or different elections, all or any part of said bonds not theretofore issued may be combined and issued and sold as one or more series.

CHAPTER 1294

An act to amend Section 36522 of the Government Code, relating to monthly financial reports in general law cities.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 36522 of the Government Code is amended to read:

36522. Any officer or employee collecting or receiving any money belonging to, or for the use of, the city shall deposit it immediately in the treasury in the manner prescribed by ordinance for the benefit of the funds to which it belongs. He shall report such deposits to, and settle with, the city clerk, or director of finance if that office has been established by ordinance, on the first Monday in each month or at such shorter intervals as are prescribed by ordinance.

CHAPTER 1295

An act to amend Sections 36936.1, 51508 and 51511 of the Government Code, relating to city ordinances and resolutions fixing the amount of revenue to be raised by taxation.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 36936.1 of the Government Code is amended to read:

36936.1. The rates of taxes to be levied or the amount of revenue required to be raised by taxation may be fixed either by ordinance or resolution. Where the tax rate or the amount of revenue required to be raised by taxation is fixed by resolution, such resolution shall be published in the same manner and within the same time as ordinances are required to be published.

Fixing of tax rates, etc.

SEC. 2. Section 51508 of said code is amended to read:

51508. Before fixing the rate of taxes the legislative body of a city which has transferred the duties of the assessor and

Prerequisite

tax collector shall fix by ordinance or resolution the amount of revenue from property taxes necessary to support its departments for the current year and to pay the bonded or other indebtedness of the city, or any portion or district of the city.

SEC 3. Section 51511 of said Code is amended to read:

Fixing of tax rates

51511. Annually, before September 1st, the city legislative body shall fix the rate of taxes, or rates of taxes, if different portions or districts require different rates, designated in the number of cents upon each one hundred dollars ($100), using as a basis the value of the property as assessed and equalized. The rates shall be sufficient to raise the amount fixed by ordinance or resolution and the expense of collection. The city legislative body shall immediately transmit to the county auditor a statement of the rates fixed.

CHAPTER 1296

An act to amend Sections 31652, 31652.2 and 31726 of the Government Code, relating to county retirement systems.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 31652 of the Government Code is amended to read:

Redeposit in retirement fund

31652. Any member may redeposit in the retirement fund, prior to filing an application for retirement, by lump sum payment or by installment payments over a period of one year or for a longer time upon approval of the board, an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of re-entrance into the retirement system, and his membership, subject to the provisions of Section 31652.2, is the same as if unbroken by such termination. Whether he makes such a redeposit or not, his rate of contribution shall be based on age at the nearest birthday at time of re-entrance into the system. If he does not redeposit all of the accumulated normal contributions previously withdrawn he shall be considered as a new member without credit for any previous service.

SEC. 2. Section 31652.2 of said code is amended to read:

Limitation on eligibility

31652.2. This section shall apply only to counties coming under the provisions of Section 31676.1. Any member who leaves county service, withdraws his accumulated normal contributions and subsequently re-enters the retirement system, regardless of whether he redeposits such contributions pursuant to Section 31652 or not, shall not be eligible to receive any of the benefits provided by Article 7.5, 8, 8.3 or 9, until he has rendered not less than five years of service after his

re-entrance into the retirement system, or reaches the compulsory retirement age, whichever first occurs.

SEC. 3. Section 31726 of said code is amended to read:

31726. Upon retirement for disability a member who has attained age 65 shall receive his service retirement allowance. Retirement for disability

Every member under age 65 who is retired for disability shall receive a disability retirement allowance which shall be the greater of:

(1) The sum to which he would be entitled as service retirement; or

(2) A sum which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, willful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county or district.

CHAPTER 1297

An act to add Article 3.5 (commencing at Section 5920) to Chapter 6 of Division 6 of Part 2 of the Education Code as enacted at the 1959 Regular Session, relating to evening study halls in high schools.

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.] In effect September 18, 1959

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

SECTION 1. Article 3.5 (commencing at Section 5920) is added to Chapter 6 of Division 6 of Part 2 of the Education Code as enacted at the 1959 Regular Session, to read:

Article 3.5. Evening Study Halls in High Schools

5920. The governing board of any district maintaining a high school may establish evening study halls in the high school for the pupils of the high school. The evening study halls shall be under the supervision of certificated personnel employed at the high school, but only such personnel who volunteer their services for such supervision shall be employed for such work by the governing board of the district. The compensation of personnel employed in supervision of evening study halls shall, for such supervisory work, be in the amounts determined by the governing board of the district and shall be paid solely from revenues provided by the district. No state-apportioned moneys shall be expended for such compensation, nor shall any such expenditures be taken into account in computing state aid to the district.

CHAPTER 1298

An act to amend Section 24103 of the Government Code, relating to peace officers' deputies.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State June 30, 1959.]

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

SECTION 1. Section 24103 of the Government Code is amended to read:

24103. A person shall not be appointed deputy sheriff, deputy constable, or deputy marshal unless he is a citizen of this State.

CHAPTER 1299

An act to amend Sections 13002, 13005, 13022, 13025, 13041, 13042, 13050, 13052, 13054, 13055, 13060, and 13063 of, to add Sections 13000.1, 13000.2, 13000.3, 13020.1, 13020.2, 13022.1, 13052.1, 13054.1, 13054.2, 13054.3, 13054.4, 13054.5, and 13055.1 to, to repeal Sections 13061, 13061.5, and 13062 of, and to add Article 4 (commencing at Section 13080) to Chapter 4 of Division 7 of, the Water Code, and to amend Section 5460 of the Health and Safety Code, relating to water pollution.

In effect September 18, 1959

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

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

SECTION 1. Section 13000.1 is added to the Water Code, to read:

Legislative declaration

13000.1. In conformity with Section 3 of Article XIV of the Constitution of the State and with Section 100, which require that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented, the Legislature finds and declares, that the people of the State have a primary interest in the control and conservation of the water resources of the State and the prevention of damage thereto by unreasonable use.

SEC 2. Section 13000.2 is added to said code, to read:

Same

13000.2. The Legislature finds and declares that, because of the widespread demand and need for the full utilization of the water resources of the State for beneficial uses, it is the policy of the State that the disposal of wastes into the waters of the State shall be so regulated as to achieve highest water

quality consistent with maximum benefit to the people of the State and shall be controlled so as to promote the peace, health, safety and welfare of the people of the State.

SEC. 3. Section 13000.3 is added to said code, to read:

13000.3. The regional and state boards in exercising any power granted in this division shall conform to the policies of this chapter. Exercise of powers

SEC. 4. Section 13002 of said code is amended to read:

13002. No provision of this division shall be construed as affecting the right of any person to the use of water for any beneficial use other than the use for disposal of sewage and industrial wastes. No regional board, by prescribing requirements, shall be precluded thereafter from revising requirements relative to the same disposal area or receiving waters. A discharge pursuant to the prescribed requirements shall not create a vested right to continue such discharge under the same requirements. Construction

SEC. 5. Section 13005 of said code is amended to read:

13005. "State board" means the State Water Pollution Control Board. Definitions

"Regional board" means any regional water pollution control board created pursuant to this division.

"Person" as used in this division also includes any city, county or district.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the State" means any waters, surface or underground, including saline waters, within the boundaries of the State as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the State are affected.

"Pollution" means an impairment of the quality of the waters of the State by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the State devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer as to all matters except the prosecution of crimes.

SEC. 6. Section 13020.1 is added to said code, to read:

Biennial progress reports

13020.1. The state board shall publish biennial progress reports relating to the activities of the state and regional boards.

SEC. 6.5. Section 13020.2 is added to said code, to read:

Annual budgets

13020.2. The regional boards shall submit annual budgets to the state board. Subject to the provisions of Chapter 3 (commencing at Section 13290) of Part 3, Division 3, Title 2 of the Government Code and any other laws giving the Department of Finance fiscal and budgetary control over state departments generally, the state board shall prepare an annual budget concerning its activities and the activities of the regional boards.

SEC. 7. Section 13022 of said code is amended to read:

Formulation of policy

13022. The state board shall formulate and adopt a statewide policy for control of water pollution with due regard for the authority of the regional boards. Such policy shall be in conformity with the policies set forth in Chapter 1 (commencing at Section 13000).

SEC. 8. Section 13022.1 is added to said code, to read:

Same

13022.1. In formulating a statewide policy pursuant to Section 13022, the state board shall take cognizance of the California Water Plan or any other general or co-ordinated plan of the State looking toward the development, utilization or conservation of the water resources of the State, including such amendments, supplements and additions thereto as may be made from time to time.

SEC. 9. Section 13025 of said code is amended to read:

Powers to correct pollution

13025. Whenever a regional board fails to take or obtain appropriate action to correct any particular existing or threatened condition of pollution or nuisance, the state board shall direct that action to correct the condition be taken by any state agency having jurisdiction or may, itself, take such action.

In taking any such action the state board is vested with the powers granted to the regional boards in Sections 13053, 13054, 13054.1, 13054.2, 13054.5, 13055 and Article 3 (commencing at Section 13060) and Article 4 (commencing at Section 13080) of Chapter 4, and the state board shall follow the procedures set forth therein.

The state board upon finding that a contamination exists and is not being corrected, shall refer the condition to any state agency having jurisdiction.

SEC. 10. Section 13041 of said code is amended to read:

13041. A regional board, consisting of the following members shall be appointed by the Governor for each of the regions described in Section 13040: Regional boards Appointment

(a) One person associated with organizations dealing with water supply, conservation, or production;

(b) One person associated with irrigated agriculture who is an owner or manager of a farm in the region;

(c) One person selected from persons acting in an executive or administrative capacity in industries producing industrial waste in the region;

(d) One person associated with the municipalities in the region;

(e) One person associated with the counties in the region;

(f) One person, not employed by any governmental agency, from a responsible organization associated with both recreation and wildlife;

(g) One person not specifically associated with any of the foregoing interests representing the public at large.

SEC. 11. Section 13042 of said code is amended to read:

13042. Of the members originally appointed to each regional board, two members shall be appointed for a term of two years commencing on the effective date of this act; two members shall be appointed for a term of three years commencing on the effective date of this act; and one member shall be appointed for a term of four years commencing on the effective date of this act. Thereafter all members shall be appointed for a term of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur. Terms

The two new members added to each regional board by the amendment made to Section 13041 by the Legislature at the 1959 Regular Session shall be appointed for a term of three years commencing on the effective date of that amendment. Thereafter they shall be appointed for a term of four years.

SEC. 12. Section 13050 of said code is amended to read:

13050. Each regional board shall: Powers and duties

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint an executive officer whose salary shall be as determined under the State Civil Service Act.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

SEC. 13. Section 13052 of said code is amended to read:

13052. Each regional board, with respect to its region, shall: Same

(a) Obtain co-ordinated action in the abatement, prevention and control of water pollution and nuisance by means of formal or informal meetings of the persons involved;

(b) Encourage and assist in self-policing waste disposal programs for industry, and upon application of any person shall advise the applicant of the condition to be maintained in any disposal area or receiving waters into which the waste is being discharged;

(c) Require any state or local agency to inspect and report on any technical factors involved in water pollution or nuisance;

(d) Request enforcement of laws concerning water pollution or nuisance by appropriate federal, state and local agencies;

(e) Formulate and adopt long-range plans and policies with respect to water pollution control within the region in conformity with the policies set forth in Chapter 1 (commencing at Section 13000);

(f) Recommend to the state board projects for the reduction of water pollution which the regional board considers eligible for any financial assistance which may be available through the state board;

(g) Report to the state board and appropriate local health officer any case of contamination in its region which is not being corrected.

(h) File with the state board, at its request, copies of any official action with respect to any particular case of actual or threatened pollution.

(i) Have the power to require any state or local agency to obtain and submit analyses of well water.

SEC. 14. Section 13052.1 is added to said code, to read:

Same

13052.1. The regional boards, in formulating policies preliminary to prescribing requirements, shall take cognizance of the California Water Plan or any other general or co-ordinated plan of the State looking toward the development, utilization or conservation of the water resources of the State, including such amendments, supplements, and additions thereto as may be made from time to time.

SEC. 15. Section 13054 of said code is amended to read:

Reports of proposed sewage discharge Action by board

13054. Any person proposing to discharge sewage or industrial waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of such proposed discharge. Upon the request of the regional board, any person presently discharging sewage or industrial waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of such discharge. The reporting of a discharge of sewage from family dwellings in any area may be waived by the regional board. The regional board, after any necessary hearing, shall prescribe requirements as to the nature of such proposed or existing discharge with relation to the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is made or proposed and notify the person making or proposing the discharge of

its action. Such requirements may be revised from time to time. After receipt of such notice, the person so notified shall provide adequate facilities to meet any such requirements with respect to the discharge of sewage and industrial waste.

SEC. 16. Section 13054.1 is added to said code, to read:

Same

13054.1. Any person discharging sewage or industrial waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of any material change or proposed change in the character, location or volume of the discharge. The regional board, after any necessary hearing, shall prescribe requirements or revised requirements as to the nature of such discharge with relation to the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is made or proposed and notify the person making or proposing the discharge of its action. Such requirements may be revised from time to time. After receipt of such notice, the person so notified shall provide adequate facilities to meet any such requirements or revised requirements with respect to the discharge of sewage and industrial waste.

SEC. 17. Section 13054.2 is added to said code, to read:

Waste assimilation capacities

13054.2. A regional board, in prescribing requirements, bearing in mind threats to the public health, the aquatic habitat, and other beneficial uses, need not authorize the utilization of the full waste assimilation capacities of the receiving waters.

SEC. 18. Section 13054.3 is added to said code, to read:

Prohibition of discharge

13054.3. Each regional board, within its region, may specify certain conditions and locations where no direct discharge of sewage or industrial waste will be permitted.

SEC. 19. Section 13054.4 is added to said code, to read:

Misdemeanor

13054.4. Any person failing to file a report, upon request of a regional or state board, as required in Sections 13054 or 13054.1 is guilty of a misdemeanor. Each day of discharge of sewage or industrial waste within a region without compliance with the reporting requirements shall constitute a separate offense.

SEC. 20. Section 13054.5 is added to said code, to read:

Injunction

13054.5. Upon failure of any person or persons to file a report as required by Sections 13054 and 13054.1, a regional board may certify the facts to the district attorney for the county in which the discharge or proposed discharge does or will occur, and the district attorney shall petition the superior court in and for that county for the issuance of an injunction requiring such person or persons to file the required report and restraining such person or persons from discharging sewage or industrial waste within the region until the required report has been filed. In any such suit, the court shall have jurisdiction to grant, without requiring bond or other undertaking, such prohibitory and mandatory injunction, either preliminary or final, as the facts may warrant.

SEC. 21. Section 13055 of said code is amended to read:

Investigation

13055. A regional board may investigate any source of water pollution or nuisance within its region and may require that any person discharging sewage or industrial waste within the region furnish such technical reports as the board may specify.

SEC. 22. Section 13055.1 is added to said code, to read:

Misdemeanor

13055.1. Any person failing or refusing to furnish technical reports as required by Section 13055 is guilty of a misdemeanor.

SEC. 23. Section 13060 of said code is amended to read:

Order to cease and desist

13060. When a regional board finds that the discharge of sewage or industrial waste within its region is taking place contrary to any requirements prescribed by the regional board under the provisions of Sections 13053, 13054, 13054.1 and 13055, the board shall issue an order to cease and desist and direct that those persons, firms, or corporations not complying with the requirements, comply forthwith.

Repeal

SEC. 24. Section 13061 of said code is repealed.

Same

SEC 25. Section 13061 5 of said code is repealed.

Same

SEC. 26. Section 13062 of said code is repealed.

SEC. 27. Section 13063 of said code is amended to read:

Injunction Procedure, etc

13063. Upon failure of any person or persons to comply with any such cease and desist order of the board, the board issuing the order shall certify the facts to the district attorney for the county in which the discharge originates, whereupon such district attorney shall petition the superior court in and for that county for the issuance of an injunction restraining such person or persons from continuing the discharge in violation of the requirements. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction. The court shall receive in evidence the order of the board, evidence as to the validity and reasonableness of the board's requirements as previously established, and such further evidence as the court in its discretion deems proper.

When complaint is made to the Attorney General that the district attorney of any county has not performed a duty devolving upon him by the provisions of this division or is not proceeding with due diligence or in the proper manner in the performance of the duty, the Attorney General shall make an investigation. If he finds the charge to be true, the Attorney General shall diligently prosecute the action to secure the issuance of an injunction restraining the person or persons who have failed to comply with any such order of the board from continuing the discharge in violation of the requirements, and in such case he shall have the powers and duties of the district attorney.

SEC. 28. Article 4 (commencing at Section 13080) is added to Chapter 4 of Division 7 of said code, to read:

Article 4. Summary Abatement

13080. A civil action may be brought in the name of the people of the State of California to abate a pollution or nuisance which is transitory in nature or is of short duration but periodic in occurrence by the district attorney of any county in which such pollution or nuisance occurs, and such district attorney must bring such action whenever requested by the regional board of the region in which such pollution or nuisance occurs. The superior court shall have jurisdiction to order abatement of the pollution or nuisance in the same manner as a public nuisance may be abated.

Abatement of periodic pollution

SEC. 29. Section 5460 of the Health and Safety Code is amended to read:

5460. The state department or local health officer may issue a peremptory order requiring the abatement of a contamination, and shall immediately furnish to the proper regional board a report of information and data relating thereto.

Abatement of contamination

Coincident with issuing such order, or if any order or regulation is not complied with, the director or local health officer may bring and prosecute an action for an injunction in the superior court of the county in which the contamination occurs.

CHAPTER 1300

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

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

In effect immediately

I object to the following appropriations in A. B. 800:
Item 255 5—Veterans Claims and Rights Service I reduce the appropriation to $407,950.
Item 262 6—Surveys and Studies, South Bay Aqueduct or Airpoint Reservoir to San Mateo County I eliminate this item in its entirety.
Item 403—Mosquitoes Abatement Subsidy I reduce the appropriation to $191,000
Item 411 5—Veterans County Service Officers. I reduce the appropriation to $350,000
Sec 8 2—La Jolla Campus site acquisition At request of University of California, I eliminate this section in its entirety.
With these reductions and eliminations, I approve the bill
Approved. June 30, 1959

EDMUND G. BROWN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1959."

Short title

Budget appropriations

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1959-60 Fiscal Year beginning July 1, 1959, and ending June 30, 1960. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Special funds

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Recurrent appropriations

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

STATE OPERATIONS SECTION

Legislative

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$240,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	2,500
3—For expenses of Members of the Senate	22,800
4—For contingent expenses of the Senate, including pay of officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate to be transferred by the State Controller to the Senate Contingent Fund.	1,239,093
5—For salaries of Assemblymen	480,000
6—For mileage of Assemblymen and statutory officers of the Assembly	5,000
7—For expenses of Members of the Assembly	45,600
8—For contingent expenses of the Assembly including pay of officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly to be transferred by the State Controller to the Assembly Contingent Fund.	668,450
9—For legislative printing, binding, mailing and other necessary expenses to be transferred by the State Controller to the Legislative Printing Fund.	525,000

Item		Amount	
10—For contingent expenses of the State Capitol Committee		500	
10.5—For the expenses of the Citizens Advisory Commission on the Public Education System pursuant to Section 9135 of the Government Code, the amount necessary to pay such expenses from the sum made available by Assembly Concurrent Resolution No. 137 of the 1959 Regular Session of the Legislature.			
12—For support of Legislative Counsel Bureau, in accordance with the following schedule		472,127	Legislative Counsel
Schedule:			
(a) Salaries and Wages	459,855		
(b) Operating Expenses and Equipment	35,272		
Total of schedule	495,127		
Less estimated reimbursements	23,000		
Net appropriation	472,127		
13—For support of California Law Revision Commission, in accordance with the following schedule		90,808	Law Revision Commission
Schedule:			
(a) Salaries and Wages	42,993		
(b) Operating Expenses and Equipment	47,815		
Total of schedule	90,808		
14—For support of California Commission on Uniform State Laws		5,450	Commission on Uniform State Laws
15—For State's contribution to the Legislators' Retirement Fund in accordance with Section 9358 of the Government Code		152,000	Legislators' Retirement Fund

JUDICIAL

16—For support of Supreme Court of California provided, however, that $11,000 of the amount made available by this item shall be available for expenditure only if legislation is adopted at the 1959 Regular Session increasing salaries of the justices of this court.	804,573	Supreme Court
17—For support of Judicial Council	213,496	Judicial Council
18—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council	45,000	
19—For support of the District Court of Appeal, First Appellate District	340,069	District Courts of Appeal

Item	Amount
provided, however, that $7,000 of the amount made available by this item shall be available for expenditure only if legislation is adopted at the 1959 Regular Session increasing salaries of the justices of this court.	
20—For support of the District Court of Appeal, Second Appellate District ---------- provided, however, that $10,500 of the amount made available by this item shall be available for expenditure only if legislation is adopted at the 1959 Regular Session increasing salaries of the justices of this court.	447,273
21—For support of the District Court of Appeal, Third Appellate District ---------- provided, however, that $3,500 of the amount made available by this item shall be available for expenditure only if legislation is adopted at the 1959 Regular Session increasing salaries of the justices of this court.	167,921
22—For support of the District Court of Appeal, Fourth Appellate District ---------- provided, however, that $3,500 of the amount made available by this item shall be available for expenditure only if legislation is adopted at the 1959 Regular Session increasing salaries of the justices of this court.	230,682

EXECUTIVE

Governor	23—For support of the Governor and of the Governor's Office (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code) ----------	556,133
	24—For support of the Governor's residence (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code) ----------	17,400
	25—For special contingent expenses, Governor's Office (exempt from the provisions of Sections 12410, 13320 and 16003 of the Government Code) ----------	7,500
Consumer Counsel	26—For support of Office of Consumer Counsel -- provided, however, that none of the moneys made available by this item shall be available unless the Office of Consumer Counsel is established by the 1959 Regular Session of the Legislature.	45,000
Disaster Office, etc.	27—For support of the California Disaster Office, California State Disaster Council and advisory committees, in accordance with the following schedule ----------	737,074

Item		Amount	
and in addition any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.			
Schedule:			
(a) Salaries and Wages	578,666		
(b) Operating Expenses and Equipment	298,385		
Total of schedule	877,051		
Less estimated reimbursements	139,977		
Net appropriation	737,074		
28—For salary and support of Lieutenant Governor, in accordance with the following schedule		74,513	Lieutenant Governor
Schedule:			
(a) Salaries and Wages	52,400		
(b) Operating Expenses and Equipment	22,113		
Total of schedule	74,513		
GENERAL ADMINISTRATION			
29—For support of Board of Administration of the State Employees' Retirement System, in accordance with the following schedule		337,270	Employees' Retirement System
Schedule:			
(a) Salaries and Wages	768,921		
(b) Operating Expenses and Equipment	227,649		
Total of schedule	996,570		
Less estimated reimbursements	659,300		
Net appropriation	337,270		
30—For support of California Commission on Interstate Co-operation		51,715	Commission on Interstate Co-operation
31—For support of State Personnel Board, in accordance with the following schedule		2,509,879	Personnel Board
Schedule:			
(a) Salaries and Wages	2,313,755		
(b) Operating Expenses and Equipment	454,337		
Total of schedule	2,768,092		
Less estimated reimbursements	258,213		
Net appropriation	2,509,879		

Item		Amount
Secretary of State	32—For support of Secretary of State, in accordance with the following schedule	338,217
	Schedule:	
	(a) Salaries and Wages 287,765	
	(b) Operating Expenses and Equipment 58,217	
	Total of schedule 345,982	
	Less estimated reimbursements 7,765	
	Net appropriation 338,217	
	33—For support of Division of Collection Agencies, Secretary of State's Office, payable from the Collection Agency Fund, in accordance with the following schedule	69,751
	Schedule:	
	(a) Salaries and Wages 45,738	
	(b) Operating Expenses and Equipment 24,013	
	Total of schedule 69,751	

AGRICULTURE

Department of Agriculture	34—For support of Department of Agriculture and the State Livestock Sanitary Committee, in accordance with the following schedule	7,921,641
	Schedule:	
	(a) Salaries and Wages 6,234,871	
	(b) Operating Expenses and Equipment 2,522,997	
	Total of schedule 8,757,868	
	Less: Estimated amounts available from other sources:	
	(c) Reimbursements 736,227	
	(d) Unallocated reduction 100,000	
	Net appropriation 7,921,641	
	35—For co-operation with the Federal Government in marketing research under the provisions of Public Law 733 (Seventy-ninth Congress) and Section 1286 of the Agricultural Code, Department of Agriculture, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code	72,500
	36—For support of Department of Agriculture, payable from the Department of Agriculture	

Item		Amount
Fund, in accordance with the following schedule		6,330,568
Schedule:		
(a) Salaries and Wages	4,494,624	
(b) Operating Expenses and Equipment	1,846,034	
Total of schedule	6,340,658	
Less estimated reimbursements	10,090	
Net appropriation	6,330,568	
37—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund, in accordance with the following schedule		153,780
Schedule:		
(a) Salaries and Wages	82,299	
(b) Operating Expenses and Equipment	73,725	
Total of schedule	156,024	
Less estimated reimbursements	2,244	
Net appropriation	153,780	
38—For augmentation of the Poultry Testing Project Fund, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code to be transferred by the State Controller to the Poultry Testing Project Fund.		103,925

Poultry Improvement Commission

Poultry Testing Project Fund

CORRECTIONS

39—For support of Departmental Administration and Board of Corrections, Department of Corrections, in accordance with the following schedule		2,657,737
Schedule:		
(a) Salaries and Wages	2,049,501	
(b) Operating Expenses and Equipment	617,396	
Total of schedule	2,666,897	
Less estimated reimbursements	9,160	
Net appropriation	2,657,737	

Department of Corrections

Item		Amount
40—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3295 and 3297 of the Health and Safety Code in accordance with the provisions of Section 26749 of the Government Code		94,900
41—For expenses of returning fugitives from justice from outside the State in accordance with the provisions of Section 1557 of the Penal Code		325,000
42—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		20,000
Medical Facility 43—For support of the Medical Facility, Department of Corrections, in accordance with the following schedule		3,807,510
Schedule:		
(a) Salaries and Wages	2,771,662	
(b) Operating Expenses and Equipment	1,105,328	
(c) Inmate Pay-work Projects	14,220	
Total of schedule	3,891,210	
Less estimated reimbursements	83,700	
Net appropriation	3,807,510	
Men's Colony 44—For support of California Men's Colony, Department of Corrections, in accordance with the following schedule		2,126,568
Schedule:		
(a) Salaries and Wages	1,244,995	
(b) Operating Expenses and Equipment	888,548	
(c) Inmate Pay-work Projects	9,780	
Total of schedule	2,143,323	
Less estimated reimbursements	16,755	
Net appropriation	2,126,568	
Institution for Men 45—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule		4,945,491

Item		Amount	
Schedule:			
(a) Salaries and Wages	3,342,380		
(b) Operating Expenses and Equipment	2,060,748		
(c) Inmate Pay-work Projects	138,945		
Total of schedule	5,542,073		
Less estimated reimbursements	596,582		
Net appropriation	4,945,491		
46—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule		3,713,507	State prisons: Folsom
Schedule:			
(a) Salaries and Wages	2,355,978		
(b) Operating Expenses and Equipment	1,693,914		
(c) Inmate Pay-work Projects	93,728		
Total of schedule	4,143,620		
Less estimated reimbursements	430,113		
Net appropriation	3,713,507		
47—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		5,783,221	San Quentin
Schedule:			
(a) Salaries and Wages	3,362,680		
(b) Operating Expenses and Equipment	2,881,818		
(c) Inmate Pay-work Projects	135,356		
Total of schedule	6,379,854		
Less estimated reimbursements	596,633		
Net appropriation	5,783,221		
48—For support of California State Prison at Soledad, Department of Corrections, in accordance with the following schedule		5,261,007	Soledad
Schedule:			
(a) Salaries and Wages	3,244,647		
(b) Operating Expenses and Equipment	2,286,468		
(c) Inmate Pay-work Projects	78,492		
Total of schedule	5,609,607		
Less estimated reimbursements	348,600		
Net appropriation	5,261,007		

Item			Amount
Deuel Vocational Institution	49—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule		3,115,265
	Schedule:		
	(a) Salaries and Wages	2,076,353	
	(b) Operating Expenses and Equipment	1,072,900	
	(c) Inmate Pay-work Projects	10,000	
	Total of schedule	3,159,253	
	Less estimated reimbursements	43,988	
	Net appropriation	3,115,265	
Northern California Conservation Center	49.5—For support of Northern California Conservation Center, Department of Corrections, in accordance with the following schedule		94,274
	Schedule:		
	(a) Salaries and Wages	74,103	
	(b) Operating Expenses and Equipment	62,895	
	(c) Inmate Pay-work Projects	12,114	
	Total of schedule	149,112	
	Less estimated reimbursements	54,838	
	Net appropriation	94,274	
Institution for Women	50—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule		1,349,264
	Schedule:		
	(a) Salaries and Wages	857,022	
	(b) Operating Expenses and Equipment	506,448	
	(c) Inmate Pay-work Projects	6,000	
	Total of schedule	1,369,470	
	Less estimated reimbursements	20,206	
	Net appropriation	1,349,264	
Adult Authority	51—For support of Adult Authority, Department of Corrections, in accordance with the following schedule		239,431
	Schedule:		
	(a) Salaries and Wages	195,555	
	(b) Operating Expenses and Equipment	43,876	
	Total of schedule	239,431	
Board of Trustees, Institution for Women	52—For support of Board of Trustees, California Institution for Women, Department of Cor-		

Item		Amount
rections, in accordance with the following schedule		217,467
Schedule:		
(a) Salaries and Wages	147,013	
(b) Operating Expenses and Equipment	71,069	
Total of schedule	218,082	
Less estimated reimbursements	615	
Net appropriation	217,467	

YOUTH AUTHORITY

53—For support of Departmental Administration, Department of the Youth Authority, in accordance with the following schedule		3,248,736	Department of Youth Authority
Schedule:			
(a) Salaries and Wages	2,368,026		
(b) Operating Expenses and Equipment	888,510		
Total of schedule	3,256,536		
Less estimated reimbursements	7,800		
Net appropriation	3,248,736		
54—For deportation of nonresidents committed to the Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		44,800	
55—For transportation of persons committed to the Department of the Youth Authority to or between its facilities, including the return of parole violators		72,500	
56—For maintenance of persons committed to the Department of the Youth Authority and paroled to the custody of private homes		212,000	
57—For support of Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,018,960	Reception Centers: Northern California
Schedule:			
(a) Salaries and Wages	772,266		
(b) Operating Expenses and Equipment	252,444		
Total of schedule	1,024,710		
Less estimated reimbursements	5,750		
Net appropriation	1,018,960		

Item			Amount
Southern California	58—For support of Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,360,548
	Schedule:		
	(a) Salaries and Wages	1,040,895	
	(b) Operating Expenses and Equipment	328,498	
	Total of schedule	1,369,393	
	Less estimated reimbursements	8,845	
	Net appropriation	1,360,548	
Youth Authority Camps	59—For support of Youth Authority Camps, Department of the Youth Authority, in accordance with the following schedule		383,577
	Schedule:		
	(a) Salaries and Wages	363,542	
	(b) Operating Expenses and Equipment	267,828	
	(c) Inmate Pay-work Projects	37,895	
	Total of schedule	669,265	
	Less estimated reimbursements	285,688	
	Net appropriation	383,577	
Fricot Ranch School	60—For support of Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule		658,356
	Schedule:		
	(a) Salaries and Wages	482,363	
	(b) Operating Expenses and Equipment	194,188	
	Total of schedule	676,551	
	Less estimated reimbursements	18,195	
	Net appropriation	658,356	
Fred C. Nelles School	61—For support of the Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,192,674
	Schedule:		
	(a) Salaries and Wages	917,711	
	(b) Operating Expenses and Equipment	301,063	
	Total of schedule	1,218,774	
	Less estimated reimbursements	26,100	
	Net appropriation	1,192,674	

Item		Amount	
62—For support of Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,282,195	Paso Robles School
Schedule:			
(a) Salaries and Wages	964,035		
(b) Operating Expenses and Equipment	326,675		
Total of schedule	1,290,710		
Less estimated reimbursements	8,515		
Net appropriation	1,282,195		
63—For support of Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule		2,432,810	Preston School of Industry
Schedule:			
(a) Salaries and Wages	1,843,351		
(b) Operating Expenses and Equipment	696,119		
Total of schedule	2,539,470		
Less estimated reimbursements	106,660		
Net appropriation	2,432,810		
64—For support of Youth Training School, Department of the Youth Authority, in accordance with the following schedule		858,605	Youth Training School
Schedule:			
(a) Salaries and Wages	570,075		
(b) Operating Expenses and Equipment	302,430		
Total of schedule	872,505		
Less estimated reimbursements	13,900		
Net appropriation	858,605		
65—For support of Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule		997,988	Los Guilucos School
Schedule:			
(a) Salaries and Wages	783,505		
(b) Operating Expenses and Equipment	221,733		
Total of schedule	1,005,238		
Less estimated reimbursements	7,250		
Net appropriation	997,988		
66—For support of Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule		835,387	Ventura School

Item		Amount
Schedule:		
(a) Salaries and Wages	659,245	
(b) Operating Expenses and Equipment	185,137	
Total of schedule	844,382	
Less estimated reimbursements	8,995	
Net appropriation	835,387	

EDUCATION

Department of Education

67—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule		3,056,027
Schedule:		
(a) Salaries and Wages	2,980,725	
(b) Operating Expenses and Equipment	975,002	
Total of schedule	3,955,727	
Less estimated amounts available from other sources:		
(c) Reimbursements	814,400	
(d) Amount payable from State School Building Aid Fund (Item 68)	85,300	
Net appropriation	3,056,027	
68—For additional support of Department of Education, payable from the State School Building Aid Fund		85,300
69—For payment of the State's share of the operating costs of the Western Interstate Commission for Higher Education, Department of Education		10,000
70—For study of special educational programs designed to meet the needs of gifted pupils in the public schools of this State, to be expended in accordance with Chapter 2385, Statutes of 1957, Sections 2, 3, and 4, Department of Education		30,064
71—For study of problems relating to emotionally disturbed children in the public schools of this State, to be expended in accordance with Chapter 2385, Statutes of 1957, Sections 1, 3, and 4, Department of Education		73,390
72—For vocational education, Department of Education		747,716

Item		Amount
73—For vocational rehabilitation, Department of Education, in accordance with the following schedule		2,306,593
Schedule:		
(a) Salaries and Wages	1,786,095	
(b) Operating Expenses and Equipment	3,242,112	
Total of schedule	5,028,207	
Less estimated amounts available from other sources:		
(c) Reimbursements	14,721	
(d) Federal grants	2,706,893	
Net appropriation	2,306,593	

provided, that of the amount appropriated by this item $24,000 is exempt from the provisions of Section 22 of this act and may be expended for purchase of equipment or supplies for cafeteria-type blind vending stands in state office buildings.

74—For support of Division of Libraries, Department of Education and Board of Library Examiners, in accordance with the following schedule		759,133
Schedule:		
(a) Salaries and Wages	580,113	
(b) Operating Expenses and Equipment	185,645	
Total of schedule	765,758	
Less estimated reimbursements	6,625	
Net appropriation	759,133	

Division of Libraries

75—For support of Alameda County State College, in accordance with the following schedule		279,524
Schedule:		
(a) Salaries and Wages	238,694	
(b) Operating Expenses and Equipment	76,510	
Total of schedule	315,204	
Less estimated reimbursements	35,680	
Net appropriation	279,524	

State colleges Alameda County

In making this appropriation it is the intent of the Legislature to restrict the instructional program to upper division education courses leading to an elementary teaching credential.

Item		Amount
Chico	76—For support of Chico State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.	2,835,622
	Schedule:	
	(a) Salaries and Wages	2,756,101
	(b) Operating Expenses and Equipment	474,182
	Total of schedule	3,230,283
	Less estimated reimbursements	394,661
	Net appropriation	2,835,622
	77—For additional support, Chico State College, payable from the State College Fund, in accordance with the following schedule	107,242
	Schedule:	
	(a) Salaries and Wages	80,411
	(b) Operating Expenses and Equipment	39,412
	Total of schedule	119,823
	Less estimated reimbursements	12,581
	Net appropriation	107,242
Fresno	78—For support of Fresno State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	4,142,858
	Schedule:	
	(a) Salaries and Wages	4,253,275
	(b) Operating Expenses and Equipment	762,662
	Total of schedule	5,015,937
	Less estimated reimbursements	873,079
	Net appropriation	4,142,858
	79—For additional support, Fresno State College, payable from the State College Fund, in accordance with the following schedule	564,538
	Schedule:	
	(a) Salaries and Wages	433,685
	(b) Operating Expenses and Equipment	138,353
	Total of schedule	572,038
	Less estimated reimbursements	7,500
	Net appropriation	564,538

Item		Amount	
80—For support of Humboldt State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		2,235,756	Humboldt
Schedule:			
(a) Salaries and Wages	2,081,769		
(b) Operating Expenses and Equipment	416,742		
Total of schedule	2,498,511		
Less estimated reimbursements	262,755		
Net appropriation	2,235,756		
81—For support of Long Beach State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		5,032,351	Long Beach
Schedule:			
(a) Salaries and Wages	5,218,313		
(b) Operating Expenses and Equipment	937,959		
Total of schedule	6,156,272		
Less estimated reimbursements	1,123,921		
Net appropriation	5,032,351		
82—For support of Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		5,280,282	Los Angeles
Schedule:			
(a) Salaries and Wages	5,457,855		
(b) Operating Expenses and Equipment	932,563		
Total of schedule	6,390,418		
Less estimated reimbursements	1,110,136		
Net appropriation	5,280,282		
83—For support of Orange County State College, in accordance with the following schedule		221,988	Orange County
Schedule:			
(a) Salaries and Wages	197,908		
(b) Operating Expenses and Equipment	39,660		
Total of schedule	237,568		
Less estimated reimbursements	15,580		
Net appropriation	221,988		

Item		Amount
	In making this appropriation it is the intent of the Legislature to restrict the instructional program to upper division education courses leading to an elementary teaching credential.	
Sacramento	84—For support of Sacramento State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	3,223,019
	Schedule:	
	(a) Salaries and Wages 3,276,979	
	(b) Operating Expenses and Equipment 586,434	
	Total of schedule 3,863,413	
	Less estimated reimbursements 640,394	
	Net appropriation 3,223,019	
San Diego	85—For support of San Diego State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	5,510,773
	Schedule:	
	(a) Salaries and Wages 5,578,994	
	(b) Operating Expenses and Equipment 898,834	
	Total of schedule 6,477,828	
	Less estimated reimbursements 967,055	
	Net appropriation 5,510,773	
San Fernando Valley	86—For support of San Fernando Valley State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	2,401,530
	Schedule:	
	(a) Salaries and Wages 2,235,431	
	(b) Operating Expenses and Equipment 582,246	
	Total of schedule 2,817,677	
	Less estimated reimbursements 416,147	
	Net appropriation 2,401,530	
San Francisco	87—For support of San Francisco State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities	6,351,741

Item		Amount
Schedule:		
(a) Salaries and Wages	6,683,985	
(b) Operating Expenses and Equipment	1,274,913	
Total of schedule	7,958,898	
Less estimated reimbursements	1,607,157	
Net appropriation	6,351,741	
88—For support of San Jose State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		8,724,597 San Jose
Schedule:		
(a) Salaries and Wages	8,665,009	
(b) Operating Expenses and Equipment	1,416,472	
Total of schedule	10,081,481	
Less estimated reimbursements	1,356,884	
Net appropriation	8,724,597	
89—For support of California State Polytechnic College, payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities		3,380,218 California State Polytechnic
Schedule:		
(a) Salaries and Wages	5,888,434	
(b) Operating Expenses and Equipment	1,232,104	
Total of schedule	7,120,538	
Less estimated amounts available from other sources:		
(c) Reimbursements	798,708	
(d) Amount payable from Item 90	2,941,612	
Net appropriation	3,380,218	
90—For additional support, California State Polytechnic College to be transferred to Item 89 upon order of the Department of Finance.		2,941,612
91—For support of California Maritime Academy, in accordance with the following schedule		406,251 California Maritime Academy

Item		Amount
	Schedule:	
	(a) Salaries and Wages	391,566
	(b) Operating Expenses and Equipment	193,623
	Total of schedule	585,189
	Less estimated reimbursements	178,938
	Net appropriation	406,251
School for Blind	92—For support of California School for the Blind, in accordance with the following schedule	520,840
	Schedule:	
	(a) Salaries and Wages	450,089
	(b) Operating Expenses and Equipment	106,669
	Total of schedule	556,758
	Less estimated reimbursements	35,918
	Net appropriation	520,840
Schools for Deaf Berkeley	93—For support of California School for the Deaf, Berkeley, in accordance with the following schedule	1,304,886
	Schedule:	
	(a) Salaries and Wages	1,090,795
	(b) Operating Expenses and Equipment	264,123
	Total of schedule	1,354,918
	Less estimated reimbursements	50,032
	Net appropriation	1,304,886
Riverside	94—For support of California School for the Deaf, Riverside, in accordance with the following schedule	1,497,991
	Schedule:	
	(a) Salaries and Wages	1,273,602
	(b) Operating Expenses and Equipment	247,365
	Total of schedule	1,520,967
	Less estimated reimbursements	22,976
	Net appropriation	1,497,991
	provided, that not more than $860 thereof shall be available for improvement of curbs and gutters along Horace Street.	
Cerebral Palsied Children Northern California	95—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule	400,871

Item		Amount	
Schedule:			
(a) Salaries and Wages	350,379		
(b) Operating Expenses and Equipment	53,652		
Total of schedule	404,031		
Less estimated reimbursements	3,160		
Net appropriation	400,871		
96—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		334,696	Southern California
Schedule:			
(a) Salaries and Wages	282,768		
(b) Operating Expenses and Equipment	56,293		
Total of schedule	339,061		
Less estimated reimbursements	4,365		
Net appropriation	334,696		
97—For support of Oakland Orientation Center, in accordance with the following schedule		306,523	Oakland Orientation Center
Schedule:			
(a) Salaries and Wages	250,829		
(b) Operating Expenses and Equipment	83,754		
Total of schedule	334,583		
Less estimated reimbursements	28,060		
Net appropriation	306,523		
98—For support of Los Angeles Center, California Industries for the Blind, in accordance with the following schedule		114,871	Industries for Blind Centers Los Angeles
Schedule:			
(a) Salaries and Wages	91,414		
(b) Operating Expenses and Equipment	23,457		
Total of schedule	114,871		
99—For support of Oakland Center, California Industries for the Blind, in accordance with the following schedule		90,034	Oakland
Schedule:			
(a) Salaries and Wages	53,822		
(b) Operating Expenses and Equipment	36,212		
Total of schedule	90,034		

	Item		Amount
San Diego	100—For support of San Diego Center, California Industries for the Blind, in accordance with the following schedule		48,166
	Schedule:		
	(a) Salaries and Wages	35,964	
	(b) Operating Expenses and Equipment	12,202	
	Total of schedule	48,166	
Teachers' Retirement System	101—For support of State Teachers' Retirement System, in accordance with the following schedule		342,686
	Schedule:		
	(a) Salaries and Wages	278,345	
	(b) Operating Expenses and Equipment	64,341	
	Total of schedule	342,686	
Scholarship Commission	102—For support of the State Scholarship Commission in accordance with the following schedule		1,222,294
	Schedule:		
	(a) Salaries and Wages	31,964	
	(b) Operating Expenses and Equipment	1,190,330	
	Total of schedule	1,222,294	
University of California.	103—For support of University of California, exempt from Section 29 of this act		89,721,822
	104—For research in the conversion of sea water to fresh water, University of California, payable from the Investment Fund, exempt from Section 29 of this act		334,900
	105—For research in the field of public accounting, University of California, payable from the Accountancy Fund, exempt from Section 29 of this act		40,000
Alfalfa aphid research	106—For spotted alfalfa aphid control research, University of California, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, exempt from Section 29 of this act		53,792
Khapra beetle research	107—For khapra beetle control research, University of California, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, exempt from Section 29 of this act		43,812

Item	Amount	
108—For fruit fly investigations, University of California, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, exempt from Section 29 of this act	41,767	Fruit fly investigations
108.5—For research regarding the control of gnats, University of California, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, exempt from Section 34 of this act	15,000	Gnat research
109—For the educational and research needs of the real estate industry in California, payable from the Real Estate Education and Research Fund	433,826	Real estate industry

to be allocated by the Department of Finance in amounts as it finds necessary to the University of California exempt from Section 29 of this act and to the Division of Real Estate, Department of Investment, to carry out the provisions of Section 10451.5 of the Business and Professions Code.

110—For support of Hastings College of Law, in accordance with the following schedule ..... 292,802 — Hastings College of Law

Schedule:

(a) Salaries and Wages	323,250
(b) Operating Expenses and Equipment	71,141
Total of schedule	394,391
Less estimated reimbursements	101,589
Net appropriation	292,802

FISCAL AFFAIRS

111—For support of State Board of Control, in accordance with the following schedule ..... 14,023 — Board of Control

Schedule:

(a) Salaries and Wages	12,402
(b) Operating Expenses and Equipment	1,621
Total of schedule	14,023

112—For support of the State Controller, in accordance with the following schedule ..... 3,020,112 — Controller

Item		Amount
	Schedule:	
	(a) Salaries and Wages	3,035,578
	(b) Operating Expenses and Equipment	1,068,255
	Total of schedule	4,103,833
	Less estimated amounts available from other sources:	
	(c) Reimbursements	59,121
	(d) Amount payable from the Motor Vehicle Fuel Fund (Item 113)	528,612
	(e) Amount payable from the State Redemption Tax Fund (Item 114)	196,641
	(f) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 115)	182,551
	(g) Amount payable from the State School Building Aid Fund (Item 116)	116,796
	Net appropriation	3,020,112
	provided, however, that of the amount appropriated in this item, the sum of $45,610 shall not be available for expenditure until the Department of Finance has determined the feasibility of an electronic data processing system.	
113	For additional support of State Controller, payable from the Motor Vehicle Fuel Fund	528,612
114	For additional support of State Controller, payable from the State Redemption Tax Fund	196,641
115	For additional support of State Controller, payable from the Motor Vehicle Transportation Tax Fund	182,551
116	For additional support of State Controller, payable from the State School Building Aid Fund	116,796
Board of Equalization 117	For support of State Board of Equalization, in accordance with the following schedule	12,383,565
	Schedule:	
	(a) Salaries and Wages	13,340,699
	(b) Operating Expenses and Equipment	3,212,130
	Total of schedule	16,552,829
	Less estimated reimbursements	4,169,264
	Net appropriation	12,383,565
Division of Highway Taxes 118	For support of Division of Highway Taxes, State Board of Equalization, payable from	

Item		Amount
the Motor Vehicle Transportation Tax Fund, in accordance with the following schedule		1,004,039
Schedule:		
(a) Salaries and Wages	1,142,911	
(b) Operating Expenses and Equipment	774,754	
Total of schedule	1,917,665	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,105	
(d) Amount payable from the Itinerant Merchants Fund (Item 119)	17,982	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 120)	893,539	
Net appropriation	1,004,039	
119—For additional support of Division of Highway Taxes, State Board of Equalization, payable from the Itinerant Merchants Fund		17,982
120—For additional support of Division of Highway Taxes, State Board of Equalization, payable from the Motor Vehicle Fuel Fund		893,539
121—For support of Department of Finance, in accordance with the following schedule		7,373,269
Schedule:		
(a) Salaries and Wages	8,788,658	
(b) Operating Expenses and Equipment	3,884,674	
Total of schedule	12,673,332	
Less estimated amounts available from other sources:		
(c) Reimbursements	4,447,477	
(d) Amount payable from Fair and Exposition Fund (Item 122)	219,667	
(e) Amount payable from the State School Building Aid Fund (Item 123)	632,919	
Net appropriation	7,373,269	

Department of Finance

provided, that this appropriation shall be available for the purchase of insurance to insure the liability of the State and its officers and employees for damage or injury to persons or property resulting from the dangerous or defective condition of state-owned or state-controlled property under the jurisdiction of

Item		Amount
	the Department of Finance; it is further provided that $175,000 of this appropriation shall be available only upon the condition that the Economic Development Agency Law is enacted by the 1959 Session of the Legislature.	
	122—For additional support of Department of Finance, payable from the Fair and Exposition Fund	219,667
	123—For additional support of Department of Finance, payable from the State School Building Aid Fund	632,919
California State Fair and Exposition	124—For support of California State Fair and Exposition, Department of Finance, payable from the State Fair Fund	2,083,607
State Fair Fund	125—For augmentation of the State Fair Fund, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code	377,500
	to be transferred to the State Fair Fund by the State Controller.	
Sixth District Agricultural Association	126—For support of Sixth District Agricultural Association, Fairs and Expositions Division, Department of Finance, payable from the Sixth District Agricultural Association Fund	529,914
	127—For augmentation of the Sixth District Agricultural Association Fund, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code	194,000
	to be transferred to the Sixth District Agricultural Association Fund by the State Controller.	
State Lands Division	129—For support of State Lands Division, State Lands Commission, Department of Finance, payable from the State Lands Act Fund, in accordance with the following schedule	1,015,468
	Schedule:	
	(a) Salaries and Wages 628,288	
	(b) Operating Expenses and Equipment 423,551	
	Total of schedule 1,051,839	
	Less estimated reimbursements 36,371	
	Net appropriation 1,015,468	
Franchise Tax Board	130—For support of Franchise Tax Board, in accordance with the following schedule	6,726,681

Item		Amount	
Schedule:			
(a) Salaries and Wages	5,721,939		
(b) Operating Expenses and Equipment	1,004,742		
Total of schedule	6,726,681		
131—For support of the State Treasurer, in accordance with the following schedule		353,501	State Treasurer
Schedule:			
(a) Salaries and Wages	266,293		
(b) Operating Expenses and Equipment	191,487		
Total of schedule	457,780		
Less estimated reimbursements	104,279		
Net appropriation	353,501		

HIGHWAY PATROL

132—For support of the Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule		27,705,611	Highway Patrol
Schedule:			
(a) Salaries and Wages	19,528,119		
(b) Operating Expenses and Equipment	8,407,032		
Total of schedule	27,935,151		
Less estimated reimbursements	229,540		
Net appropriation	27,705,611		

provided, that no part of this appropriation shall be expended in payment for services of personnel assigned to enforce the provisions of the ordinances of any city or county; provided further, however, that this restriction shall not limit the authority of members of the California Highway Patrol to enforce any city or county ordinance as an incident to their assigned duties with respect to traffic law enforcement; provided further, that no expenditure shall be made from the appropriation made by this item in connection with the activities of the California Highway Patrol Auxiliary; provided further, that 10 clerical positions are intended solely for the purpose of relieving uniformed personnel from non-road patrol activities; provided further, that the State Personnel Board shall review

Item | Amount

the duties of all uniformed personnel assigned to headquarters and the duties of all uniformed personnel assigned to scale houses at the earliest possible date in order to determine which functions may properly be transferred to civilian employees so that the maximum number of uniformed personnel may be assigned to enforcement duties on road patrol; provided further, that the report of the State Personnel Board shall be furnished to the Legislative Analyst, the Department of Finance, and the Department of the California Highway Patrol not later than November 1, 1959.

133—For payment of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $100,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.

INDUSTRIAL RELATIONS

Department of Industrial Relations

134—For support of Department of Industrial Relations, in accordance with the following schedule 9,196,263

Schedule:

(a) Salaries and Wages	7,320,849
(b) Operating Expenses and Equipment	1,941,932
Total of schedule	9,262,781
Less estimated reimbursements	66,518
Net appropriation	9,196,263

Fair Employment Practices Commission, etc.

135—For support of State Fair Employment Practices Commission and Division of Fair Employment Practices, Department of Industrial Relations and establishment of offices in San Francisco and Los Angeles 202,953

provided, however, none of the funds provided by this item shall be available unless the Fair Employment Practices Commission

Item		Amount
is established by the 1959 Session of the Legislature.		
136—For support of State Fire Marshal, in accordance with the following schedule		450,536
Schedule:		
(a) Salaries and Wages	426,684	
(b) Operating Expenses and Equipment	114,622	
Total of schedule	541,306	
Less estimated amounts available from other sources:		
(c) Reimbursements	47,094	
(d) Amount payable from Fair and Exposition Fund (Item 137)	19,120	
(e) Amount payable from Dry Cleaners' Fund (Item 138)	24,556	
Net appropriation	450,536	
137—For additional support of the State Fire Marshal, payable from any moneys in the Fair and Exposition Fund available for capital outlay purposes under paragraph (c) of Section 19626 of the Business and Professions Code		19,120
138—For additional support of the State Fire Marshal, payable from the Dry Cleaners' Fund		24,556

State Fire Marshal

JUSTICE

139—For support of Department of Justice, in accordance with the following schedule		5,754,780
Schedule:		
(a) Salaries and Wages	4,985,316	
(b) Operating Expenses and Equipment	1,545,315	
Total of schedule	6,530,631	
Less estimated reimbursements	775,851	
Net appropriation	5,754,780	

provided, however, that $1,500 of the amount made available by this item shall be available for expenditure only if legislation is adopted at the 1959 Regular Session increasing the salaries of the associate justices of the Supreme Court.

Department of Justice

Item		Amount
140—For litigation and legal services in connection with activities of the Colorado River Board of California, Department of Justice		500,116
141—For fees to special counsel employed pursuant to Section 12520 of the Government Code, Department of Justice		8,500
142—For consultants and other expenses related to participation by the Department of Justice in proceedings before the Federal Power Commission, Department of Justice		25,000

MENTAL HYGIENE

Department of Mental Hygiene

143—For support of Department of Mental Hygiene, in accordance with the following schedule		3,730,944
Schedule:		
(a) Salaries and Wages	2,936,685	
(b) Operating Expenses and Equipment	975,704	
Total of schedule	3,912,389	
Less estimated amounts available from other sources:		
(c) Estimated grants from the Federal Government or agencies thereof	181,445	
Net appropriation	3,730,944	
144—For transportation of patients and other persons committed to state institutions of the Department of Mental Hygiene, to be expended by the Department of Mental Hygiene, in accordance with the following schedule		76,653
Schedule:		
(a) Operating Expenses	127,755	
Less estimated reimbursements	51,102	
Net appropriation	76,653	
145—For expenses of deportation and transfer of patients of the Department of Mental Hygiene, Department of Mental Hygiene, in accordance with the following schedule		156,320
Schedule:		
(a) Operating Expenses	159,320	
Less estimated reimbursements	3,000	
Net appropriation	156,320	

Family care

146—For family care of patients paroled or on leave of absence from state institutions of the

Item		Amount	
Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene		1,695,360	
147—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		802,000	
The appropriation made by this item shall remain available for allocation, reallocation, and expenditure until June 30, 1962.			
And in addition any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.			
148—For support of Outpatient Mental Hygiene Clinics, Department of Mental Hygiene, in accordance with the following schedule		671,726	Outpatient clinics
Schedule:			
(a) Salaries and Wages	664,407		
(b) Operating Expenses and Equipment	96,771		
Total of schedule	761,178		
Less estimated amounts available from other sources:			
(c) Estimated grants from the Federal Government or agencies thereof	89,452		
Net appropriation	671,726		
149—For support of the Langley Porter Neuropsychiatric Institute at San Francisco, in accordance with the following schedule		1,746,105	Langley Porter Institute
Schedule:			
(a) Salaries and Wages	1,462,038		
(b) Operating Expenses and Equipment	297,087		
Total of schedule	1,759,125		
Less estimated reimbursements	13,020		
Net appropriation	1,746,105		
150—For support of the Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		390,964	Neuropsychiatric Institute

Item			Amount
	Schedule:		
	(a) Salaries and Wages	356,189	
	(b) Operating Expenses and Equipment	34,775	
	Total of schedule	390,964	
State hospitals Agnews	151—For support of Agnews State Hospital, in accordance with the following schedule		8,764,048
	Schedule:		
	(a) Salaries and Wages	6,866,144	
	(b) Operating Expenses and Equipment	1,995,550	
	Total of schedule	8,861,694	
	Less estimated reimbursements	97,646	
	Net appropriation	8,764,048	
Atascadero	152—For support of Atascadero State Hospital, in accordance with the following schedule		3,127,318
	Schedule:		
	(a) Salaries and Wages	2,480,904	
	(b) Operating Expenses and Equipment	685,902	
	Total of schedule	3,166,806	
	Less estimated reimbursements	39,488	
	Net appropriation	3,127,318	
Camarillo	153—For support of Camarillo State Hospital, in accordance with the following schedule		11,056,450
	Schedule:		
	(a) Salaries and Wages	8,537,639	
	(b) Operating Expenses and Equipment	2,712,098	
	Total of schedule	11,249,737	
	Less estimated reimbursements	193,287	
	Net appropriation	11,056,450	
DeWitt	154—For support of DeWitt State Hospital, in accordance with the following schedule		5,327,123
	Schedule:		
	(a) Salaries and Wages	3,894,097	
	(b) Operating Expenses and Equipment	1,500,082	
	Total of schedule	5,394,179	
	Less estimated reimbursements	67,056	
	Net appropriation	5,327,123	

Item		Amount	
155—For support of Mendocino State Hospital, in accordance with the following schedule		4,920,427	Mendocino
Schedule:			
(a) Salaries and Wages	3,854,582		
(b) Operating Expenses and Equipment	1,159,650		
Total of schedule	5,014,232		
Less estimated reimbursements	93,805		
Net appropriation	4,920,427		
156—For support of Metropolitan State Hospital, in accordance with the following schedule		7,314,414	Metropolitan
Schedule:			
(a) Salaries and Wages	5,525,400		
(b) Operating Expenses and Equipment	1,876,447		
Total of schedule	7,401,847		
Less estimated reimbursements	87,433		
Net appropriation	7,314,414		
157—For support of Modesto State Hospital, in accordance with the following schedule		5,722,433	Modesto
Schedule:			
(a) Salaries and Wages	4,351,392		
(b) Operating Expenses and Equipment	1,431,985		
Total of schedule	5,783,377		
Less estimated reimbursements	60,944		
Net appropriation	5,722,433		
158—For support of Napa State Hospital, in accordance with the following schedule		9,859,797	Napa
Schedule:			
(a) Salaries and Wages	7,657,482		
(b) Operating Expenses and Equipment	2,307,355		
Total of schedule	9,964,837		
Less estimated reimbursements	105,040		
Net appropriation	9,859,797		
159—For support of Patton State Hospital, in accordance with the following schedule		9,084,803	Patton

Item		Amount
	Schedule:	
	(a) Salaries and Wages	7,184,361
	(b) Operating Expenses and Equipment	1,988,963
	Total of schedule	9,173,324
	Less estimated reimbursements	88,521
	Net appropriation	9,084,803
Stockton	160—For support of Stockton State Hospital, in accordance with the following schedule	8,366,109
	Schedule:	
	(a) Salaries and Wages	6,463,074
	(b) Operating Expenses and Equipment	1,973,902
	Total of schedule	8,436,976
	Less estimated reimbursements	70,867
	Net appropriation	8,366,109
Fairview	161—For support of Fairview State Hospital, in accordance with the following schedule	4,111,199
	Schedule:	
	(a) Salaries and Wages	3,411,665
	(b) Operating Expenses and Equipment	728,386
	Total of schedule	4,140,051
	Less estimated reimbursements	28,852
	Net appropriation	4,111,199
Pacific	162—For support of Pacific State Hospital, in accordance with the following schedule	7,296,605
	Schedule:	
	(a) Salaries and Wages	5,798,420
	(b) Operating Expenses and Equipment	1,592,315
	Total of schedule	7,390,735
	Less estimated reimbursements	94,130
	Net appropriation	7,296,605
Porterville	163—For support of Porterville State Hospital, in accordance with the following schedule	5,982,540
	Schedule:	
	(a) Salaries and Wages	4,720,229
	(b) Operating Expenses and Equipment	1,311,927
	Total of schedule	6,032,156

Item		Amount	
Less estimated reimbursements	49,616		
Net appropriation	5,982,540		
164—For support of Sonoma State Hospital, in accordance with the following schedule		8,723,931	Sonoma
Schedule:			
(a) Salaries and Wages	7,021,839		
(b) Operating Expenses and Equipment	1,799,846		
Total of schedule	8,821,685		
Less estimated reimbursements	97,754		
Net appropriation	8,723,931		

MILITARY AFFAIRS

165—For support of the Military Department, exclusive of the California Cadet Corps, in accordance with the following schedule		2,508,233	Military Department
Schedule:			
(a) Salaries and Wages	1,892,821		
(b) Operating Expenses and Equipment	1,016,838		
Total of schedule	2,909,659		
Less estimated reimbursements	401,426		
Net appropriation	2,508,233		

provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the Federal Government.

MOTOR VEHICLES

166—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		24,491,860	Department of Motor Vehicles
Schedule:			
(a) Salaries and Wages	21,806,954		
(b) Operating Expenses and Equipment	7,382,389		
Total of schedule	29,189,343		

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	580,780	
(d) Amount payable from Motor Vehicle License Fee Fund (Item 167)	4,101,703	
(e) Amount payable from General Fund (Item 168)	15,000	
Net appropriation		24,491,860

provided, that from the funds herein appropriated not more than one field office shall be established and maintained in the Reedley-Dinuba area.

167—For additional support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund 4,101,703
to be transferred to the Motor Vehicle Fund in augmentation of Item 166, as provided by Section 11003 of the Revenue and Taxation Code.

168—For additional support, Department of Motor Vehicles 15,000
to be transferred to the Motor Vehicle Fund in augmentation of Item 166 in the amounts ordered by the Department of Finance.

169—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $350,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.

NATURAL RESOURCES

Department of Fish and Game

170—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from the Fish and Game Preservation Fund, in accordance with the following schedule 8,605,799

Schedule:

(a) Salaries and Wages	5,149,289	
(b) Operating Expenses and Equipment	4,040,794	
Total of schedule	9,190,083	
Less estimated reimbursements	584,284	
Net appropriation		8,605,799

Item	Amount	
170.1—For removal of log jams and other barriers in streams in the Noyo River watershed, Mendocino County, which prevent or impede the movement of migratory fish in such streams, Department of Fish and Game, payable from the Fish and Game Preservation Fund	18,000	
171—For co-operation with the Federal Government in the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions the Pittman-Robertson Act, Department of Fish and Game, payable from the Fish and Game Preservation Fund	309,797	
172—For co-operation with the Federal Government in fish restoration and management projects under provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from the Fish and Game Preservation Fund	78,298	
173—For State's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from the Fish and Game Preservation Fund	17,900	Pacific Marine Fisheries Commission
174—For studies and investigations of the kelp beds in the coastal waters of California, Department of Fish and Game, payable from the Fish and Game Preservation Fund	50,000	Kelp research
175—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund	231,636	Commercial fisheries research
176—For support of Division of Administrative Services, Department of Natural Resources, in accordance with the following schedule	377,953	Division of Administrative Services

Schedule:

(a) Salaries and Wages	500,268
(b) Operating Expenses and Equipment	92,055
Total of schedule	592,323
Less estimated reimbursements	214,370
Net appropriation	377,953

177—For Department of Natural Resources exhibit at State Fair, Division of Administrative Services, Department of Natural Resources, payable from any moneys in the Fair and Exposition Fund available for capital outlay		Department of Natural Resources

Item		Amount
	for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code, in accordance with the following schedule	1,700
	Schedule:	
	(a) State Fair exhibit 2,500	
	Less estimated reimbursements 800	
	Net appropriation 1,700	
Division of Beaches and Parks	178—For support of Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach and Park Fund, in accordance with the following schedule	7,073,669
	Schedule:	
	(a) Salaries and Wages 4,654,651	
	(b) Operating Expenses and Equipment 2,602,172	
	Total of schedule 7,256,823	
	Less estimated reimbursements 183,154	
	Net appropriation 7,073,669	
	179—For operation and maintenance of roadside rests, Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach and Park Fund	12,500
	180—For expenses of preparation of topographic maps, Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach and Park Fund	20,000
	181—For repairs, restoration and reconstruction of state park facilities destroyed or damaged by flood or storm after February 1, 1958, Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach and Park Fund	150,000
Division of Forestry	182—For support of Division of Forestry, Department of Natural Resources, in accordance with the following schedule	16,576,907
	Schedule:	
	(a) Salaries and Wages 13,484,049	
	(b) Operating Expenses and Equipment 6,123,720	
	Total of schedule 19,607,769	
	Less estimated reimbursements 3,030,862	
	Net appropriation 16,576,907	
	183—For allotment pursuant to Section 4006 of the Public Resources Code for the prevention and suppression of forest fires on state responsi-	

Item		Amount
bility lands within the counties shown below, Division of Forestry, Department of Natural Resources, in accordance with the following schedule		1,248,020
Schedule:		
(a) Kern County	315,902	
(b) Los Angeles County	425,626	
(c) Marin County	100,407	
(d) San Mateo County	98,224	
(e) Santa Barbara County	151,599	
(f) Ventura County	156,262	
Total of schedule	1,248,020	
184—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States National Forests within this State, Division of Forestry, Department of Natural Resources provided, that with the approval of the Department of Finance, any amount appropriated by this item may be transferred to Item 182, for the estimated cost of protection of these lands by the Division of Forestry.		992,178
185—For white pine blister rust control on state and private lands, Division of Forestry, Department of Natural Resources; provided, that any amount expended from this item for the control of white pine blister rust on private lands must be matched by an expenditure of an equal amount from sources other than the appropriation made by this item. Control to be effected in accordance with Sections 4451 through 4459, Public Resources Code, and may be pursuant to an agreement which may provide for the advance of the State's contribution or any part thereof to the Federal Government		100,000
186—For emergency fire suppression and detection, and for the purposes provided by Section 4006.5 of the Public Resources Code, Division of Forestry, Department of Natural Resources, which may be transferred to Item 182 upon executive order of the Department of Finance		320,000
187—For forest insect control, Division of Forestry, Department of Natural Resources, to be expended in accordance with Sections 4451 through 4459 of the Public Resources Code		20,000

Item	Amount
188—For wild land vegetation and soil mapping project in co-operation with the California Forest and Range Experiment Station of the United States Department of Agriculture and the University of California, Division of Forestry, Department of Natural Resources	111,045
Watershed research 189—For watershed research at the San Dimas Experimental Forest in co-operation with the California Forest and Range Experiment Station of the United States Department of Agriculture, Division of Forestry, Department of Natural Resources	24,000
Forest and fire research 190—For forest and fire research, Division of Forestry, Department of Natural Resources	28,000
Division of Mines 191—For support of Division of Mines, Department of Natural Resources and in addition thereto any amounts received from sale of mineral information service and, notwithstanding the provisions of Section 2210 of the Public Resources Code, from the sale of publications issued by the division, in accordance with the following schedule	566,625
Schedule:	
(a) Salaries and Wages 431,766	
(b) Operating Expenses and Equipment 327,859	
Total of schedule 759,625	
Less amounts available from other sources:	
(c) Estimated reimbursements from sale of mineral information service and publications 53,500	
(d) Amount payable from the State Lands Act Fund (Item 191.5) 139,500	
Net appropriation 566,625	
191.5—For additional support of Division of Mines, Department of Natural Resources, payable from the State Lands Act Fund	139,500
Geological exploration 192—For geological exploration in co-operation with United States Geological Survey, Division of Mines, Department of Natural Resources	35,000
provided, that any amount withdrawn from this item must be matched by an expenditure of a like amount by the Federal Government in this State for this purpose.	

Item		Amount	
193—For publication of portions of a state geologic map, Division of Mines, Department of Natural Resources, and in addition any amounts received from sale of state geologic maps, in accordance with the following schedule		22,840	
Schedule:			
(a) Operating Expenses	37,840		
Less estimated reimbursements	15,000		
Net appropriation	22,840		
194—For support of Division of Oil and Gas, Department of Natural Resources, payable from the Petroleum and Gas Fund, in accordance with the following schedule		722,141	Division of Oil and Gas
Schedule:			
(a) Salaries and Wages	599,068		
(b) Operating Expenses and Equipment	233,232		
Total of schedule	832,300		
Less estimated amounts available from other sources:			
(c) Reimbursements	17,332		
(d) Amount payable from Subsidence Abatement Fund (Item 195)	92,827		
Net appropriation	722,141		
195—For support of Division of Oil and Gas, Department of Natural Resources, payable from the Subsidence Abatement Fund		92,827	
196—For support of Division of Small Craft Harbors, Department of Natural Resources, payable from the Small Craft Harbors Revolving Fund		167,028	Division of Small Craft Harbors
197—For support of Division of Soil Conservation, Department of Natural Resources, in accordance with the following schedule		429,674	Division of Soil Conservation
Schedule:			
(a) Salaries and Wages	316,177		
(b) Operating Expenses and Equipment	128,661		
Total of schedule	444,838		
Less estimated reimbursements	15,164		
Net appropriation	429,674		
198—For operation of the United States Soil Conservation Service Nursery located at Pleasanton, Division of Soil Conservation, Department of Natural Resources, under cooperative			U. S. Soil Conservation Service Nursery

Item		Amount
	agreement with the United States Soil Conservation Service, payable from the Soil Conservation Development Fund	35,000
Public Outdoor Recreation Plan, Committee	199—**For support of Committee for the Development of the California Public Outdoor Recreation Plan in accordance with the following schedule**	133,838
	Schedule:	
	(a) **Salaries and Wages** 80,471	
	(b) **Operating Expenses and Equipment** 53,367	
	Total of schedule 133,838	
Recreation Commission	200—For support of the Recreation Commission and the Director of Recreation, in accordance with the following schedule	109,093
	Schedule:	
	(a) Salaries and Wages 67,300	
	(b) Operating Expenses and Equipment 41,793	
	Total of schedule 109,093	

PUBLIC HEALTH

Department of Public Health	201—For support of Department of Public Health, in accordance with the following schedule	7,228,759
	Schedule:	
	(a) Salaries and Wages 6,529,681	
	(b) Operating Expenses and Equipment 2,994,659	
	Total of schedule 9,524,340	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 286,377	
	(d) Estimated grants from the Federal Government or agencies thereof 2,009,204	
	Net appropriation 7,228,759	
Water quality research	201.5—For research on water quality in water supply reservoirs, with respect to recreational use thereof, Department of Public Health, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code	25,000
	202—For additional support of the Department of Public Health for kosher food inspection	7,674

PUBLIC WORKS

Item		Amount	
203.5—For support of State Building Standards Commission, Division of Architecture, Department of Public Works, in accordance with the following schedule		21,110	Building Standards Commission
Schedule:			
(a) Salaries and Wages	14,305		
(b) Operating Expenses and Equipment	6,805		
Total of schedule	21,110		
204—For support of Division of Architecture, Department of Public Works, payable from the Division of Architecture Public Building Fund, in accordance with the following schedule		1,172,120	Division of Architecture
Schedule:			
(a) Salaries and Wages	929,711		
(b) Operating Expenses and Equipment	242,409		
Total of schedule	1,172,120		
205—For support of the California Aeronautics Commission, in accordance with the following schedule		83,925	California Aeronautics Commission
Schedule:			
(a) Salaries and Wages	47,064		
(b) Operating Expenses and Equipment	37,811		
Total of schedule	84,875		
Less estimated reimbursements	950		
Net appropriation	83,925		
206—For support of Colorado River Boundary Commission, payable from the State Lands Act Fund		25,000	Colorado River Boundary Commission

REGULATION AND LICENSING

207—For support of the Department of Alcoholic Beverage Control, in accordance with the following schedule		3,177,366	Department of Alcoholic Beverage Control
Schedule:			
(a) Salaries and Wages	2,605,833		
(b) Operating Expenses and Equipment	573,033		
Total of schedule	3,178,866		
Less estimated reimbursements	1,500		
Net appropriation	3,177,366		

	Item		Amount
Alcoholic Beverage Control Appeals Board	208—For support of the Alcoholic Beverage Control Appeals Board, in accordance with the following schedule		118,914
	Schedule:		
	(a) Salaries and Wages	90,052	
	(b) Operating Expenses and Equipment	28,862	
	Total of schedule	118,914	
California Districts Securities Commission	209—For support of California Districts Securities Commission, in accordance with the following schedule		56,594
	Schedule:		
	(a) Salaries and Wages	52,544	
	(b) Operating Expenses and Equipment	13,138	
	Total of schedule	65,682	
	Less estimated reimbursements for services to districts and other agencies	9,088	
	Net appropriation	56,594	
California Horse Racing Board	210—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		187,347
	Schedule:		
	(a) Salaries and Wages	116,394	
	(b) Operating Expenses and Equipment	70,953	
	Total of schedule	187,347	
State Banking Department	211—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		683,960
	Schedule:		
	(a) Salaries and Wages	549,518	
	(b) Operating Expenses and Equipment	134,442	
	Total of schedule	683,960	
Division of Corporations	212—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		1,807,408

Item		Amount
Schedule:		
(a) Salaries and Wages	1,852,008	
(b) Operating Expenses and Equipment	445,008	
Total of schedule	2,297,016	
Less estimated reimbursements	489,608	
Net appropriation	1,807,408	
213—For support of the Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		1,930,092
Schedule:		
(a) Salaries and Wages	1,526,137	
(b) Operating Expenses and Equipment	411,255	
Total of schedule	1,937,392	
Less estimated reimbursements	7,300	
Net appropriation	1,930,092	
214—For support of the Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule		1,401,498
Schedule:		
(a) Salaries and Wages	1,028,799	
(b) Operating Expenses and Equipment	551,525	
Total of schedule	1,580,324	
Less estimated amount available from other sources:		
(c) Amount payable from the Real Estate Education and Research Fund (Item 109)	178,826	
Net appropriation	1,401,498	
215—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule		721,673
Schedule:		
(a) Salaries and Wages	541,844	
(b) Operating Expenses and Equipment	180,179	
Total of schedule	722,023	
Less estimated reimbursements	350	
Net appropriation	721,673	

Department of Insurance

Division of Real Estate

Division of Savings and Loan

Item		Amount
Board of Osteopathic Examiners	216—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule	58,480
	Schedule:	
	(a) Salaries and Wages 39,253	
	(b) Operating Expenses and Equipment 19,227	
	Total of schedule 58,480	
Board of Pilot Commissioners San Diego	217—For support of the Board of Pilot Commissioners for the Harbor of San Diego	1,485
San Francisco	218—For support of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule	20,836
	Schedule:	
	(a) Salaries and Wages 16,080	
	(b) Operating Expenses and Equipment 4,756	
	Total of schedule 20,836	
Tabulating and addressing equipment	218.5—For purchase, installation and operation of tabulating and addressing equipment, Department of Professional and Vocational Standards, to be expended from moneys deposited pursuant to Sections 400 through 405 of the Business and Professions Code in the Professional and Vocational Standards Fund which the Director of the Department of Professional and Vocational Standards finds is not required for the purposes of said sections	140,000
Division of Administrative Procedure	219—For support of Division of Administrative Procedure, Department of Professional and Vocational Standards, in accordance with the following schedule	67,158
	Schedule:	
	(a) Salaries and Wages 191,500	
	(b) Operating Expenses and Equipment 118,873	
	Total of schedule 310,373	
	Less estimated reimbursements 243,215	
	Net appropriation 67,158	
State Boards: Accountancy	220—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule	210,819

Item		Amount
Schedule:		
(a) Salaries and Wages	75,752	
(b) Operating Expenses and Equipment	135,067	
Total of schedule	210,819	
221—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners Fund, in accordance with the following schedule		82,685
Schedule:		
(a) Salaries and Wages	51,630	
(b) Operating Expenses and Equipment	31,055	
Total of schedule	82,685	
222—For support of State Athletic Commission, payable from the Athletic Commission Fund, in accordance with the following schedule		142,597
Schedule:		
(a) Salaries and Wages	94,248	
(b) Operating Expenses and Equipment	48,349	
Total of schedule	142,597	
223—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule		157,232
Schedule:		
(a) Salaries and Wages	94,362	
(b) Operating Expenses and Equipment	62,870	
Total of schedule	157,232	
224—For support of Cemetery Board, payable from the Cemetery Fund, in accordance with the following schedule		41,838
Schedule:		
(a) Salaries and Wages	23,688	
(b) Operating Expenses and Equipment	18,150	
Total of schedule	41,838	
225—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		73,057

Architectural Examiners

Athletic Commission

Barber Examiners

Cemetery Board

Chiropractic Examiners

Item		Amount
	Schedule:	
	(a) Salaries and Wages 34,763	
	(b) Operating Expenses and Equipment 38,294	
	Total of schedule 73,057	
Registration for Civil and Professional Engineers	226—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule	305,376
	Schedule:	
	(a) Salaries and Wages 191,064	
	(b) Operating Expenses and Equipment 114,312	
	Total of schedule 305,376	
Contractors' License Board	227—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule	923,239
	Schedule:	
	(a) Salaries and Wages 618,582	
	(b) Operating Expenses and Equipment 304,657	
	Total of schedule 923,239	
Cosmetology	228—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule	258,704
	Schedule:	
	(a) Salaries and Wages 153,112	
	(b) Operating Expenses and Equipment 105,592	
	Total of schedule 258,704	
Dental Examiners	229—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule	129,841
	Schedule:	
	(a) Salaries and Wages 80,434	
	(b) Operating Expenses and Equipment 49,407	
	Total of schedule 129,841	
Dry Cleaners	230—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule	222,088

Item		Amount
Schedule:		
(a) Salaries and Wages	134,022	
(b) Operating Expenses and Equipment	88,066	
Total of schedule	222,088	
231—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund, in accordance with the following schedule		53,807
Schedule:		
(a) Salaries and Wages	30,000	
(b) Operating Expenses and Equipment	23,807	
Total of schedule	53,807	
232—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule		317,647
Schedule:		
(a) Salaries and Wages	223,332	
(b) Operating Expenses and Equipment	94,315	
Total of schedule	317,647	
233—For support of State Board of Guide Dogs for the Blind		2,228
234—For support of California State Board of Landscape Architects, payable from the California State Board of Landscape Architects Fund, in accordance with the following schedule		17,628
Schedule:		
(a) Salaries and Wages	5,581	
(b) Operating Expenses and Equipment	12,047	
Total of schedule	17,628	
235—For support of State Board of Medical Examiners, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule		371,320
Schedule:		
(a) Salaries and Wages	172,748	
(b) Operating Expenses and Equipment	198,572	
Total of schedule	371,320	

Funeral Directors and Embalmers

Furniture and Bedding Inspection

Guide Dogs for Blind

Landscape Architects

Medical Examiners

Item		Amount
236—For additional support of the State Board of Medical Examiners, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		12,696
Schedule:		
(a) Salaries and Wages	7,302	
(b) Operating Expenses and Equipment	5,394	
Total of schedule	12,696	
237—For support of State Board of Medical Examiners, payable from the Physical Therapy Fund, in accordance with the following schedule		11,089
Schedule:		
(a) Salaries and Wages	7,652	
(b) Operating Expenses and Equipment	3,437	
Total of schedule	11,089	
Nurse Examiners 238—For support of Board of Nurse Examiners of the State of California, payable from the Board of Nurse Examiners' Fund, in accordance with the following schedule		227,993
Schedule:		
(a) Salaries and Wages	132,401	
(b) Operating Expenses and Equipment	95,592	
Total of schedule	227,993	
Optometry 239—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		42,213
Schedule:		
(a) Salaries and Wages	24,255	
(b) Operating Expenses and Equipment	17,958	
Total of schedule	42,213	
Pharmacy 240—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		274,810
Schedule:		
(a) Salaries and Wages	175,932	
(b) Operating Expenses and Equipment	98,878	
Total of schedule	274,810	

Item		Amount	
241—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule		37,844	Private Investigators and Adjusters
Schedule:			
(a) Salaries and Wages	20,141		
(b) Operating Expenses and Equipment	17,703		
Total of schedule	37,844		
242—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule		15,106	Certified Shorthand Reporters
Schedule:			
(a) Salaries and Wages	8,618		
(b) Operating Expenses and Equipment	6,488		
Total of schedule	15,106		
243—For support of the Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule		26,417	Social Work Examiners
Schedule:			
(a) Salaries and Wages	15,399		
(b) Operating Expenses and Equipment	11,018		
Total of schedule	26,417		
244—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule		71,500	Structural Pest Control
Schedule:			
(a) Salaries and Wages	40,081		
(b) Operating Expenses and Equipment	31,419		
Total of schedule	71,500		
245—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule		22,679	Examiners in Veterinary Medicine
Schedule:			
(a) Salaries and Wages	8,122		
(b) Operating Expenses and Equipment	14,557		
Total of schedule	22,679		

Item			Amount
Vocational Nurse Examiners	246—For support of the Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners Fund, in accordance with the following schedule		52,192
	Schedule:		
	(a) Salaries and Wages	29,374	
	(b) Operating Expenses and Equipment	22,818	
	Total of schedule	52,192	
Yacht and Ship Brokers Commission	247—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers Fund, in accordance with the following schedule		15,388
	Schedule:		
	(a) Salaries and Wages	12,313	
	(b) Operating Expenses and Equipment	8,092	
	Total of schedule	20,405	
	Less estimated reimbursements	5,017	
	Net appropriation	15,388	
Public Utilities Commission	248—For support of the Public Utilities Commission of the State of California, in accordance with the following schedule		3,095,055
	Schedule:		
	(a) Salaries and Wages	4,578,668	
	(b) Operating Expenses and Equipment	1,110,636	
	Total of schedule	5,689,304	
	Less estimated amount available from other sources:		
	(c) Reimbursements	72,500	
	(d) Amount payable from the Transportation Rate Fund (Item 249)	2,521,749	
	Net appropriation	3,095,055	
	249—For additional support of the Public Utilities Commission of the State of California, payable from the Transportation Rate Fund		2,521,749

SOCIAL WELFARE

Department of Social Welfare	250—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the Federal Government for support of the Department of Social Welfare during the 1959-60 Fiscal Year, shall be expended in accordance with the following schedule		3,067,992

Item		Amount	
Schedule:			
(a) Salaries and Wages	3,514,875		
(b) Operating Expenses and Equipment	1,463,754		
Total of schedule	4,978,629		
Less estimated amounts available from other sources:			
(c) Reimbursements	170,000		
(d) Estimated grants from the Federal Government	1,740,637		
Net appropriation	3,067,992		
251—For support of the Citizen's Advisory Committee on Aging, in accordance with the following schedule		44,769	Citizen's Advisory Committee on Aging
Schedule:			
(a) Salaries and Wages	26,920		
(b) Operating Expenses and Equipment	17,849		
Total of schedule	44,769		

VETERANS AFFAIRS

252—For support of Department of Veterans Affairs, in accordance with the following schedule		322,575	Department of Veterans Affairs
Schedule:			
(a) Salaries and Wages	365,561		
(b) Operating Expenses and Equipment	102,588		
Total of schedule	468,149		
Less estimated amounts available from other sources:			
(c) From Veterans' Dependents' Education Fund (Item 253)	46,129		
(d) From Veterans' Farm and Home Building Fund of 1943 (Item 254)	99,445		
Net appropriation	322,575		
253—For additional support of Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund to be transferred to the General Fund in augmentation of Item 252.		46,129	
254—For additional support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943		99,445	

Item		Amount
	to be transferred to the General Fund in augmentation of Item 252.	
	255—For educational assistance to veterans, Department of Veterans Affairs, to be expended under the provisions of Sections 981 through 981.7 of the Military and Veterans Code	2,720,000
	255.5—For veterans' claims and rights service, Department of Veterans Affairs, to be expended under the provisions of Section 699.5 of the Military and Veterans Code	596,700
	256—For educational assistance to veterans' dependents, Department of Veterans Affairs, payable from the Veterans' Dependents' Education Fund	301,000
	to be expended under the provisions of Sections 890 through 898 of the Military and Veterans Code.	
Veterans' Home	257—For support of Veterans' Home of California, in accordance with the following schedule	2,960,867
	Schedule:	
	(a) Salaries and Wages 3,214,632	
	(b) Operating Expenses and Equipment 1,225,000	
	Total of schedule 4,439,632	
	Less estimated amounts available from other sources:	
	(c) Reimbursements 69,765	
	(d) Estimated receipts from Federal Government 1,409,000	
	Net appropriation 2,960,867	
	provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.	
	258—For hospitalization and care of members, to be expended pursuant to Sections 1086.1 and 1086.2 of the Military and Veterans Code, and maintenance of physical facilities, of Woman's Relief Corps Home	20,500
United Spanish War Veterans Commission	259—For support of United Spanish War Veterans Commission	3,400

WATER RESOURCES

Department of Water Resources	260—For support of Department of Water Resources, including co-operative work with other agencies, in accordance with the following schedule	5,594,613

Item		Amount
Schedule:		
(a) Salaries and Wages	10,226,690	
(b) Operating Expenses and Equipment	4,980,785	
Total of schedule	15,207,475	
Less estimated amounts available from other sources:		
(c) Payable from the California Water Development Program (Item 262)	3,336,530	
(d) Reimbursements	6,276,332	
Net appropriation	5,594,613	
261—For work in co-operation with the Federal Government, Department of Water Resources, to be expended in accordance with the following schedule		1,154,763
Schedule:		
(a) Yuba River debris control	87,500	
(b) Topographic mapping	355,000	
(c) Stream gaging	301,763	
(d) Irrigation investigations	45,000	
(e) Establishment of gaging stations	47,500	
(f) Ground water basin and subsidence studies	115,000	
(g) Development, installation and rating of an ultrasonic stream measuring station	15,000	
(h) Specific yield studies	25,000	
(i) Beach erosion investigations	20,000	
(j) Research in snow pack management	65,000	
(k) Sediment investigations	28,000	
(*l*) Water quality investigations	50,000	
Total of schedule	1,154,763	

provided, that any amount withdrawn from this item must be matched by an expenditure of like amount by the Federal Government in this State for this purpose; and further provided, that the amount of (a) in the above schedule shall be available subject to the provisions of Sections 340 through 342 of the Water Code; provided further, that notwithstanding the provision of Section 25 of this act, expenditures from (g) shall be limited to $15,000, and shall not exceed 33 percent of the cost of the project.

Item		Amount
	262—For conducting water resources investigations, surveys and studies, preparing plans and estimates, making reports thereon, and otherwise performing all work and doing all things required relative thereto, Department of Water Resources, payable from the Investment Fund	3,336,530
	262.5—For additional support of the Department of Water Resources to conduct a comprehensive study of the Colusa Basin for determining the best manner for alleviating the problems of inadequate drainage and flood control, seepage, and storm water disposal, payable from the Investment Fund, to be available for expenditure during the Fiscal Years 1959-60 and 1960-61	80,000
	262.6—For conducting surveys and studies as to the feasibility of providing service from the South Bay Aqueduct or Airpoint Reservoir to San Mateo County, including the preliminary location of the necessary aqueducts and other transmission and storage facilities therefor, and preparing plans and estimates, making reports thereon, and otherwise performing all work and doing all things required relative thereto, Department of Water Resources, payable from the Investment Fund	120,000
	263—For additional support of the Department of Water Resources to conduct investigations, surveys and studies in accordance with the following schedule, payable from the Investment Fund	70,441
	Schedule:	
	(a) Nuclear engineering studies 70,441	
	Total of schedule 70,441	
Colorado River Board	264—For support of Colorado River Board of California, in accordance with the following schedule	236,721
	Schedule:	
	(a) Salaries and Wages 160,924	
	(b) Operating Expenses and Equipment 75,797	
	Total of schedule 236,721	
Klamath River Compact Commission	265—For support of the Klamath River Compact Commission	2,343
California-Nevada Commission	266—For support of the California-Nevada Interstate Compact Commission	101,928
Reclamation Board	267—For support of Reclamation Board, in accordance with the following schedule	375,280

Item		Amount
Schedule:		
(a) Salaries and Wages	384,076	
(b) Operating Expenses and Equipment	141,265	
Total of schedule	525,341	
Less estimated reimbursements	150,061	
Net appropriation	375,280	
268—For support of the State Water Pollution Control Board and the regional water pollution control boards, in accordance with the following schedule		734,455
Schedule:		
(a) Salaries and Wages	411,877	
(b) Operating Expenses and Equipment	449,678	
Total of schedule	861,555	
Less estimated amounts available from other sources:		
(c) Estimated grants from the Federal Government or agencies thereof	127,100	
Net appropriation	734,455	
269—For support of State Water Rights Board, and in addition any amounts received from filing fees for recordation of wells shall be expended in accordance with the following schedule		665,242
Schedule:		
(a) Salaries and Wages	600,814	
(b) Operating Expenses and Equipment	167,254	
Total of schedule	768,068	
Less estimated reimbursements	102,826	
Net appropriation	665,242	

Water Pollution Control Board

Water Rights Board

MISCELLANEOUS

270—For the payment of workmen's compensation benefits in conformance with the provisions of Sections 3201 through 6002 and Sections 6100 through 6149 of the Labor Code and Public Law 108, Chapter 225, Eighty-first Congress, First Session, as adopted by Section 340, Military and Veterans Code to state officers and employees whose salaries or wages at

Workmen's compensation benefits

Item		Amount
	time of compensable injury or death were payable in whole or in part from the General Fund or the Capital Outlay and Savings Fund	1,762,000
Subsequent injury	271—For payment of the additional compensation for subsequent injury provided for by Section 4751 of the Labor Code, Department of Industrial Relations	885,000
Refund of tax payments, etc.	272—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516, Government Code	15,000
Claim of Secretary of Board of Control	273—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule	240,599

Schedule:

(a) General Fund	181,031
(b) Accountancy Fund	24
(c) State Beach and Park Fund	10,033
(d) Contractors License Fund	1
(e) State Fair Fund	250
(f) Fair and Exposition Fund available for capital outlay purposes under paragraph (c) of Section 19626, Business and Professions Code	10,014
(g) Fish and Game Preservation Fund	2,220
(h) State Highway Fund	16,557
(i) Insurance Fund	42
(j) Motor Vehicle Fund	4,409
(k) Motor Vehicle Fuel Fund	9,014
(*l*) Motor Vehicle License Fee Fund	140
(m) Pharmacy Board Contingent Fund	1
(n) Real Estate Fund	74
(o) Judges Retirement Fund	865
(p) Purchasing Revolving Fund	24
(q) San Francisco Harbor Improvement Fund	1,527
(r) Unemployment Fund	277
(s) Unemployment Administration Fund	592
(t) Funds in the possession of or under the control of the 1A District Agricultural Association	441

Item		Amount
(u) Funds in the possession of or under the control of the 7th District Agricultural Association	2,358	
(v) Funds in the possession of or under the control of the 38th District Agricultural Association	705	
Total of schedule	240,599	

274—For augmentation of Purchasing Revolving Fund ..... 410,000 Purchasing Revolving Fund
to be transferred by the State Controller in such amounts and for such periods as the Department of Finance may authorize.

275—For augmentation of the Purchasing Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of Section 2 of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.

275.1—For temporary transfers to the General Fund in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.

275.5—For support of the Golden Gate Commission, payable from the Motor Vehicle Transportation Tax Fund ..... 250,000 Golden Gate Commission
provided, that in the event an agency is created, upon the recommendation of the Golden Gate Commission, to acquire or construct revenue producing facilities in the San Francisco Bay area, the appropriation made by this item, or so much thereof as may be used, shall be returned to the Motor Vehicle Transportation Tax Fund by said agency, together with interest thereon at such rate as may be established by the Department of Finance from the revenues received by such agency from its facilities, not to exceed the maximum rate being paid by the State on its general obligation bonds upon the effective date of

Item		Amount
	this act; provided further, that the amount appropriated by this item shall be available for the 1959-60 and 1960-61 Fiscal Years.	
Advisory Commission on Indian Affairs	275.6—For support of the State Advisory Commission on Indian Affairs	10,000
	provided, that none of the moneys made available by this item shall be available unless Assembly Bill No. 2117 is finally enacted at the 1959 Regular Session of the Legislature.	

PROVISION FOR SALARY INCREASES

Salary Increase Fund	276—For Salary Increase Fund, to be allocated only on authorization of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will (a) make sufficient money available to be paid each state officer or employee in the state service whose compensation, or a portion thereof, is payable from the General Fund, the increase in compensation provided for in any increased salary range established during the 1959-60 Fiscal Year by the State Personnel Board or other salary-fixing authority, and (b) make sufficient money available to augment by 5 percent during the 1959-60 Fiscal Year pursuant to Section 11570 of the Government Code the salaries paid to state officers whose salaries are specified by statute and whose salaries have not been increased by other legislation enacted at this session	12,953,135
	For state officers and employees, including officers whose salaries are specified by statute, whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Before the State Personnel Board or other administrative salary-fixing authority establishes any increased salary range during the 1959-60 Fiscal Year, a certification shall be	

Item	Amount
obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of the increased salary range; provided, that, except for increases authorized under Section 18853 of the Government Code or by specific statute, increases in compensation provided by increased salary ranges established during the 1959-60 Fiscal Year by the State Personnel Board for each state officer or employee whose compensation, or portion thereof, is payable from the General Fund shall not result in total annual salary increases of more than $12,614,191. For purposes of determination of such annual cost, computations may be based upon the number of employees in such classes as of June 30, 1959, as reported by the State Personnel Board. Salary adjustments payable from funds other than the General Fund and salary adjustments fixed by other than the State Personnel Board shall be limited so as to provide equitable treatment as to the foregoing limitation.	
277—For University Salary Increase Fund to be allocated only on authorization of the Department of Finance to the Regents of the University of California, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including retirement contributions, of increases in compensation provided for in any increased salary range established during the 1959-60 Fiscal Year by the regents	University Salary Increase Fund 5,013,492
Allocations to the University of California shall be made by the Department of Finance upon certification by the regents that proposed salary ranges are substantially comparable to the prevailing rates for comparable services in private business and public employment including the California state services.	

RESERVE FOR CONTINGENCIES

278—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies	Emergency Fund 1,000,000
provided, that loans may be made from the Emergency Fund to state agencies which	

Item	Amount
derive their support from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.	

CAPITAL OUTLAY SECTION

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1959-60, 1960-61 and 1961-62 Fiscal Years. Items of appropriation payable from the State Construction Program Fund are for expenditure only for the program contemplated by the State Construction Program Bond Act of 1955, or the State Construction Program Bond Act of 1958.

AGRICULTURE

	Item		Amount
Department of Agriculture	279—For capital outlay, Department of Agriculture, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		15,000
	Schedule:		
	(a) Minor projects	15,000	
	Total of schedule	15,000	
Poultry Improvement Commission	280—For capital outlay, Poultry Improvement Commission, in accordance with the following schedule, payable from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code		8,500
	Schedule:		
	(a) Minor projects	8,500	
	Total of schedule	8,500	

CORRECTIONS

Department of Corrections Medical Facility	281—For capital outlay, Medical Facility, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	9,400

Item		Amount	
Schedule:			
(a) Minor projects	9,400		
Total of schedule	9,400		
282—For capital outlay, California Men's Colony, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		27,885	Men's Colony
Schedule:			
(a) Minor projects	27,885		
Total of schedule	27,885		
283—For capital outlay, California Men's Colony, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		252,940	
Schedule:			
(a) Construct employees' activity building	252,940		
Total of schedule	252,940		
284—For capital outlay, California Institution for Men, including Tehachapi Branch, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		81,135	Institution for Men
Schedule:			
(a) Minor projects	81,135		
Total of schedule	81,135		
285—For capital outlay, California Institution for Men, including Tehachapi Branch, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		162,400	
Schedule:			
(a) Construct dormitory addition	162,400		
Total of schedule	162,400		
286—For capital outlay, State Prison at Folsom, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		71,255	Prisons, Folsom
Schedule:			
(a) Minor projects	71,255		
Total of schedule	71,255		
287—For capital outlay, State Prison at San Quentin, Department of Corrections, in accord-			San Quentin

Item		Amount
	ance with the following schedule, payable from the Capital Outlay and Savings Fund Schedule:	79,614
	(a) Minor projects 79,614	
	Total of schedule 79,614	
	288—For capital outlay, State Prison at San Quentin, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund ..... Schedule:	100,000
	(a) Relocate exercise fields (partial cost) 100,000	
	Total of schedule 100,000	
Soledad	289—For capital outlay, State Prison at Soledad, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund ..... Schedule:	93,605
	(a) Minor projects 93,605	
	Total of schedule 93,605	
	290—For capital outlay, State Prison at Soledad, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund ..... Schedule:	222,500
	(a) Construct addition to north facility administration building 147,500	
	(b) Install additional waterlines 75,000	
	Total of schedule 222,500	
Deuel Vocational Institution	291—For capital outlay, Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund ..... Schedule:	112,552
	(a) Minor projects 112,552	
	Total of schedule 112,552	
	292—For capital outlay, Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund ..... Schedule:	45,500
	(a) Equip reception-guidance center 45,500	
	Total of schedule 45,500	

Item		Amount	
292.1—For capital outlay, Northern California Conservation Center and branches, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		14,640	Northern California Conservation Center
Schedule:			
(a) Minor projects	14,640		
Total of schedule	14,640		
292.2—For capital outlay, Northern California Conservation Center and branches, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		3,960,014	
Schedule:			
(a) Site acquisition	220,000		
(b) Working drawings	525,000		
(c) Site development	650,000		
(d) Equipment	525,000		
(e) Construct centers	2,040,014		
Total of schedule	3,960,014		
293—For capital outlay, California Institution for Women, Department of Corrections, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		3,700	Institution for Women
Schedule:			
(a) Minor projects	3,700		
Total of schedule	3,700		
294—For capital outlay, California Institution for Women, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		797,200	
Schedule:			
(a) Construct inmate cottage	797,200		
Total of schedule	797,200		

YOUTH AUTHORITY

295—For capital outlay, Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		31,065	Reception Centers Northern California
Schedule:			
(a) Equip alterations and additions to admissions building	19,065		
(b) Minor projects	12,000		
Total of schedule	31,065		

Item		Amount
296—For capital outlay, Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		445,000
Schedule:		
(a) Construct alterations and additions to admissions building	80,000	
(b) Equip alterations and additions to admissions building	30,000	
(c) Construct dormitory	335,000	
Total of schedule	445,000	
Southern California 297—For capital outlay, Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		4,850
Schedule:		
(a) Minor projects	4,850	
Total of schedule	4,850	
Fricot Ranch School 298—For capital outlay, Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		29,535
Schedule:		
(a) Site acquisition	1,000	
(b) Minor projects	26,310	
(c) Equip housing unit	2,225	
Total of schedule	29,535	
299—For capital outlay, Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		608,300
Schedule:		
(a) Construct dormitory	209,000	
(b) Construct additional classrooms	144,450	
(c) Replace ditch with pipeline and purchase rights-of-way and easements	200,000	
(d) Site development for housing unit	13,750	
(e) Construct housing unit	41,100	
Total of schedule	608,300	

Item		Amount
300—For capital outlay, Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		56,400
Schedule:		
(a) Equip special treatment center building	3,000	
(b) Minor projects	53,400	
Total of schedule	56,400	
301—For capital outlay, Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		1,041,040
Schedule:		
(a) Construct dormitories	546,200	
(b) Construct special treatment center building	113,940	
(c) Construct arts and crafts and music building	291,400	
(d) Construct chapel	89,500	
Total of schedule	1,041,040	
302—For capital outlay, Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		49,600
Schedule:		
(a) Minor projects	49,600	
Total of schedule	49,600	
303—For capital outlay, Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		104,749
Schedule:		
(a) Minor projects	104,749	
Total of schedule	104,749	
304—For capital outlay, Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		211,600

Fred C. Nelles School

Paso Robles School

Preston School of Industry

Item		Amount
	Schedule:	
	(a) Construct dormitory 206,600	
	(b) Equip kitchen 5,000	
	Total of schedule 211,600	
Youth Training School	305—For capital outlay, Youth Training School, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	249,450
	Schedule:	
	(a) Equip Youth Training School—first increment 231,000	
	(b) Minor projects 18,450	
	Total of schedule 249,450	
	306—For capital outlay, Youth Training School, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund	3,010,300
	Schedule:	
	(a) Construct ward living unit 2,718,300	
	(b) Construct addition to administration building 47,500	
	(c) Construct addition to commissary 69,500	
	(d) Equip Youth Training School—first increment 175,000	
	Total of schedule 3,010,300	
Los Guilucos School	307—For capital outlay, Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	21,400
	Schedule:	
	(a) Equip clothing-linen supply and laundry building 2,600	
	(b) Minor projects 18,800	
	Total of schedule 21,400	
	308—For capital outlay, Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund	76,600
	Schedule:	
	(a) Construct clothing-linen supply and laundry building 70,600	
	(b) Equip clothing-linen supply and laundry building 6,000	
	Total of schedule 76,600	

Item		Amount	
309—For capital outlay, Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		20,000	Ventura School
Schedule:			
(a) Equip new school—phase I	20,000		
Total of schedule	20,000		

EDUCATION

310—For capital outlay, Chico State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		151,500	State colleges Chico
Schedule:			
(a) Equip physical science building	60,800		
(b) Equip swimming pool	3,900		
(c) Equip remodeled science building and addition	49,100		
(d) Minor projects	37,700		
Total of schedule	151,500		
311—For capital outlay, Chico State College, in accordance with the following schedule, payable from the State Construction Program Fund		2,359,140	
Schedule:			
(a) Remodel science building and construct addition	149,640		
(b) Equip remodeled science building and addition	227,600		
(c) Construct swimming pool	133,300		
(d) Equip swimming pool	5,800		
(e) Construct men's gymnasium	1,559,700		
(f) Install additional boiler	79,400		
(g) Equip physical science building	203,700		
Total of schedule	2,359,140		
312—For capital outlay, Chico State College, in accordance with the following schedule, payable from the State College Fund		132,300	
Schedule:			
(a) Equip physical science and agriculture building	70,800		
(b) Minor projects	61,500		
Total of schedule	132,300		
312.5—For acquisition of real property for state college farm, Chico State College, payable from the State College Fund		250,000	

Item			Amount
Fresno	313—For capital outlay, Fresno State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		63,050
	Schedule:		
	(a) Equip cafeteria addition	28,300	
	(b) Equip science building addition	28,300	
	(c) Equip classroom building No. 3	3,200	
	(d) Equip men's gymnasium R. O. T. C. addition	750	
	(e) Minor projects	2,500	
	Total of schedule	63,050	
	314—For capital outlay, Fresno State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,137,150
	Schedule:		
	(a) Construct women's gymnasium addition	823,050	
	(b) Construct men's gymnasium R. O. T. C. addition	150,000	
	(c) Equip men's gymnasium R. O. T. C. addition	9,100	
	(d) Equip classroom building No. 3	30,000	
	(e) Equip science building addition	100,800	
	(f) Equip cafeteria addition	24,200	
	Total of schedule	1,137,150	
	314.5—For capital outlay, Fresno State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,440,000
	Schedule:		
	(a) Acquisition of real property	1,440,000	
	Total of schedule	1,440,000	
	provided, that no expenditure shall be made for this item unless the Legislature authorizes the sale of the Hammer Field property.		
	315—For capital outlay, Fresno State College, in accordance with the following schedule, payable from the State College Fund		36,970
	Schedule:		
	(a) Minor projects	36,970	
	Total of schedule	36,970	

Item		Amount
		Humboldt
316—For capital outlay, Humboldt State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		273,035
Schedule:		
(a) Equip natural science building	95,700	
(b) Minor projects	177,335	
Total of schedule	273,035	
317—For capital outlay, Humboldt State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,907,400
Schedule:		
(a) Construct education-psychology building	663,500	
(b) Construct outdoor physical education facilities	160,500	
(c) Working drawings for library addition	50,000	
(d) Site acquisition	80,000	
(e) Construct forestry building	485,900	
(f) Equip natural science building	467,500	
Total of schedule	1,907,400	
		Long Beach
318—For capital outlay, Long Beach State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		497,800
Schedule:		
(a) Equip science building	250,500	
(b) Equip industrial arts building	42,300	
(c) Minor projects	205,000	
Total of schedule	497,800	
319—For capital outlay, Long Beach State College, in accordance with the following schedule, payable from the State Construction Program Fund		4,870,300
Schedule:		
(a) Construct engineering building	1,660,000	
(b) Construct fine arts building	1,559,500	
(c) Construct addition to administration building	523,700	

Item		Amount
(d) Equip science building	888,200	
(e) Equip industrial arts building	238,900	
Total of schedule	4,870,300	
Los Angeles 320—For capital outlay, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		2,000
Schedule:		
(a) Equip swimming pool	500	
(b) Minor projects	1,500	
Total of schedule	2,000	
321—For capital outlay, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule, payable from the State Construction Program Fund		454,200
Schedule:		
(a) Working drawings for classroom building	310,000	
(b) Construct swimming pool	139,400	
(c) Equip swimming pool	4,800	
Total of schedule	454,200	
Orange County 321 5—For capital outlay, Orange County State College, in accordance with the following schedule, payable from the State Construction Program Fund		500,000
Schedule:		
(a) Land acquisition	500,000	
Total of schedule	500,000	
Sacramento 322—For capital outlay, Sacramento State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		224,060
Schedule:		
(a) Equip engineering building (second increment)	107,500	
(b) Equip swimming pool	560	
(c) Minor projects	116,000	
Total of schedule	224,060	
323—For capital outlay, Sacramento State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,779,140

Item		Amount
Schedule:		
(a) Construct swimming pool	134,800	
(b) Equip swimming pool	3,340	
(c) Construct women's gymnasium	1,031,800	
(d) Equip engineering building (second increment)	609,200	
Total of schedule	1,779,140	
324—For capital outlay, San Diego State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		381,795
Schedule:		
(a) Equip administration building addition	9,900	
(b) Equip education building addition	22,500	
(c) Equip men's gym and swimming pool	22,000	
(d) Equip engineering and applied science building addition	218,000	
(e) Minor projects	109,395	
Total of schedule	381,795	
325—For capital outlay, San Diego State College, in accordance with the following schedule, payable from the State Construction Program Fund		2,052,100
Schedule:		
(a) Working drawings for life science building	225,000	
(b) Construct corporation yard	500,000	
(c) Construct cafeteria addition	325,000	
(d) Equip administration building addition	89,100	
(e) Equip education building addition	51,000	
(f) Equip men's gym and swimming pool	89,000	
(g) Equip engineering and applied science building addition	773,000	
Total of schedule	2,052,100	
326—For capital outlay, San Fernando Valley State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		383,100

San Diego

San Fernando Valley

Item		Amount
Schedule:		
(a) Equip science building	146,550	
(b) Equip music building	60,800	
(c) Equip fine arts building	75,200	
(d) Minor projects	100,550	
Total of schedule	383,100	
327—For capital outlay, San Fernando Valley State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,120,650
Schedule:		
(a) Construct swimming pool	185,800	
(b) Equip science building	548,950	
(c) Equip music building	243,900	
(d) Equip fine arts building	142,000	
Total of schedule	1,120,650	
San Francisco 328—For capital outlay, San Francisco State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		74,220
Schedule:		
(a) Equip health building	3,800	
(b) Equip gymnasium addition	1,100	
(c) Minor projects	69,320	
Total of schedule	74,220	
329—For capital outlay, San Francisco State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,324,050
Schedule:		
(a) Construct cafeteria addition	1,000,000	
(b) Construct health building addition	215,600	
(c) Equip health building addition	33,800	
(d) Remodel creative arts basement	61,850	
(e) Equip gymnasium addition	12,800	
Total of schedule	1,324,050	
San Jose 330—For capital outlay, San Jose State College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		222,950
Schedule:		
(a) Equip library addition	22,000	
(b) Equip music building addition	19,900	

Item		Amount
(c) Equip speech-drama building addition	3,200	
(d) Equip outdoor physical education facilities	4,400	
(e) Minor projects	173,450	
Total of schedule	222,950	
331—For capital outlay, San Jose State College, in accordance with the following schedule, payable from the State Construction Program Fund		3,894,130
Schedule:		
(a) Construct education building	2,059,000	
(b) Construct outdoor physical education facilities	730,500	
(c) Develop electrical distribution system (phase I)	108,800	
(d) Construct aeronautical test cell	352,800	
(e) Enlarge steam services	106,030	
(f) Equip library addition	419,600	
(g) Equip music building addition	80,000	
(h) Equip speech-drama building addition	29,200	
(i) Equip outdoor physical education facilities	8,200	
Total of schedule	3,894,130	
332—For capital outlay, California State Polytechnic College, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		353,072
Schedule:		
(a) Equip home economics building—San Luis Obispo Campus	85,300	
(b) Equip graphic arts building—San Luis Obispo Campus	67,800	
(c) Equip cafeteria—San Luis Obispo Campus	73,800	
(d) Equip little theatre and music building—San Luis Obispo Campus	37,100	
(e) Equip outdoor physical education facilities—San Luis Obispo Campus	400	
(f) Equip agricultural engineering building—Kellogg-Voorhis Campus	21,600	

California Polytechnic

Item		Amount
(g) Minor projects—San Luis Obispo Campus	26,772	
(h) Minor projects—Kellogg-Voorhis Campus	40,300	
Total of schedule	353,072	
333—For capital outlay, California State Polytechnic College, in accordance with the following schedule, payable from the State Construction Program Fund		4,935,450
Schedule:		
(a) Construct library addition—San Luis Obispo Campus	1,222,500	
(b) Construct corporation yard—San Luis Obispo Campus	500,000	
(c) Construct boiler addition—San Luis Obispo Campus	91,300	
(d) Equip outdoor physical education facilities — San Luis Obispo Campus	4,200	
(e) Equip cafeteria—San Luis Obispo Campus	59,500	
(f) Equip little theatre and music building—San Luis Obispo Campus	148,700	
(g) Equip graphic arts building—San Luis Obispo Campus	610,500	
(h) Equip home economics and mathematics building — San Luis Obispo Campus	37,000	
(i) Working drawings for engineering building—San Luis Obispo Campus	185,000	
(j) Site development—San Luis Obispo Campus	106,050	
(k) Relocate thoroughbred unit—San Luis Obispo Campus	58,400	
(*l*) Construct cafeteria addition—Kellogg-Voorhis Campus	586,300	
(m) Equip outdoor physical education facilities—Kellogg-Voorhis Campus	4,200	
(n) Equip agricultural engineering building—Kellogg-Voorhis Campus	64,800	
(o) Site development — Kellogg-Voorhis Campus	132,000	
(p) Working drawings for administration and classroom		

Item		Amount
building — Kellogg-Voorhis Campus	125,000	
(q) Site acquisition—Kellogg-Voorhis Campus	1,000,000	
Total of schedule	4,935,450	

provided, that no part of this appropriation for (q) above shall be expended until a mutually satisfactory agreement has been entered into by the Department of Education and the Department of Finance providing for the repayment to the State Construction Program Fund of the amount expended therefor from proceeds received from the sale or disposition of other surplus property.

334—For capital outlay, California State Polytechnic College, in accordance with the following schedule, payable from the State College Fund		1,649,175
Schedule:		
(a) Construct food processing building—San Luis Obispo Campus	1,412,600	
(b) Construct meats building—Kellogg-Voorhis Campus	198,300	
(c) Equip meats building—Kellogg-Voorhis Campus	19,750	
(d) Minor projects — San Luis Obispo Campus	4,200	
(e) Minor projects—Kellogg-Voorhis Campus	14,325	
Total of schedule	1,649,175	
335—For capital outlay, California Maritime Academy, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		70,000
Schedule:		
(a) Equip engineering building	7,600	
(b) Minor projects	62,400	
Total of schedule	70,000	
336—For capital outlay, California Maritime Academy, in accordance with the following schedule, payable from the State Construction Program Fund		693,800
Schedule:		
(a) Construct engineering building	548,500	
(b) Equip engineering building	145,300	
Total of schedule	693,800	

Maritime Academy

Item		Amount
School for Blind	337—For capital outlay, California School for the Blind, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	6,000
	Schedule:	
	(a) Minor projects 6,000	
	Total of schedule 6,000	
School for Deaf, Riverside	338—For capital outlay, California School for the Deaf, Riverside, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	43,500
	Schedule:	
	(a) Minor projects 43,500	
	Total of schedule 43,500	
Cerebral Palsied Children, Southern California	339—For capital outlay, School for Cerebral Palsied Children, Southern California, in accordance with the following schedule, payable from the State Construction Program Fund	110,000
	Schedule:	
	(a) Acquisition of real property 110,000	
	Total of schedule 110,000	
University of California	340—For capital outlay, University of California, exempt from Section 29 of this act, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	780,450
	Schedule:	
	(a) Equip cafeteria—Berkeley 80,000	
	(b) Equip laboratory unit 3—La Jolla 63,000	
	(c) Equip Franz Hall—Los Angeles 65,000	
	(d) Equip administration building—Riverside 14,300	
	(e) Equip addition to physical sciences building—Riverside 64,000	
	(f) Minor projects—statewide 494,150	
	Total of schedule 780,450	
	341—For capital outlay, University of California, exempt from Section 29 of this act, in accordance with the following schedule, payable from the State Construction Program Fund	15,396,782

Item	Amount
Schedule:	
(a) Preliminary plans — statewide	860,620
(b) Land acquisition for engineering building—Berkeley	600,000
(c) Land acquisition opportunity purchases — Berkeley	200,000
(d) Equip cafeteria—Berkeley	120,000
(e) Acquisition of California Farm Bureau Federation Building—Berkeley	350,000
(f) Construct off-campus storage building—Berkeley	1,616,500
(g) Construct physical education courts—Berkeley	113,300
(h) Working drawings for engineering unit 1—Berkeley	178,000
(i) Construct Cory Hall improvements — Berkeley	399,284
(j) Construct and equip engineering building—Berkeley	629,266
(k) Working drawings for architecture building—Berkeley	217,300
(*l*) Working drawings for addition to Le Conte Hall—Berkeley	96,300
(m) Construct physical sciences unit 1—Davis	1,592,890
(n) Land acquisition for laboratory unit 4—La Jolla	172,000
(o) Preliminary and working drawings for institute of technology and engineering —La Jolla	450,000
(p) Equip laboratory unit 3—La Jolla	187,000
(q) Equip Franz Hall—Los Angeles	195,000
(r) Construct utilities, roads and walks to north campus area—Los Angeles	626,234
(s) Construct tennis courts and site development—Los Angeles	191,631
(t) Working drawings for chemistry-geology building addition—Los Angeles	212,660
(u) Construct alterations to physics building—Los Angeles	295,335

Item	Amount
(v) Working drawings for north campus library unit 1—Los Angeles	346,400
(w) Alter existing facilities to serve neuropsychiatric institute—Los Angeles Medical Center	116,411
(x) Working drawings for basic science unit 2—Los Angeles Medical Center	656,000
(y) Construct utilities and site development on west medical campus—Los Angeles Medical Center	332,000
(z) Purchase and construct auxiliary equipment for 120-inch telescope—Mount Hamilton	83,000
(aa) Equip administration building—Riverside	56,905
(bb) Construct and equip alterations to social sciences-humanities building—Riverside	90,425
(cc) Equip physical sciences addition—Riverside	257,439
(dd) Construct and equip alterations to physical sciences building—Riverside	45,867
(ee) Install air conditioning in physical sciences building—Riverside	249,750
(ff) Construct electrical improvements, step 1—Riverside	65,000
(gg) Construct physical education fields and facilities step 2—Riverside	250,000
(hh) Construct health services building—Riverside	350,000
(ii) Working drawings for health sciences building—San Francisco	342,800
(jj) Construct and equip alterations to sciences unit 1, step 1—Santa Barbara	277,000
(kk) Construct utilities and site development—Santa Barbara	153,065
(*ll*) Construct library unit 2 — Santa Barbara	1,415,400

Item		Amount
(mm) Construct classroom and office unit 2—Santa Barbara	1,006,000	
Total of schedule	15,396,782	
341.1—For capital outlay, University of California, payable from the unexpended and unencumbered balance of any money in the Fair and Exposition Fund which is available for expenditure pursuant to paragraph (b) of Section 19626 of the Business and Professions Code		4,440,442

EMPLOYMENT

342—For capital outlay, Department of Employment, in accordance with the following schedule, payable from the Department of Employment Contingent Fund		439,706	Department of Employment
Schedule:			
(a) Acquisition of site for parking facilities—Torrance	75,000		
(b) Acquisition of site for parking facilities—Los Angeles	185,000		
(c) Construct addition to existing building—Santa Rosa	105,000		
(d) Preliminary plans	7,346		
(e) Minor projects	67,360		
Total of schedule	439,706		

FISCAL AFFAIRS

343—For capital outlay, Department of Finance, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		63,869	Department of Finance
Schedule:			
(a) Equip state building annex—San Francisco	13,711		
(b) Equip state building—Oakland	8,208		
(c) Minor projects	41,950		
Total of schedule	63,869		

provided, that (c) includes $4,500 which is the State's share for paving of R Street between 11th and 12th in the City of Sacramento.

344—For capital outlay, Department of Finance, in accordance with the following schedule,

Item		Amount
payable from the State Construction Program Fund		1,612,210
Schedule:		
(a) Acquisition of State Compensation Insurance Building—San Francisco	650,000	
(b) Alterations to State Compensation Insurance Building—San Francisco	250,000	
(c) Alterations and improvements to existing state buildings—San Francisco	500,000	
(d) Elevator modernization, Office Building No. 1, Sacramento	57,320	
(e) Elevator modernization, east wing—State Capitol Building	100,000	
(f) Equip state building annex—San Francisco	33,187	
(g) Equip state building—Oakland	21,703	
Total of schedule	1,612,210	

Sixth District Agricultural Association

346—For capital outlay, Sixth District Agricultural Association, in accordance with the following schedule, payable from any moneys in the Fair and Exposition Fund available for capital outlay purposes under paragraph (c) of Section 19626 of the Business and Professions Code 732,600

Schedule:		
(a) Construct addition to exhibit building	690,600	
(b) Minor projects	42,000	
Total of schedule	732,600	

County, district agricultural association, etc.

346.5—For capital outlay, county, district agricultural association and citrus fruit fairs, allocable by the Department of Finance in such amounts as may be approved by the State Public Works Board, payable from the General Fund 3,858,078

provided, however, that none of the moneys appropriated by this item shall be available for expenditure unless legislation is enacted at the 1959 General Session of the Legislature discontinuing the deposit or payment of any revenue into the Fair and Exposition Fund.

HIGHWAY PATROL

Item		Amount	
347—For capital outlay, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund		1,237,700	Highway Patrol
Schedule:			
(a) Purchase of site for Alta substation	10,000		
(b) Construct Sacramento headquarters office building	1,184,500		
(c) Working drawings for Alta substation	6,000		
(d) Minor projects	37,200		
Total of schedule	1,237,700		

MENTAL HYGIENE

348—For capital outlay, Langley Porter Neuropsychiatric Institute, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		15,750	Langley Porter Institute
Schedule:			
(a) Minor projects	15,750		
Total of schedule	15,750		
349—For capital outlay, Neuropsychiatric Institute at University of California at Los Angeles, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		40,000	Neuropsychiatric Institute
Schedule:			
(a) Equip addition to medical center—University of California at Los Angeles Campus	40,000		
Total of schedule	40,000		
350—For capital outlay, Neuropsychiatric Institute at University of California at Los Angeles, in accordance with the following schedule, payable from the State Construction Program Fund		360,000	
Schedule:			
(a) Equip addition to medical center—University of California at Los Angeles Campus	360,000		
Total of schedule	360,000		

Item		Amount
State hospitals: Agnews	351—For capital outlay, Agnews State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	97,820
	Schedule:	
	(a) Equip administration building, east area 2,800	
	(b) Minor projects 95,020	
	Total of schedule 97,820	
	352—For capital outlay, Agnews State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	355,900
	Schedule:	
	(a) Remodel and modernize wards, west area 187,000	
	(b) Construct entrance road, east area 69,400	
	(c) Sanitation district, pro rata cost 75,000	
	(d) Equip administration building, east area 24,500	
	Total of schedule 355,900	
Atascadero	353—For capital outlay, Atascadero State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	22,100
	Schedule:	
	(a) Minor projects 22,100	
	Total of schedule 22,100	
Camarillo	354—For capital outlay, Camarillo State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	65,170
	Schedule:	
	(a) Minor projects 65,170	
	Total of schedule 65,170	
	355—For capital outlay, Camarillo State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	190,900
	Schedule:	
	(a) Construct additions to domestic water system 190,900	
	Total of schedule 190,900	

Item		Amount	
356—For capital outlay, De Witt State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		93,200	DeWitt
Schedule:			
(a) Minor projects	93,200		
Total of schedule	93,200		
357—For capital outlay, Mendocino State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		22,400	Mendocino
Schedule:			
(a) Minor projects	22,400		
Total of schedule	22,400		
358—For capital outlay, Metropolitan State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		139,650	Metropolitan
Schedule:			
(a) Equip remodeled and modernized wards	3,050		
(b) Equip ward building	27,100		
(c) Equip maintenance shop buildings	1,100		
(d) Minor projects	108,400		
Total of schedule	139,650		
359—For capital outlay, Metropolitan State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		245,835	
Schedule:			
(a) Remodel and modernize wards	171,485		
(b) Equip remodeled and modernized wards	2,050		
(c) Equip ward building	63,300		
(d) Equip maintenance shop buildings	9,000		
Total of schedule	245,835		
360—For capital outlay, Modesto State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		91,400	Modesto
Schedule:			
(a) Minor projects	91,400		
Total of schedule	91,400		

Item		Amount
Napa	361—For capital outlay, Napa State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	166,150
	Schedule:	
	(a) Equip remodeled and modernized wards 2,800	
	(b) Equip juvenile unit 45,000	
	(c) Minor projects 118,350	
	Total of schedule 166,150	
	362—For capital outlay, Napa State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	1,609,800
	Schedule:	
	(a) Construct rehabilitation therapies building 764,800	
	(b) Construct addition to administration building 456,000	
	(c) Remodel and modernize wards 294,000	
	(d) Equip remodeled and modernized wards 1,600	
	(e) Equip juvenile unit 93,400	
	Total of schedule 1,609,800	
Patton	363—For capital outlay, Patton State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	126,250
	Schedule:	
	(a) Equip remodeled and modernized wards 500	
	(b) Equip addition to administration building 8,750	
	(c) Equip commissary building 1,000	
	(d) Minor projects 116,000	
	Total of schedule 126,250	
	364—For capital outlay, Patton State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund	287,300
	Schedule:	
	(a) Remodel and modernize wards 266,000	
	(b) Equip remodeled and modernized wards 11,000	

Item		Amount	
(c) Equip addition to administration building	2,100		
(d) Equip commissary building	8,200		
Total of schedule	287,300		
365—For capital outlay, Stockton State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		93,000	Stockton
Schedule:			
(a) Minor projects	93,000		
Total of schedule	93,000		
366—For capital outlay, Stockton State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		1,142,900	
Schedule:			
(a) Construct professional building	1,142,900		
Total of schedule	1,142,900		
367—For capital outlay, Fairview State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		114,200	Fairview
Schedule:			
(a) Equip ward buildings	95,100		
(b) Minor projects	19,100		
Total of schedule	114,200		
368—For capital outlay, Fairview State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		3,772,700	
Schedule:			
(a) Construct ward buildings	3,594,200		
(b) Construct warehouse addition	129,200		
(c) Equip ward buildings	49,300		
Total of schedule	3,772,700		
369—For capital outlay, Pacific State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		66,700	Pacific
Schedule:			
(a) Equip alterations and additions to physical therapy annex	1,500		
(b) Minor projects	65,200		
Total of schedule	66,700		

Item		Amount
370—For capital outlay, Pacific State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		51,600
Schedule:		
(a) Construct additions and alterations to physical therapy annex	50,400	
(b) Equip alterations and additions to physical therapy annex	1,200	
Total of schedule	51,600	
Porterville 371—For capital outlay, Porterville State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		81,600
Schedule:		
(a) Minor projects	81,600	
Total of schedule	81,600	
Sonoma 372—For capital outlay, Sonoma State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		33,300
Schedule:		
(a) Minor projects	33,300	
Total of schedule	33,300	
373—For capital outlay, Sonoma State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		4,100
Schedule:		
(a) Equip addition to general warehouse	4,100	
Total of schedule	4,100	

MILITARY

Military Department 374—For capital outlay, Military Department, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		124,320
Schedule:		
(a) Project planning, working drawings and supervision of construction financed from federal funds	100,000	

Item		Amount
(b) Minor projects	24,320	
Total of schedule	124,320	

MOTOR VEHICLES

375—For capital outlay, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund		12,750,460	Department of Motor Vehicles
Schedule:			
(a) For acquisition of real property for headquarters office building	200,000		
(b) Construct office building for Sacramento headquarters	12,174,400		
(c) Revamp air conditioning system—Sacramento headquarters	58,900		
(d) Working drawings for office building—San Jose	30,000		
(e) Working drawings for office building—Stockton	24,000		
(f) Construct office building—Riverside	220,000		
(g) Minor projects	43,160		
Total of schedule	12,750,460		

NATURAL RESOURCES

376—For capital outlay, Department of Fish and Game, in accordance with the following schedule, payable from the Fish and Game Preservation Fund		86,203	Department of Fish and Game
Schedule:			
(a) Minor projects	86,203		
Total of schedule	86,203		
377—For capital outlay, Division of Beaches and Parks, Department of Natural Resources, in accordance with the following schedule, payable from the State Beach and Park Fund		2,429,455	Division of Beaches and Parks
Schedule:			
(a) Calaveras Big Trees State Park: Development	104,146		
(b) D. L. Bliss State Park: Campground development	127,600		
(c) Carrillo Beach State Park: Development	258,709		
(d) Caswell Memorial State Park: Development	106,388		

Item		Amount
(e) Columbia Historic State Park: Restoration	60,000	
(f) Colusa-Sacramento River State Park: Development	82,641	
(g) Del Norte Coast Redwoods State Park: Development	44,249	
(h) New Brighton Beach State Park: Campground development	64,000	
(i) Pismo Beach State Park: Campground development	109,210	
(j) MacKerricher Beach State Park: Development	63,661	
(k) Patrick's Point State Park: Development	139,504	
(*l*) Pfeiffer Big Sur State Park: Utilities—electric	20,500	
(m) Portola State Park: Development	41,383	
(n) Salton Sea State Park: Development	456,093	
(o) Samuel P. Taylor State Park: Development	77,776	
(p) San Buenaventura Beach State Park: Grading and landscaping	70,930	
(q) Silver Strand Beach State Park: Development	109,956	
(r) Minor projects	492,709	
Total of schedule	2,429,455	

377.1—Of the amount appropriated by Item 400 (h), of the Budget Act of 1956, $75,000 is hereby made available for expenditure by the Division of Beaches and Parks, Department of Natural Resources, for construction, improvements, repairs and equipment, Columbia Historic State Park.

Division of Forestry

378—For capital outlay, Division of Forestry, Department of Natural Resources, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund 452,073

Schedule:

(a) Site acquisition—various locations	36,875
(b) Minor projects	415,198
Total of schedule	452,073

379—For capital outlay, Division of Forestry, Department of Natural Resources, in accordance

Item		Amount
with the following schedule, payable from the State Construction Program Fund		4,217,936
Schedule:		
(a) Purchase of sites for forestry conservation camps	130,000	
(b) Purchase site for District V headquarters	85,000	
(c) Engineering, planning and inspection services	113,334	
(d) Construct State Nursery headquarters—Davis	129,600	
(e) Equip State Nursery headquarters—Davis	2,750	
(f) Construct Alder Forestry Conservation Camp	401,200	
(g) Construct Big Valley Forestry Conservation Camp	401,200	
(h) Working drawings for Washington Ridge Forestry Conservation Camp	25,000	
(i) Site development—Washingington Ridge Forestry Conservation Camp	125,258	
(j) Equip Washington Ridge Forestry Conservation Camp	80,000	
(k) Construct Mountain Home Conservation Camp	489,942	
(*l*) Equip Mountain Home Conservation Camp	128,728	
(m) Construct Don Lugo Conservation Camp	464,451	
(n) Equip Don Lugo Conservation Camp	169,685	
(o) Construct mobile trailer conservation camps	734,841	
(p) Equip mobile trailer conservation camps	305,145	
(q) Construct addition to High Rock Conservation Camp	20,000	
(r) Equip addition to High Rock Conservation Camp	18,490	
(s) Construct addition to Iron Mine Conservation Camp	18,366	
(t) Equip addition to Iron Mine Conservation Camp	18,490	
(u) Construct addition to Miramonte Conservation Camp	20,000	
(v) Equip addition to Miramonte Conservation Camp	18,490	
(w) Construct addition to Morena Conservation Camp	17,140	

Item		Amount
(x) Equip addition to Morena Conservation Camp	18,490	
(y) Construct addition to Parlin Fork Conservation Camp	4,500	
(z) Equip addition to Parlin Fork Conservation Camp	17,681	
(aa) Construct addition to Magalia Conservation Camp	5,000	
(bb) Equip addition to Magalia Conservation Camp	18,490	
(cc) Construct addition to Slack Canyon Conservation Camp	5,000	
(dd) Equip addition to Slack Canyon Conservation Camp	18,490	
(ee) Construct addition to Oak Glen Conservation Camp	5,000	
(ff) Equip addition to Oak Glen Conservation Camp	18,490	
(gg) Repairs and alterations of Los Gatos Canyon Conservation Camp	20,000	
(hh) Equip Los Gatos Canyon Conservation Camp	169,685	
Total of schedule	4,217,936	

VETERANS AFFAIRS

Veterans' Home

380—For capital outlay, Veterans' Home of California, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund 31,400

Schedule:

(a) Minor projects	31,400	
Total of schedule	31,400	

WATER RESOURCES

Department of Water Resources

381—For capital outlay, Department of Water Resources, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund 5,200

Schedule:

(a) Minor projects	5,200	
Total of schedule	5,200	

Feather River Project

382—For surveys, explorations, investigations, preparation of construction plans and specifications; surveys and negotiations for rights-of-way, easements and property, including

Item		Amount	
other expenses in connection therewith, for the Feather River Project, as authorized by Section 11260 of the Water Code and as modified by the report of the Division of Water Resources of February 1955, entitled, "Program for Financing and Constructing the Feather River Project," and as may be modified subsequently, Department of Water Resources, payable from the Investment Fund		4,136,159	
383—For surveys of, negotiations for, and acquisition of, rights-of-way, easements, and property, including other expenses and equipment in connection therewith, for the San Joaquin Valley-Southern California Aqueduct system and the San Luis Reservoir site, as authorized by Section 11260 of the Water Code, in accordance with the following schedule, Department of Water Resources, payable from the Investment Fund		27,972,000	San Joaquin Valley-Southern California Aqueduct system
Schedule:			
(a) Aqueduct from the Delta to San Luis Reservoir	3,906,000		
(b) Aqueduct from San Luis Reservoir to Southern Kern County	3,756,000		
(c) Extension of aqueduct system into Southern California	18,000,000		
(d) San Luis Reservoir site	2,310,000		
Total of schedule	27,972,000		
383.5—For acquisition of lands, easements and rights-of-way for the North Bay Aqueduct, as authorized by Section 11270 of the Water Code, Department of Water Resources, payable from the Investment Fund		1,000,000	North Bay Aqueduct
384—For construction, improvements and equipment, including other expenses in connection therewith, for surveys of, negotiations for, and acquisitions of, rights-of-way, easements and property, including other expenses and equipment in connection therewith, for South Bay Aqueduct, as authorized by Section 11260 of the Water Code, in accordance with the following schedule, Department of Water Resources, payable from the Investment Fund		8,013,000	South Bay Aqueduct
Schedule:			
(a) Property acquisition for aqueduct between Intake and Airpoint Reservoir	330,000		

Item		Amount
	(b) Property acquisition for Doolan Lateral and Reservoir	363,000
	(c) Construction, improvements and equipment for aqueduct between the Delta-Mendota Canal and Livermore Valley	7,320,000
	Total of schedule	8,013,000
Pacheco Pass Tunnel	384.1—For surveys of, negotiations for, and acquisition of, rights-of-way, easements, and property, including other expenses and equipment in connection therewith, for the Pacheco Pass Tunnel, as authorized by Section 11260 of the Water Code, Department of Water Resources, payable from the Investment Fund	100,000
Co-operation with Federal Government	385—For expenditure, in co-operation with the Federal Government in the construction of multipurpose projects which include flood control, Department of Water Resources, payable from the Investment Fund	3,740,000
Highway and bridge, Feather River	386—For construction, improvements and equipment, including other expenses in connection therewith, for a combination highway and railroad bridge across the west branch of the Feather River, as authorized by Section 11260 of the Water Code, Department of Water Resources, payable from the Investment Fund	11,883,000
	387—For construction, improvements and equipment, including other expenses in connection therewith, and for completion of surveys of, negotiations for, and acquisition of, rights-of-way, easements and property, including other expenses and equipment in connection therewith, as authorized by Section 11260 of the Water Code, in accordance with the following schedule, Department of Water Resources, payable from the Investment Fund	2,394,000
	Schedule:	
	(a) Completion of property acquisition for Grizzly Valley Reservoir on Big Grizzly Creek, Frenchman Reservoir on Little Last Chance Creek, Antelope Valley Reservoir on Indian Creek, Dixie Refuge Reservoir on Last Chance Creek, Abbey Bridge Reservoir on Red Clover Creek	334,000

Item		Amount
(b) Construction, improvements and equipment for Frenchman Dam and Reservoir on Little Last Chance Creek	2,060,000	
Total of schedule	2,394,000	
388—For expenditure in co-operation with the Federal Government in the investigation, planning and construction of a sea water conversion plant, which may include a nuclear reactor as the source of energy, and for engineering studies, in accordance with the following schedule, Department of Water Resources, payable from the Investment Fund		1,600,000
Schedule:		
(a) Engineering studies	100,000	
(b) Investigation, planning and constructing conversion plant	1,500,000	
Total of schedule	1,600,000	
provided, that expenditures from (b) shall not exceed 50 percent of the cost of the project.		
388.1—For construction, improvements and equipment, including other expenses in connection therewith, and for surveys of, negotiations for, and acquisition of, rights-of-way, easements and property, including other expenses and equipment in connection therewith, as authorized by Section 11260 of the Water Code, in accordance with the following schedule, Department of Water Resources, payable from the Investment Fund		13,562,000
Schedule:		
(a) Rights-of-way, easements and property for Oroville Dam and Reservoir and related facilities	4,868,000	
(b) Construction, improvements and equipment for tunnels 2 and 3 on the Western Pacific relocation and grading between tunnels 2 and 3 and tunnels 3 and 4	8,694,000	
Total of schedule	13,562,000	
389—For protection and maintenance of structures, facilities, improvements and equipment acquired or constructed for the Feather River		

Sea water conversion plant

Feather River Project

Item		Amount
	Project, authorized by Section 11260 of the Water Code, payable from the Investment Fund	20,000
Sacramento and San Joaquin watersheds	390—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, which is a state obligation and necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Sections 12648 through 12656.5 of the Water Code; for the construction costs in lieu thereof as authorized by Section 8621 of the Water Code; and for advances to the Federal Government or payments to the Federal Government or others for incidental construction or reconstruction items which are an obligation of the State in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, power lines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, the Reclamation Board, in accordance with the following schedule, payable from the Flood Control Fund of 1946	6,000,000
	Schedule:	
	(a) Sacramento River Flood Control Project 2,000,000	
	(b) Lower San Joaquin River Flood Control Project 4,000,000	
	Total of schedule 6,000,000	

UNALLOCATED

Project planning	391—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, payable from the State Construction Program Fund	500,000
	The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
State college dormitories and parking	391.1—For capital outlay, state college dormitories and parking facilities, to be allocated by the	

Item	Amount	
Department of Finance to state colleges, payable from the State Construction Program Fund	1,420,725	
and in addition there is hereby appropriated for transfer to and for the purposes of this item that part of the unexpended amounts as indicated from Budget Act of 1957, Item 447, $225,190; Item 448.1, $243,600; Item 449.1, $254,600; Item 450.1, $191,260; Item 451.1, $115,200; Item 452.1, $219,250; Item 453.1, $1,033,300; Item 454.1, $707,800; Item 455.1, $514,000; Item 456.1, $919,925.		
392—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance upon the approval of the State Public Works Board, payable from the Capital Outlay and Savings Fund	100,000	Miscellaneous repairs, etc.
Notwithstanding other provisions of this act, the appropriation made by this item shall be limited to expenditures during the 1959-60 Fiscal Year.		
393—For transfer by the State Controller from the General Fund to the Capital Outlay and Savings Fund during the 1959-60 Fiscal Year when and if ordered by the Department of Finance, and in such amount or amounts as the Department of Finance finds to be necessary for capital outlay purposes, not to exceed	8,081,884	Transfer from General Fund

LOCAL ASSISTANCE SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1959-60 Fiscal Year beginning July 1, 1959, and ending June 30, 1960. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

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

EDUCATION

Item		Amount
Child care centers	394—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Section 11 of Chapter 1427, Statutes of 1953, as amended, directly to school districts maintaining child care centers pursuant to Sections 19601 through 19618 of the Education Code, as amended	4,751,912
Teachers' Retirement Fund	395—For transfer by the State Controller to the Teachers' Retirement Fund for operation of the State Teachers' Retirement System	40,254,000
Textbooks	396—For publishing, purchasing and shipping free textbooks, Department of Education, in accordance with the following schedule	9,999,942

Schedule:

(a) Salaries and Wages	73,300
(b) Operating Expenses and Equipment	9,971,642
Total of schedule	10,044,942
Less estimated reimbursements	45,000
Net appropriation	9,999,942

None of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

The Department of Finance shall establish a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing orders placed during the 1959-60 Fiscal Year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to January 1, 1960.

PUBLIC HEALTH

Item	Amount	
397—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 8 of the Welfare and Institutions Code	2,485,190	Mental health services
398—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	3,771,970	Local health agencies, etc
399—For assistance to counties by the establishment of local health services in accordance with Section 1157 of the Health and Safety Code, Department of Public Health	201,416	Local health services
400—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health including an additional amount of one dollar and forty-seven cents ($1.47) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code.	3,951,360	Tuberculosis sanitoria
401—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Sections 249 through 271 of the Health and Safety Code, Department of Public Health provided, that $1,200,000 shall be for statewide diagnoses; not to exceed $25,000 shall be for state care of physically handicapped children whose county of residence cannot be established and the balance of this appropriation shall be made available to the several counties as follows:	5,231,895	Physically handicapped children

(a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, or shall equal the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county

Item		Amount
	not to exceed twenty thousand dollars ($20,000), whichever is the greater. (b) If the amount allocated to any county or city and county pursuant to subsection (a) when added to the sum provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, is less than the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county, the State Department of Public Health shall make available to the county or city and county an additional amount not to exceed twice any amount provided by the county or city and county in addition to that required by Section 270 of the Health and Safety Code. (c) For the purpose of administration by independent counties there shall be allocated an amount equal to two-thirds of the expenditures for the local administration of each independent county's program, made in accordance with an approved budget; provided, however, that such amount shall not exceed 6⅔ percent of the total expenditures for treatment in that county in the preceding fiscal year. (d) Expenditures made under this item to reimburse counties and cities and counties for the State's share of the cost of such services shall be charged to the fiscal year in which the county or city and county issues its warrant in payment of such services. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.	
Treatment of cerebral palsied minors	402—For assistance to local agencies in the treatment of minors with cerebral palsy, Department of Public Health. Of the amount herein appropriated there may be expended so much as may be necessary by the Department of Public Health to furnish therapeutic services in those areas where it deems the local agencies are unable or not ready to employ personnel directly	1,193,540
Mosquito control	403—For subsidies to local agencies for the control of mosquitoes as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health	400,000

Item	Amount
provided, that a minimum of $25,000 shall be available for research, and further provided, that allocation of this appropriation shall not be made to any local agency, unless such agency has experienced human mosquito-borne diseases to an extent which constitutes a public health menace, as certified by the Director of the State Department of Public Health. Be it further provided, that no more than $6,000 may be allocated to a single mosquito abatement agency unless said agency shall first appropriate a sum of money not less than that represented by a rate of fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation of the taxable property in the mosquito abatement agency.	
403.1—For subsidies to local districts for research regarding the control of gnats as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health-- provided, that the Department of Public Health shall not allocate any of the money appropriated by this item to a local district unless and until money equal to or in excess of the amount proposed to be allocated by the department to the local district shall be made available by the local district for expenditure for the purpose for which the allocation is to be made, to the end that any sums allocated by the department shall be matched by like or greater amounts from sources other than the State Treasury or funds of any agency which is a part of the executive department of the State Government.	Gnat control research 20,000
404—**For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act-----** **and in addition thereto any amounts remaining unexpended on June 30, 1959, in the appropriation made by Item 444, Budget Act of 1958.**	Construction of hospital facilities 8,175,290

PUBLIC WORKS

405—**For allocation to the Department of Water Resources for expenditures by the Department of Water Resources and reallocation in accordance with Sections 12570 through**	Department of Water Resources Flood control

Item		Amount
12896 of the Water Code, for expenditure for payment, and for reimbursement for necessary advances made, of the cost of co-operation by the State, in accordance with the following schedule, payable from the Flood Control Fund of 1946		7,688,000
Schedule:		
(a) San Bernardino County Flood Control District, Santa Ana River Basin Project, as authorized by Section 12679 of the Water Code	774,000	
(b) Los Angeles County Flood Control District, Los Angeles River Watershed Project, as authorized by Section 12688 of the Water Code	630,000	
(c) Los Angeles County Flood Control District, Los Angeles and San Gabriel Rivers and Ballona Creek Project, as authorized by Section 12682 of the Water Code	3,950,000	
(d) Ventura County Flood Control District, Santa Clara River Project, as authorized by Section 12673 of the Water Code	1,096,000	
(e) County of Santa Barbara, Santa Maria River Project, as authorized by Section 12707 of the Water Code	335,000	
(f) San Bernardino County Flood Control District, City Creek Levees Project, as authorized by Section 12750 of the Water Code	508,000	
(g) San Bernardino County Flood Control District, Coyote Creek Levees Project, as authorized by Section 12750 of the Water Code	10,000	
(h) Truckee River Project, as authorized by Section 12710 of the Water Code	20,000	
(i) For the purposes stated in Chapter 27, Statutes of 1956, First Extraordinary Session, as amended by Chapter 32, Statutes of 1957	250,000	

Item	Amount
(j) Sandy Prairie Project as authorized by Section 12713 of the Water Code	115,000
Total of schedule	7,688,000

The allocation made by this item shall remain available for reallocation and expenditure until June 30, 1962. Provided further, that notwithstanding any other provisions of law, the appropriation made by this item covering (h) of the above schedule may be expended to reimburse the Emergency Fund for expenditures incurred prior to July 1, 1959 out of the amount appropriated to the Emergency Fund by Item 273, Budget Act of 1958, which may be properly chargeable to (h) above.

Rheem Creek Project

405.1—For allocation to the Department of Water Resources for reallocation in accordance with Article 4 of Chapter 2 of Part 6 of Division 6 of the Water Code, for expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State, for the Rheem Creek Project, a small flood control project as authorized by said Article 4, payable from the Flood Control Fund of 1946 210,000

The allocation made by this item shall remain available for reallocation and expenditure until June 30, 1962. No reallocation shall be made until the Department of Water Resources finds in its judgment that the benefits of the proposed works of improvement will exceed the cost thereof and that the project plan appears to be the most economical project plan, considering construction costs, lands, easements, and rights of way costs, and costs of operation and maintenance, nor until the local organizations affected give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed, and as may be required by the Secretary of the Army and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation or operation of the project.

Item	Amount
Coyote Creek Project 405.5—For allocation to the Department of Water Resources for reallocation in accordance with Article 4 (commencing at Section 12750) of Chapter 2 of Part 6 of Division 6 of the Water Code, for expenditure for payment, and for reimbursement for necessary advances made, of the cost of co-operation by the State, for small flood control projects as authorized by said Article 4, in accordance with the following schedule, payable from the Flood Control Fund of 1946	325,000
Schedule:	
(a) Coyote Creek Flood Control Project, Marin County ---- 325,000	
The allocation made by this item shall remain available for reallocation and expenditure until June 30, 1962. No reallocation shall be made until the Department of Water Resources finds in its judgment that the benefits of the proposed works of improvement will exceed the cost thereof and that the project plan appears to be the most economical project plan, considering construction costs, lands, easements, and rights of way costs, and costs of operation and maintenance, nor until the local organizations affected give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed, and as may be required by the Secretary of the Army and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation or operation of the project.	
406—For allocation to the Department of Water Resources for reallocation in accordance with Sections 12850 through 12875 of the Water Code, for expenditure for payment, and for reimbursement for necessary advances made, of the cost of co-operation by the State, for watershed protection and flood prevention projects as authorized by said sections, in accordance with the following schedule, payable from the Flood Control Fund of 1946	1,267,300
Schedule:	
(a) Buena Vista Creek Watershed Protection Project ---- 290,000	
(b) Arroyo Grande Creek Watershed Protection Project-- 35,000	

Item		Amount
(c) Adobe Creek Watershed Protection Project	99,000	
(d) Central Sonoma Watershed Protection Project	783,000	
(e) Walnut Creek Watershed Protection Project	60,300	
Total of schedule	1,267,300	

The allocation made by this item shall remain available for reallocation and expenditure until June 30, 1962. No reallocation shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the Secretary of Agriculture and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.

407—To pay the State's share of the cost of local participation required and to make advances to meet the federal share in connection with federal beach erosion control projects within the city limits of Imperial Beach, in accordance with Section 335 to 339, inclusive, of the Water Code, Department of Water Resources, payable from the Investment Fund, in accordance with the following schedule ..... 42,000 — Imperial Beach

Schedule:

(a) State's share	18,000	
(b) Advance for federal share	24,000	
Total of schedule	42,000	

408—For transfer by the State Controller to the Flood Control Fund of 1946, from the General Fund ..... 13,478,578 — Flood Control Fund

SOCIAL WELFARE

409—For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, Department of Social Welfare, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code ..... 1,335,852 — Social services reimbursement

provided, that all or any portion of this ap-

Item		Amount
	propriation may be transferred to Item 250 for support of the Department of Social Welfare, upon executive order of the Department of Finance.	
	410—For reimbursement to counties for the cost of the adoption programs and care of children in accordance with Sections 1640 through 1644 of the Welfare and Institutions Code, Department of Social Welfare, in accordance with the following schedule	2,214,236
	Schedule:	
	(a) Administration 2,206,736	
	(b) Cost of care 7,500	
	Total of schedule 2,214,236	
	provided, that all or any portion of this appropriation as contained in (a) of the foregoing schedule may be transferred to Item 250 for support of the Department of Social Welfare, upon executive order of the Department of Finance.	

OTHER PURPOSES

Salaries: Superior court judges	411—For State's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code; provided, that the sum of $537,711 contained in this item shall be used solely for the payment of increased judicial salaries prescribed by the Legislature at its 1959 Regular Session and for the payment of salaries of judges appointed to new judgeships created at that session	2,893,211
County service officers	411.5—For contributions to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code	500,000
County agricultural commissioners, etc	412—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 63.5 of the Agricultural Code	162,000
Workmen's compensation to civil defense workers	413—For furnishing of workmen's compensation to civil defense workers and their dependents in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's Office, State Disaster Office	62,500

Item	Amount
The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 16003 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	
414—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 950 through 966 of the Welfare and Institutions Code	2,490,960
415—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Article 13, Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code	860,170
Notwithstanding other provisions of this section, the amount made available by this item shall be available for expenditure until June 30, 1961, but not more than $780,670 of said amount may be expended during the 1959-60 Fiscal Year.	

Juvenile homes, etc

APPENDIX

SEC. 2.3. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1959-60 Fiscal Year beginning July 1, 1959, and ending June 30, 1960. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

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

the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

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

UNEMPLOYMENT ADMINISTRATION

	Item		Amount
Unemployment compensation disability benefits	416—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund, in accordance with the following schedule		5,099,650
	Schedule:		
	(a) Salaries and Wages	3,805,799	
	(b) Operating Expenses and Equipment	1,293,851	
	Total of schedule	5,099,650	
Department of Employment	417—For additional support of the Department of Employment, payable from the Department of Employment Contingent Fund, and in addition thereto any grants made available by the Federal Government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance		43,087
	417.1—For additional support of the Department of Employment, payable from the Department of Employment Contingent Fund, and in addition thereto any grants made available by the Federal Government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance		190,608
	417.5—For additional support of the Department of Employment, payable from money credited to this State's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, made available for expenditure pursuant to Section 1528 5 of the Unemployment Insurance Code; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance		15,680

WORLD TRADE CENTER

Item	Amount	
418—For transfer to the Special Deposit Fund from the San Francisco Harbor Improvement Fund	78,900	World Trade Center Authority

such transfer to be made by the State Controller upon order of the San Francisco Port Authority as determined and requested by the San Francisco World Trade Center Authority to be expended by the San Francisco World Trade Center Authority in the manner and for the purposes authorized under the provisions of the World Trade Center Authorities Act approved July 17, 1947, Chapter 1508, Statutes of 1947, including, but not limited to, expenses for surveys, plans, estimates, preliminary engineering and other expenses (preliminary or otherwise) incident to the acquisition, construction, financing, promotion and operation of a world trade center in the City and County of San Francisco; provided, that no withdrawals shall be made hereunder which in the opinion of the San Francisco Port Authority would prevent the San Francisco Port Authority from meeting its current obligations from said San Francisco Harbor Improvement Fund under the Harbors and Navigation Code. The San Francisco World Trade Center Authority and the San Francisco Port Authority shall agree in writing upon the terms and conditions for repayment of any amounts withdrawn from this appropriation, which agreement shall be subject to the approval of the Department of Finance, and which agreement may provide for repayment solely from the proceeds of the sale of revenue bonds issued with respect to the San Francisco World Trade Center under the provisions of said World Trade Center Authorities Act if and when sold. The said agreement from time to time may be modified by the parties thereto with the consent of the Department of Finance.

Except as may be provided by said agreement or any amendment or modification thereof, any return of said moneys to said San Francisco Harbor Improvement Fund shall not be subject to any provisions or limitations of Sections 10.4 and 10.5 or any other provision of the World Trade Center Authorities Act which otherwise might limit the source of or delay or postpone reimburse-

ment of any appropriation, transfer, or advances by the State of California or any agency thereof.

Transfer to General Fund

SEC. 3. That portion of the unencumbered balance of the Department of Employment Contingent Fund which at any time during the 1959-60 Fiscal Year exceeds one hundred thousands dollars ($100,000) is hereby appropriated for transfer to the General Fund, such transfer to be made from time to time upon order of the State Controller.

State College Fund

SEC. 3.1. The amounts appropriated by Items 77, 79, 312, 312.5, 315 and 334 of this act, payable from the State College Fund, shall be payable from the General Fund if the deposit or payment of any revenue into the State College Fund is discontinued by any legislation enacted at the 1959 General Session of the Legislature.

Fair and Exposition Fund

SEC. 3.2. The unexpended balances of the amounts appropriated by Items 35, 89, 106, 107, 108, 108.5, 122, 137, 177, 201.5, 210, 280, 301.1 and 346 of this act, payable from the Fair and Exposition Fund, shall be payable from the General Fund on the operative date of any legislation enacted at the 1959 General Session of the Legislature discontinuing the deposit or payment of any revenue into the Fair and Exposition Fund.

References

SEC. 3.3. The references to Section 19626, paragraph (b) of Section 19626 and paragraph (c) of Section 19626 of the Business and Professions Code contained in this act shall be construed as being references to Section 19630, paragraph (b) of Section 19630 and paragraph (c) of Section 19630 of the Business and Professions Code if Assembly Bill No. 1755 is enacted at the 1959 Regular Session of the Legislature.

Unexpended balances

SEC. 3.4. The unexpended balances of the amounts appropriated by Item 89 and Item 341.1 of this act shall be payable from the General Fund if legislation is enacted at the 1959 Regular Session of the Legislature deleting the appropriations in paragraphs (a) and (b) of Section 19626 of the Business and Professions Code.

References

SEC. 3.5. The references to paragraph (c) of Section 19626 of the Business and Professions Code in this act shall be construed as meaning that part of the moneys in the Fair and Exposition Fund after the appropriation for permanent improvements for fair purposes made by Section 19626 of the Business and Professions Code if legislation is enacted at the 1959 Regular Session of the Legislature eliminating the reference to (c) from said Section 19626 of the Business and Professions Code.

Limitation

SEC. 4. Any project, except minor projects included in any appropriation out of the Capital Outlay and Savings Fund, State Construction Program Fund, Department of Employment Contingent Fund, Fair and Exposition Fund, Motor Vehicle Fund, State Beach and Park Fund, and State College Fund made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 5. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the Flood Control Fund of 1946, State Beach and Park Fund and the Investment Fund, shall be subject to the provisions of the Property Acquisition Law. Property Acquisition Law

Nothing contained herein shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for capital outlay for the use, development or enlargement of the University of California. Regents of University of California

SEC. 6. No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amounts needed for equipment, preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance. Limitation

Nothing herein contained shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for capital outlay for the use, development or enlargement of the University of California. Regents of University of California

SEC. 7. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 20041 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects not otherwise authorized by legislative appropriation or by allocation by the State Public Works Same

Board. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

A report shall be submitted to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this section.

Unexpended balances

SEC. 8. Notwithstanding any other provisions of law, the unexpended balances as of June 30, 1959, of the following appropriations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1960:

Department of Education

Chico State College, Item 323(a), Budget Act of 1956
Fresno State College, Item 315, Budget Act of 1953
Fresno State College, Item 313(b), Budget Act of 1955
Fresno State College, Item 325(a), Budget Act of 1956
Fresno State College, Item 325(b), Budget Act of 1956
Fresno State College, Item 325(f), Budget Act of 1956
Fresno State College, Item 325(g), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(a), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(b), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(c), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(d), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(e), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(f), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(g), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(h), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(i), Budget Act of 1956
Los Angeles State College of Applied Arts and Sciences, Item 332(j), Budget Act of 1956
San Fernando Valley State College, Item 321, Budget Act of 1955
San Jose State College, Item 340(b), Budget Act of 1956
California State Polytechnic College, Item 342(a), Budget Act of 1956
California State Polytechnic College, Item 342(e), Budget Act of 1956
California State Polytechnic College, Item 342(f), Budget Act of 1956

California State Polytechnic College, Item 342(g), Budget Act of 1956
California State Polytechnic College, Item 330(a), Budget Act of 1955
California State Polytechnic College, Item 330(b), Budget Act of 1955
California State Polytechnic College, Item 330(c), Budget Act of 1955
University of California
University of California, Item 328(a), Budget Act of 1954
University of California, Item 339(f), Budget Act of 1955
University of California, Item 339(*l*), Budget Act of 1955
University of California, Item 354(c), Budget Act of 1956
University of California, Item 354(g), Budget Act of 1956
Sixth District Agricultural Association
Item 361.1, Budget Act of 1956
Item 361.2, Budget Act of 1956
Department of Mental Hygiene
Fairview State Hospital, Chapter 9, Statutes of 1953
Fairview State Hospital, Item 385(e), Budget Act of 1956
Department of Natural Resources
Division of Forestry, Item 390.2(c), Budget Act of 1955
Division of Forestry, Item 408(a), Budget Act of 1956
Division of Forestry, Item 408(d), Budget Act of 1956
Division of Forestry, Item 409(b), Budget Act of 1956
Department of Finance, Item 446.7, Budget Act of 1958; provided, that applications for assistance under said item may be amended subsequent to December 31, 1958, to include proposed work which has been investigated by the Department of Public Works or the Department of Water Resources prior to March 31, 1959.
Department of Water Resources, Item 419.6, Budget Act of 1956

Reappropriation

SEC. 8.1. The appropriation made by the provisions of Chapter 1582, Statutes of 1957, is hereby reappropriated for the same purpose; and provided further, that $200,000, or so much as is necessary, of the amount reappropriated may be expended for site development and improvements.

Same
La Jolla Campus, University of California

SEC. 8.2. From the unexpended balance of the amount appropriated by Item 362, Budget Act of 1958, $500,000 is hereby reappropriated for acquisition of real property at La Jolla Campus, University of California, which amount shall continue to be available for expenditure until June 30, 1961.

Same
Gold Discovery Site museum

SEC. 8.5. From the amount appropriated by Item 401 of the Budget Act of 1956, the sum of $100,000, shown as subdivision (bb) of the schedule in that item as available for construction of a museum at Gold Discovery Site, is hereby reappropriated from the State Beach and Park Fund to the Division of Beaches and Parks, Department of Natural Resources, for the same purpose and shall be available for expenditure until June 30, 1960.

State Park System in Los Angeles County

SEC. 8.6. Upon request of the Director of Natural Resources and upon his certification that he has consulted the applicable Board of Supervisors the Director of Finance may augment any appropriation herein or heretofore by any law made for acquisition for the State Park System in the County of Los Angeles by transfer of all or any part of any unexpended appropriation, category, schedule or item herein or heretofore by any law made for acquisition for the State Park System in said County of Los Angeles, and such augmentation shall to that extent be deemed a specific appropriation for the project so augmented within the meaning of Section 5010 of the Public Resources Code.

Reappropriation

SEC. 8.7. From the amount appropriated by Item 400 of the Budget Act of 1956, the sum of $200,000, shown as subdivision (oo) of the schedule in that item as available for expenditure for acquisition of real property for Mount Diablo State Park, is hereby reappropriated for acquisition of real property for the Frank's Tract area for a state aquatic park project, subject to the same terms and conditions applicable to the appropriation as provided in Item 400 of the Budget Act of 1956.

Same

SEC. 8.8. Of the amount appropriated by Item 346 of the Budget Act of 1958, $110,000 as set forth in project (i) is reappropriated for site acquisition.

State Construction Program Fund

SEC. 9. Upon deposit of funds in the State Construction Program Fund from receipts from sale of State College Dormitory Construction Bonds, that part of the appropriations made by the provisions of Items 447, 448, 448.1, 449, 449.1, 450, 450.1, 451.1, 452, 452.1, 453, 453.1, 454, 454.1, 455, 455.1, 456, and 456.1, Budget Act of 1957, as determined by the Department of Finance after the reappropriation provisions of Item 391.1 of this act, shall revert to the unappropriated balance of the State Construction Program Fund.

Unexpended balances

SEC. 10. As of the effective date of this act the unexpended balances in the following appropriations shall revert to the unappropriated surplus of the fund from which they were appropriated:

Chapter 10, Statutes of 1956, First Extraordinary Session
Chapter 11, Statutes of 1956, First Extraordinary Session
Chapter 146, Statutes of 1946, First Extraordinary Session
Item 429.1, Budget Act of 1958
Item 356(b), Budget Act of 1957
Item 400 (qq), Budget Act of 1956

Same

SEC. 11. On the effective date of this act the unexpended balance of the appropriation made by Item 342.5, of the Budget Act of 1957, and Item 327, Budget Act of 1956, shall revert to the State College Fund.

Limitation

SEC. 12. The amount appropriated by Item 432, Budget Act of 1958, for transfer from the General Fund to the Capital Outlay and Savings Fund shall be limited to the amount or amounts ordered to be transferred by the Department of Finance which it finds are necessary for capital outlay purposes;

provided, however, that the amounts so transferred shall not exceed in the aggregate the sum of $13,768,464.

Transfers to General Fund

SEC. 13. As of July 1, 1959, the State Controller shall transfer from the State Water Pollution Control Fund to the General Fund the amount of $1,994.57, and from the Soil Conservation Development Fund to the General Fund the amount of $5,524.83, which amounts represent the interest earned on moneys deposited in the Surplus Money Investment Fund.

Same

SEC. 14. The State Controller shall transfer from the Investment Fund to the General Fund to the credit of Item 273 of the Budget Act of 1958 $376,109.

Transfer to Wildlife Restoration Fund

SEC. 15. As of July 1, 1959, the State Controller shall transfer from the Capital Outlay and Savings Fund to the Wildlife Restoration Fund the amount of $1,717.47, which amount represents the savings on construction of the Crystal Lake Hatchery which was returned to the Capital Outlay and Savings Fund in addition to reimbursements appropriated from the Wildlife Restoration Fund.

Transfer to General Fund

SEC. 15.5 As of June 30, 1959, the State Controller shall transfer from the State Printing Fund to the General Fund any capital amount which is in excess of $5,250,000, and as of June 30, 1960, shall transfer from the State Printing Fund to the General Fund any accumulated earnings which have accrued to the State Printing Fund during the fiscal year ending June 3, 1960.

No augmentation shall be made to the capital of the State Printing Fund during the 1959-60 Fiscal Year. Any proposed capital addition to the State Printing Fund for the 1960-61 Fiscal Year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

Same

SEC. 16. As of June 30, 1960, the State Controller shall transfer from the State Buildings Sinking and Interest Fund to the General Fund any amount which is in excess of $3,000,000. The amount in the State Buildings Sinking and Interest Fund shall be determined as the amount of cash plus the approximate market value as determined by the Department of Finance of securities held on June 30, 1960.

Vacant positions

SEC. 17. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1958, and July 1, 1959, except with the specific approval of the Department of Finance, subsequent to July 1, 1959.

The Department of Finance, not later than 30 days prior to the convening of the 1960 Regular Session of the Legislature, shall present to the Joint Legislative Budget Committee, assembled in meeting, a report of all positions as of July 1, 1959, which were vacant or continuously unfilled during the period between October 1, 1958, and July 1, 1959, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

Salary obligations

SEC. 18. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and the faculty-student ratios and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an annual basis, therefore, the University of California and the state colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of additional academic staff members during the 1959-60 Fiscal Year for services beginning in 1960-61.

The intent of this authorization is to assist in maintaining current academic standards and faculty-student ratios in relationship to expanding student enrollments.

Acquisition, etc., of motor vehicles

SEC. 19. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

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

Same

SEC. 20. All passenger type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor the use of the Department of Public Works, except for use of officers excepted in Section 19 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

Limitations House, etc., furnishings

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

priation for their replacement, repair or otherwise except in connection with the disposal of the same.

Office furnishings

SEC. 23. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

Scope of appropriations Support

SEC. 24. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Capital outlay

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Real property

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

Schedules

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

Definitions

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

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

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for

the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to that document entitled, "State of California Budget for the Fiscal Year July 1, 1959, to June 30, 1960," submitted by the Governor to the Legislature at the 1959 Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

Transfer from categories

SEC. 25. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Director of Finance shall present to the Joint Legislative Budget Committee assembled in meeting a report on all authorizations given pursuant to this section during the preceding quarter.

Augmentations

SEC. 26. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1959-60 Fiscal Year from any other state agency, from any agency of local government or the Federal Government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

Reductions

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

Premiums for official bonds

SEC. 27. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

Expenditures from Emergency Fund, etc.

SEC. 28. Whenever an expenditure is authorized from the Emergency Fund, from Price Increase Funds, from the Salary Increase Funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation

made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

Application of Gov C Sec 13320

SEC. 29. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

Establishment of positions

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

Salary savings reserve

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

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1959, unless the Department of Finance certifies to the State Personnel Board prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom.

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

Expenditures in excess of appropriations

SEC. 30. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be

absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Effect of veto

SEC. 31. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and 34 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

Constitutionality

SEC. 32. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Current expenses

SEC. 33. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

Urgency

SEC. 34. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the State Government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the State. If they are not available for expenditure on July 1, 1959, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the State's business require the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 1301

An act to amend Section 18941 of the Government Code, relating to nonsalaried assistants to the State Personnel Board.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 18941 of the Government Code is amended to read:

18941. The Board of Control shall by rule authorize such expenditures as are reasonably necessary for the meals, lodging or travel of persons who provide nonsalaried assistance to the State Personnel Board in the preparation or conduct of written or oral examinations.

CHAPTER 1302

An act to amend Section 71180 of, and to add Section 71180.3 to, the Government Code, relating to judges of justice courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect immediately

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

SECTION 1. Section 71180 of the Government Code is amended to read:

Vacancy: Municipal court

71180. Any vacancy in the office of judge of a municipal court shall be filled by appointment by the Governor, but no vacancy shall be deemed to exist in any such office before the time fixed in Sections 71080, 71082, and 71083 for the selection of the judges of such court and the time fixed by law for their qualification. The appointee shall hold office for the remainder of the unexpired term of his predecessor and until his successor is elected and qualifies.

If the office to which any person so appointed was not previously occupied, he shall hold office until his successor is elected at the general state election next succeeding the occurrence of the vacancy and qualifies. No successor to such appointee shall be elected at any election held within 10 months of the date of the occurrence of the vacancy.

SEC. 2. Section 71180.3 is added to said code, to read:

Same: Justice court

71180.3. Any vacancy in the office of judge of a justice court shall be filled by appointment by the board of supervisors of the county in which the justice court is situated, but no vacancy shall be deemed to exist in any such office before the time fixed in Section 71080 for the selection of the judges of such court and the time fixed by law for their qualification.

The appointee shall hold office until his successor is elected and qualifies.

A successor to such appointee shall be elected at the next general state election after the first day of January next succeeding the occurrence of the vacancy, unless the vacancy occurs in a year in which a general state election is held at which a person is elected, in the same manner as he would have been elected had the vacancy not occurred, to fill the office for the ensuing full six-year term and such person actually qualifies and takes office at the commencement of the term for which he was elected. The elected successor shall hold office for the duration of the unexpired term of the person originally creating the vacancy, unless the election at which the successor is elected is the election at which, had the vacancy not occurred, a person would have been elected to the office of judge for a full six-year term, in which case the elected successor shall hold for the full six-year term and until his successor is elected and qualifies.

If the office to which any person so appointed was not previously occupied, he shall hold office until his successor is elected at the general state election next succeeding the occurrence of the vacancy and qualifies. No successor to such appointee shall be elected at any election held within 10 months of the date of the occurrence of the vacancy.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The administration of justice in the State is being delayed with loss to the people of the State due to unfilled vacancies existing in many of the justice courts of the State. This bill will aid in the filling of these vacancies to the benefit of the State as a whole.

CHAPTER 1303

An act to amend Section 4742.1 of the Health and Safety Code, relating to county sanitation districts.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 4742.1 of the Health and Safety Code is amended to read:

4742.1. It may contract with any district, city, governmental agency, or person, for the handling, treatment or disposal by the district of refuse, sewage, or industrial wastes originating within the district or county or within areas outside of the district or county when, in the judgment of the district board, it is for the best interest of the district to do

so, upon such terms and conditions as may be agreed upon; provided, that the contract shall be for such term as agreed upon, but in no event for a term in excess of 50 years, or for such time as in the judgment of the district board the district shall have the capacity for handling, treatment or disposal of such refuse, sewage, or industrial wastes.

CHAPTER 1304

An act to amend Section 22400 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to minimum speeds for vehicles.

[Approved by Governor June 29, 1959 Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 22400 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

22400. (a) No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or because upon a grade or in compliance with law.

(b) Whenever the Department of Public Works determines on the basis of an engineering and traffic survey that slow speeds on any part of a state highway consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law, when appropriate signs giving notice thereof are erected along the part of the highway for which a minimum speed limit is established.

Subdivision (b) of this section shall apply only to vehicles subject to registration.

CHAPTER 1305

An act to amend Sections 9251, 9253, 9604, and 10008 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school textbooks.

[Approved by Governor June 29, 1959 Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 9251 of the Education Code is amended to read:

Textbooks

9251. The governing boards of all school districts shall enforce in their schools the use of textbooks prescribed and adopted by the proper authority.

SEC. 2. Section 9253 of said code is amended to read:

Report

9253. The governing board of each school district shall make a report, whenever required, directly to the Superintendent of Public Instruction, of the textbooks used in its schools.

SEC. 3. Section 9604 of said code is amended to read:

No cost

9604. Books shall be delivered free of cost to state institutions or state colleges on the order of the Superintendent of Public Instruction.

SEC. 4. Section 10008 of said code is amended to read:

Books removed from list

10008. Whenever a book which is on the list referred to in Section 10007 is removed from the list by action of the State Board of Education, it shall be illegal for any high school district to purchase copies of the book or to continue the use of the book as a textbook, beyond the close of the current school year.

CHAPTER 1306

An act to amend Section 25536 of the Government Code, relating to leasing of county real property.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 25536 of the Government Code is amended to read:

25536. Nothing in this article shall prevent the board of supervisors of a county from, and the board of supervisors of any county is empowered to make contracts, acquiring, leasing or subleasing property pursuant to Section 1261 of the Military and Veterans Code, or, by a four-fifths vote of the board, entering into leases or concession or managerial contracts involving leasing or subleasing all or any part of county-owned, leased or managed property devoted to or held for ultimate use for airport, vehicle parking, fairground, beach, park, amusement or recreation purposes or industrial or commercial development incidental thereto or not inconsistent therewith without compliance with this article.

CHAPTER 1307

An act to amend Section 1750 of, and to add Sections 1778 and 1779 to, the Government Code, relating to resignations and vacancies of public employees.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1750 of the Government Code is amended to read:

1750. Resignations shall be in writing, and made as follows: Resignations

(a) By the Governor and Lieutenant Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State.

(b) By all officers commissioned by the Governor, to the Governor.

(c) By Senators and Members of the Assembly, to the presiding officers of their respective houses, who shall immediately transmit the resignation to the Governor.

(d) By all officers of a county or judicial district or special district other than an air pollution control district which includes territory in more than one county or a school district, not commissioned by the Governor, to the clerk of the board of supervisors of their respective counties, unless by the terms of the act under which a district is formed appointment to vacancies is made by other than the board of supervisors, in which case the resignation shall be submitted to the appointing body.

(e) By officers of a municipal corporation, to the clerk of the legislative body of their corporation.

(f) By all other appointed officers, to the body or officer that appointed them.

SEC. 2. Section 1778 is added to said code, to read:

1778. A vacancy on any governing board of a special district shall be filled by appointment by the board of supervisors of the county in which the larger portion of the district is located unless, by the terms of the act under which the district is formed, another method of appointment is expressly provided. Vacancy

SEC. 3. Section 1779 is added to said code, to read:

1779. With respect to a vacancy on any governing board of a special district, other than a school district, where the method of filling vacancies on the board is left to the discretion of the board members and no action is taken for a period of 90 days immediately subsequent to a vacancy on such a board, the board of supervisors of the county in which the larger portion of the district is located shall have authority to fill the vacancy by appointment. Same

CHAPTER 1308

An act to amend Sections 1162 and 1169 of, and to add Section 1178.5 to, the Streets and Highways Code, relating to permanent road divisions.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 1162 of the Streets and Highways Code is amended to read:

Petition for formation of division

1162. A petition for the formation of a division may be presented to the board of supervisors of the county wherein the division is proposed to be formed. The petition shall contain:

(a) The name of the proposed division.

(b) The signatures of at least a majority of the landowners within the proposed division or the signatures of owners of more than 50 percent of the assessed valuation within the division.

(c) The boundaries of the proposed division.

(d) The number of acres therein and the assessed valuation of such acreage according to the last equalized assessment roll of the county.

(e) The value of the improvements on real estate and of the personal property within the proposed division according to the last equalized assessment roll.

(f) The number of inhabitants therein, as nearly as can be ascertained.

(g) A particular description of the location of any highway which it is desired to construct, improve or permanently maintain or maintain for a specified number of years, in the event of which such limited period of maintenance the period thereof shall be shown and a statement showing the necessity for such work.

SEC. 2. Section 1169 of said code is amended to read:

Petition for highway work

1169. At, or at any time after, the time of forming a division, any 10 or more freeholders thereof may petition the board to have plans prepared for the construction, improvement, or maintenance of all or any part of any highway lying within the division, whether or not such highway is mentioned in the petition for the formation of the division. In the event that there are 10 or fewer freeholders thereof, such petition will be sufficient if it bears the signatures of at least a majority of the landowners within the proposed division and the signatures of owners of more than 50 percent of the assessed valuation within the division.

SEC. 3. Section 1178.5 is added to said code, to read:

Advancement of funds

1178.5. When the levy of a special tax has been authorized, the board of supervisors may advance to the permanent road division the division's share of the cost of the improvements

or the board of supervisors may determine to proceed with such work at such time as the estimated expense has been raised by taxes levied within the division.

CHAPTER 1309

An act to repeal Chapter 2 (commencing at Section 4659), Chapter 8 (commencing at Section 5500), Chapter 9 (commencing at Section 5700), and Chapter 10 (commencing at Section 5900) of Part 3, Division 5 of the Health and Safety Code, relating to sewer and sanitation districts.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 2 (commencing at Section 4659), Chapter 8 (commencing at Section 5500), Chapter 9 (commencing at Section 5700), and Chapter 10 (commencing at Section 5900) of Part 3, Division 5 of the Health and Safety Code, are repealed.

Notwithstanding the repeal effectuated by this act, the organization, existence, and powers of any district heretofore created by or organized pursuant to the provisions of the chapters or acts which are repealed shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by the statute under which it was formed. No district shall be created or organized pursuant to said chapters or acts after the effective date of this act.

CHAPTER 1310

An act to amend Section 16657 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to board of recreation commissioners and providing compensation and traveling expenses of members thereof.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16657 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read as follows:

16657. The board of recreation commissioners shall consist of either five members or seven members, as determined by the governing body or bodies providing for its appointment, who shall serve with or without compensation at the discretion of the governing body. If compensation is authorized by the

governing body it shall not exceed twenty-five dollars ($25) per meeting for not more than one meeting of the commission in any one calendar month. The governing body may provide that the members of the commission shall receive their actual and necessary traveling expenses to and from the place of meeting of the commission and while traveling in connection with the business of the commission.

CHAPTER 1311

An act to add Section 6375 to the Revenue and Taxation Code, relating to sales and use taxes.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 6375 is added to the Revenue and Taxation Code, to read:

6375. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this State of tangible personal property made, prepared, assembled or manufactured by organizations formed and operated for charitable purposes qualifying for the exemption provided by Section 214 of the Revenue and Taxation Code known as the "welfare exemption," which are engaged in the relief of poverty and distress, and make the sales as a matter of assistance to the purchasers.

CHAPTER 1312

An act to amend Sections 11102, 11104, 11105, 11106, 11107 and 11110 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to driving schools and instructors and licenses issued in connection therewith.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 11102 of the Vehicle Code enacted by the Legislature at its 1959 Regular Session is amended to read:

Qualifications to operate driving school

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

(1) Be of good moral character.

(2) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(4) Pay to the department an examination fee of two hundred dollars ($200) which shall entitle the applicant to three examinations within a period of one year, and a license fee of fifty dollars ($50).

(5) Be 21 years of age or older.

(b) If the application for a license is for the purpose of operating a school in which the person making application will be the sole instructor, the applicant shall have worked for an established licensed driver training school for a period of not less than one year, except that this subdivision does not apply to any person who holds a general secondary credential or a special secondary credential in public safety, including driver education and driver training.

(c) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination and fee shall be required.

SEC. 2. Section 11104 of said code is amended to read:

Same Instructor

11104. Every person in order to qualify as an instructor for a driving school shall meet the following requirements:

(a) Be of good moral character.

(b) Pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, and qualifications of teacher.

(c) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(d) Hold a valid California driver's license, and not be on probation to the department as a negligent operator.

(e) Pay to the department an application fee of ten dollars ($10).

(f) On and after January 1, 1960, be 21 years of age or older.

(g) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination, and fee shall be required.

SEC. 3. Section 11105 of said code is amended to read:

License certificate

11105. (a) The department shall issue a license certificate to each applicant to conduct a driver school or to each driving instructor when it is satisfied that he has met the qualifications required under this chapter. The license shall be for a period of four years unless canceled, suspended, or revoked by the department. The license may be renewed subject to the same conditions as the original license.

(b) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest

and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(c) Upon notification of death of an operator of a driving school the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving widow or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.

SEC. 4. Section 11106 of said code is amended to read:

Temporary permit

11106. Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue to any person applying for an instructor's or driving school license a temporary permit. The temporary permit shall permit the operation of a driving school or the giving of instructions for a period not to exceed 60 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to the license. Such temporary permit shall be invalid when the applicant's license has been issued or refused.

SEC. 5. Section 11107 of said code is amended to read:

Grounds for refusal to issue license certificate

11107. (a) The Department of Motor Vehicles may refuse to issue a license certificate to any applicant to conduct a driver school or to any driving instructor when it is satisfied that:

(1) The applicant has not met the qualifications required under this chapter.

(2) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has been convicted in a court of record or has done any act or series of acts or is guilty of conduct which would be a cause for suspension or revocation under Section 11110.

(4) One or more of the partners, if the applicant be a partnership, or one or more of the directors, employees, or officers of the corporation, if a corporation be the applicant, was pre-

viously the holder of a license issued under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, directors, employees, or officers, as the case may be, though not previously the holder of a license, was convicted or has done any act or series of acts or been guilty of conduct which would be a cause for revocation or suspension under Section 3108; or has been convicted of a felony.

(5) By reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business it is likely that the policy of the business will be directed, controlled or managed by an individual who by reason of the conviction, act, series of acts or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.

(b) Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5, Part 1, Division 3, Title 2 of the Government Code.

SEC. 6. Section 11110 of said code is amended to read:

Cancellation, suspension or revocation

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Section 20001, 20002, 20003, 20004, 20005, 20006, 23104, 23105, or 23106 of this code or Sections 192 or 193 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

CHAPTER 1313

An act to amend Section 17454 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to service of process on nonresident vehicle operators.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 17454 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

17454. Service of process shall be made by leaving one copy of the summons and complaint in the hands of the director or in his office at Sacramento or by mailing either by certified or registered mail, addressee only, return receipt requested, the copy of the summons and complaint to the office of the director in Sacramento. Service shall be effective as of the day the return receipt is received from the director's office. A fee of two dollars ($2) for each nonresident to be served shall be paid to the director at the time of service of the copy of the summons and complaint and such service shall be a sufficient service on the nonresident subject to compliance with Section 17455.

CHAPTER 1314

An act to amend Section 3075 of the Penal Code, relating to the county board of parole commissioners.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3075 of the Penal Code is amended to read:

3075. There is in each county a board of parole commissioners, consisting of the following: (1) the sheriff, (2) the probation officer, and (3) a member not a public official to be selected from the public by the presiding judge, if any, or, if none, by the senior judge in point of service, of the superior court. The public member of the county board of parole commissioners shall be entitled to his actual traveling and other necessary expenses incurred in the discharge of his duties. In addition the public member shall be entitled to per diem at such rate as may be provided by the board of supervisors. The public member shall hold office for a term of one year which shall commence on the date of his appointment, and he shall serve until the appointment and qualification of his successor.

CHAPTER 1315

An act to amend Sections 72706 and 72708 of the Government Code, relating to the officers and attaches of municipal courts in Los Angeles County.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 72706 of the Government Code is amended to read:

Appointment of commissioners

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding six, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers and duties as may be prescribed by law. Each commissioner shall hold office at the pleasure of the judges and shall receive the monthly salary specified in Step D of Schedule 55 of the salary schedule provided in this article. The commissioners shall be ex officio deputy clerks of the court and shall be mem-

bers of any retirement system which includes attaches of the court.

SEC. 2. Section 72708 of said code is amended to read:

Traffic commissioner

72708. The judges of the municipal court shall appoint a traffic commissioner who shall hold office at the pleasure of the judges and receive the monthly salary specified in Step D of Schedule 55 of the salary schedule provided in this article.

In addition if he possess the qualifications prescribed by law for such office, he may be appointed and serve as a general commissioner of the court as provided in Section 72706 without extra compensation. He shall be a member of any retirement system which includes attaches of the court.

CHAPTER 1316

An act to amend Sections 14000 and 14001 of the Fish and Game Code, relating to the Pacific Marine Fisheries Compact.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 14000 of the Fish and Game Code is amended to read:

Pacific Marine Fisheries Commission

14000. The Governor is hereby authorized and directed to execute a compact on behalf of this State with the States of Oregon, Washington, Alaska, Hawaii, or any state having rivers or streams tributary to the Pacific Ocean for the purpose of co-operating with such states in the formation of a Pacific Marine Fisheries Commission.

SEC. 2. Section 14001 of said code is amended to read:

Form and contents of compact

14001. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this division:

PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

Article I

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

Article II

This agreement shall become operative immediately as to those states executing it whenever two or more of the compacting states have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent.

Article III

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be invested with the powers and duties set forth herein.

The term of each commissioner of the Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

Article IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the co-ordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation

of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the co-ordinating agency for such stocking.

Article V

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

Article VI

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

Article VII

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

Article IX

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

Article X

The states agree to make available annual funds for the support of the commission in proportion to the primary market value of the products of their fisheries as recorded in the latest published reports (five-year average); provided, no state, other than Idaho or Montana, shall contribute less than two thousand dollars ($2,000) per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars ($100).

Idaho or Montana, on agreeing to this compact, shall contribute one thousand dollars ($1,000) per annum. Budgets shall be recommended by a majority of the commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

Article XI

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Article XII

The State of Alaska, the State of Hawaii, or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact. Upon admission of any new state to the compact the purposes of the compact and the duties of the commission shall extend to the development of a joint program for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned, and to all waters of the newly admitted state necessary to develop such a program. This article shall become effective upon its enactment by the other compacting states and upon consent and approval of Congress by virtue of the authority vested in it under Article I, Section 10, of the Constitution of the United States.

CHAPTER 1317

An act to add Section 21369 to, and to amend Section 21403 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to vehicle speed signs.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 21369 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

Speed signs

21369. All speed restriction signs in place on January 1, 1960, are hereby ratified and confirmed and shall establish the applicable prima facie speed limit unless and until changed pursuant to engineering and traffic surveys provided for by this code.

SEC 2. Section 21403 of said code is amended to read:

Shape of speed signs

21403. (a) Every speed restriction sign located upon a highway on or after September 13, 1941, shall be rectangular in shape, except that the corners shall be slightly rounded and shall conform approximately to the specifications of this section. The minimum size of the sign measured through its center shall be 30 inches in length and 24 inches in width. The face of the sign shall be black with the words and figures specifying the applicable speed limit in white thereon. The top of the words "speed limit" shall be $2\frac{1}{2}$ inches from the top edges of the sign. Each letter of the words "speed limit" shall be four inches in height and of five-eighths-inch stroke. The top of the figures shall be $1\frac{11}{16}$ inches below the bottom of the words "speed limit." Each figure of the figures shall be $10\frac{1}{8}$ inches in height and $1\frac{3}{4}$-inch stroke. The top of the word "miles" shall be $1\frac{11}{16}$ inches below the bottom of the figures. Each letter of the word "miles" shall be four inches in height and of five-eighths-

inch stroke. A white borderline of three-eighths-inch stroke shall parallel the outside edges of the sign. The outside edge of the borderline shall be three-eighths inch from the outside edges of the sign. The sign may be made of larger dimensions in which event the size and stroke of letters, figures and lines shall be increased in the proper proportion.

(b) Any speed restriction sign erected to give notice of a speed limit declared by this code to be a maximum limit may include the word "maximum" and shall be made larger to the extent necessary to place the word "maximum" thereon.

CHAPTER 1318

An act to add Article 9 (commencing at Section 8690) to Chapter 14 of Division 3 of the Business and Professions Code, relating to maintaining of financial responsibility by structural pest control operators.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 9 (commencing at Section 8690) is added to Chapter 14 of Division 3 of the Business and Professions Code, to read:

Article 9. Financial Responsibility

Financial responsibility

8690. The board shall not issue or renew any license under this chapter unless the applicant shall have filed with the board written evidence of an insurance policy or a bond as specified in this article, being in effect at the time of the issuance or renewal of the license. Such written evidence shall include a provision that the board shall be given a ten (10) day notice by the insurance company or bonding company should the policy or bond be canceled or changed during the policy or bond period in such a manner as to affect the written evidence.

Requirement of bond or insurance policy

8691. No person shall engage in any of the practices for which he is required to be licensed by this chapter unless he maintains such insurance policy or bond as specified in this article.

"Insurance policy"

8692. An "insurance policy" as used in this article means a contract of liability insurance issued by an insurance company authorized to transact business in this State or one issued by a non-admitted carrier whose activities in this State are controlled by the Surplus Line Association, which insures the policyholder against loss from legal liability for damages as a result of an accident due to participation in any control, prevention, or repair activities which require a license under this chapter. The insurance policy shall provide minimum

limits of twenty-five thousand dollars ($25,000) for any one loss due to bodily injury, sickness or disease, including death at any time resulting therefrom, sustained by any person or persons, and twenty-five thousand dollars ($25,000) minimum for any one loss due to injury or destruction of property, including the loss of use thereof.

Bond amount

8693. In lieu of the insurance policy specified above an applicant for a license or renewal of a license may file with the board a bond issued by a surety company admitted to do business in this State in the penalty of twenty-five thousand dollars ($25,000) or in lieu thereof provide positive proof of the posting of a cash bond with the State of California as obligee.

Employee of licensed employer

8694. An unlicensed or licensed employee of a licensed employer maintaining the required insurance policy or bond need not maintain an additional insurance policy or bond.

Penalty

8695. The violation of any provision of this article is a misdemeanor and shall be grounds for the suspension or revocation of a license by the board.

Operative date

SEC. 2. This act shall be operative July 1, 1960.

CHAPTER 1319

An act to amend Section 13355 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to revocation of vehicle operating privileges of juveniles.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 13355 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

13355. The department shall revoke the privilege of any person to operate a motor vehicle who has been found by a judge of the juvenile court to have committed any of the following offenses:

(a) Manslaughter arising from the operation of a motor vehicle.

(b) Operating a vehicle while a habitual user of narcotic drugs or while under the influence of intoxicating liquor or narcotic drugs.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001 hereof.

(d) Two or more offenses of violating Section 20002, 20007, 23103, or 23104 within a period of 12 months from the time of the first offense, or upon a combination of two or more of any such offenses within a like period.

Each judge of a juvenile court shall immediately report such findings to the department.

CHAPTER 1320

An act to amend Section 784 of the Code of Civil Procedure, relating to partition sales of property.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 784 of the Code of Civil Procedure is amended to read:

784. After completing a sale of property, or any part thereof ordered to be sold, the referees must report the same to the court, with a description of the different parcels of land sold to each purchaser; the name of the purchaser; the price paid or secured; the terms and conditions of the sale, and the securities, if any, taken. The report must be filed in the office of the clerk of the county in which the action is brought. Thereafter any purchaser, the referee, or any party to the action, may, upon 10 days' notice to the other parties who have appeared therein, and also to the purchaser if he be not the moving party, move the court to confirm or set aside any sale or sales so reported. Upon the hearing, the court must examine the return and report and witnesses in relation to the same, and if the proceedings were unfair, or the sum bid disproportionate to the value, and if it appears that a sum exceeding such bid at least 10 percent, exclusive of the expenses of a new sale, may be obtained, the court may vacate the sale and direct another to be had, of which notice must be given, and the sale conducted in all respects as if no previous sale had taken place. If an offer of 10 percent more in amount than that named in the return be made to the court, in writing, by a responsible person, it is in the discretion of the court to accept such offer and confirm the sale to such person, or to order a new sale.

CHAPTER 1321

An act to amend Section 9256 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to prohibited acts of public school employees.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 9256 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

9256. No member of any school district governing board, and no officer or employee of the public school system, shall

act as agent for any author, publisher, bookseller, or other person, to introduce any book, apparatus, furniture, or other article whatever, in the common schools of this State, or directly or indirectly contract for, or receive any gift or reward for introducing or recommending the article.

Any officer so acting or receiving is guilty of a misdemeanor, and, shall be punished by fine or imprisonment, and shall be removed from office.

Nothing herein contained shall be construed to prohibit or restrict a teacher in any public school from receiving royalties or other compensation from the publisher or producer of a book or other instructional material written, designed or prepared by such teacher, and adopted or purchased by the State or by any school district, other than compensation paid as commission to the teacher for negotiating sales to the district by which the teacher is employed. No district shall have or claim the right to receive any such royalty or other compensation due to any teacher employed by the district unless the textbook or other material was written or prepared during the normal schoolday during which the teacher is required by the district to be on duty.

CHAPTER 1322

An act to amend Sections 16401, 16404, and 16406 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to sale of personal property of school districts.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 16401 of the Education Code is amended to read:

Sale of school personal property

16401. The governing board of any school district may sell for cash any personal property belonging to the district if the property is not required for school purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for school use. There shall be no sale until notice has been given by posting in at least three public places in the district for not less than two weeks, or by publication for a period of not less than two weeks in a newspaper published in the district and having a general circulation there; or if there is no such newspaper, then in a newspaper having a general circulation in the district; or if there is no such newspaper, then in a newspaper having a general circulation in a county in which the district or any part thereof is situated. The board shall sell the property to the highest responsible bidder, or shall reject all bids.

SEC. 2. Section 16404 of said code is amended to read:

16404. The governing board of any school district may dispose of personal property belonging to the district for the purpose of replacement by providing in the notice calling for bids for furnishing new materials, articles, or supplies that each bidder shall agree in his bid to purchase the property being replaced and to remove it from the school grounds and shall state in his bid the amount which he will deduct from the price bid for furnishing new materials, articles, or supplies as the purchase price for the personal property being purchased from the district. The board shall let the contract to any responsible bidder whose net bid is the lowest, or shall reject all bids. Same

SEC. 3. Section 16406 of said code is amended to read:

16406. The governing board of any school district may, when calling for bids and letting contracts for constructing new school buildings, or repairing, altering, adding to, or reconstructing existing school buildings, or demolishing existing school buildings, require each bidder for the performance of the work to agree in his bid to purchase and to remove from the school grounds all old materials required by the specifications to be removed from any existing school building on the same school grounds and not required for school purposes and to state in his bid the amount which he will deduct from the price bid for the work as the purchase price of the old materials The board shall let the contract to any responsible bidder whose net bid is the lowest, or shall reject all bids. Bids: Conditions

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CHAPTER 1323

An act to amend Sections 1363 and 1433 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to notice of school board meetings.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1363 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

1363. Special meetings may be held at the call of the president of the board. Upon request, in writing, signed by a majority of the board, the president shall call a meeting. The members of the board shall have at least 24 hours written notice of all special meetings, issued and served by the clerk. At special meetings no business shall be transacted other than that specified in the call for the meeting. Special meetings

SEC. 2. Section 1433 of said code is amended to read:

1433. The date set for special meetings shall be at least 24 hours subsequent to the completion of the call. Time

CHAPTER 1324

An act to amend Section 15957 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district contracts.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 15957 of the Education Code is amended to read:

15957. In each school district, the governing board may make repairs, alterations or additions to school buildings, repair or build apparatus or equipment, make improvements on the school grounds, and erect new buildings by day's labor, or by force account, whenever the total cost of labor on the job does not exceed one thousand dollars ($1,000), providing that in any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment by day's labor or by force account whenever the total cost of labor on the job does not exceed three thousand dollars ($3,000).

CHAPTER 1325

An act to amend Sections 10605 and 10606 of the Health and Safety Code, relating to vital statistics.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 10605 of the Health and Safety Code is amended to read:

Fee: Certified copy of records

10605. The fee for making a certified copy of a birth, fetal death, death, or marriage record shall be paid by the applicant. The fee is two dollars ($2) for each certified copy.

SEC. 2. Section 10606 of said code is amended to read:

Same File search

10606. The fee for any search of the files and records when no certified copy is made shall be paid by the applicant. The fee is two dollars ($2) for each hour or fractional hour of time of search.

Operative date

SEC. 3. This act shall be effective January 1, 1960

CHAPTER 1326

An act to amend Section 8608 of the Revenue and Taxation Code, relating to the Use Fuel Tax Law.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 8608 of the Revenue and Taxation Code is amended to read:

8608. "User" includes any person who, within the meaning of the term "use" as defined in this chapter, uses fuel.

The provisions of Articles 1 of Chapters 3 and 4 of this part do not apply to a nonresident user whose sole use of fuel in this State is for the propulsion of a privately operated passenger motor vehicle while the user is temporarily within this State and while the vehicle is exempt from registration under the provisions of Chapter 4 (commencing with Section 6700) of Division 3 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session; provided, that the fuel used, except fuel brought into this State in the fuel tank of the vehicle, is purchased from and delivered into the fuel tank of the vehicle by a vendor.

CHAPTER 1327

An act to add Section 13006 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to leaves of absence for school district employees.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 13006 is added to the Education Code, to read:

13006. The governing board of a school district may grant leaves of absence to employees in positions not requiring certification qualifications and employees in positions requiring certification qualifications to appear as a witness in court other than as a litigant, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. The governing board may grant such leaves of absence with pay up to the amount of the difference between the employee's regular earnings and any amount he receives for jury or witness fees.

CHAPTER 1328

An act to amend Section 18370 of the Health and Safety Code, relating to trailer coaches.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 18370 of the Health and Safety Code is amended to read:

18370. It is unlawful for any person to sell or offer for sale, within this State, any trailer coach manufactured after September 1, 1958, containing plumbing, heating or electrical equipment unless such equipment meets the requirements of the Division of Housing for such installation. Such rules and regulations shall be reasonably consistent with recognized and accepted principles for plumbing, heating and electrical installations, respectively, in order to protect the health and safety of the people of this State from dangers inherent in the use of substandard and unsafe plumbing, heating and electrical equipment. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to the work and enforcement of this chapter. The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection.

If the Division of Housing determines that the standards for the plumbing, heating, and electrical equipment installed in trailer coaches which have been prescribed by the statutes or rules and regulations of other states are at least equal to the standards prescribed by the division, it may so provide by regulation. Any trailer coach which a state listed in such regulations has approved as meeting its standards for plumbing, heating, and electrical equipment installed in trailer coaches shall be deemed to meet the standards of the Division of Housing, if the division determines that the standards of such other state are actually being enforced.

The Division of Housing may adopt, amend, repeal, and enforce, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to effectuate the purposes of this section.

All trailer coaches manufactured after September 1, 1958, which are sold or offered for sale within this State, shall bear an insignia of approval by the Division of Housing for pluming, heating and electrical equipment therein.

The Division of Housing may issue insignia for trailer coaches manufactured prior to September 1, 1958, which meet the standards established by the Division of Housing as provided in this section.

CHAPTER 1329

An act to amend Section 24360.2 of the Health and Safety Code, relating to air pollution control.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 24360.2 of the Health and Safety Code is amended to read:

24360.2. This article does not apply to:

(a) Smoke from fires set by, or permitted by, the county agricultural commissioner of any county within the district for agricultural operations in the growing of crops or raising of fowls or animals, if such fire is set or permission given in the performance of the official duty of such county agricultural commissioner, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24362.3.

(b) Smoke from fires set by, or permitted by, the State Forester or his agent for the purpose of watershed, range, or pasture improvement if such fire is set or permission given in the performance of the official duty of the State Forester or his agent, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24362.3.

CHAPTER 1330

An act to amend Sections 1505, 1535.7, 1541, 1550.04, 1562, 1564, and 1571 of the Military and Veterans Code, relating to mutual aid for local disaster.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1505 of the Military and Veterans Code is amended to read:

"State of extreme emergency"

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as air pollution, fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the

combined forces of a "mutual aid region or regions" to combat. "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

As used in this chapter, "state of disaster" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions except as a result of war-caused disaster, which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat. "State of disaster" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

As used in this chapter "local peril," "local emergency" or "local disaster" shall mean the existence of conditions, within the territorial limits of a local agency, in the absence of a duly proclaimed state of extreme emergency or state of disaster, which conditions are a result of an emergency created by great public calamity such as extraordinary fire, flood, storm, epidemic, earthquake or other disaster which is, or is likely to be, beyond the control of the services, personnel, equipment and facilities of that agency and require the combined forces of other local agencies to combat.

SEC. 2. Section 1535.7 of said code is amended to read:

Validation of agreements

1535.7. The California Disaster and Civil Defense Master Mutual Aid Agreement as heretofore approved by the Governor on behalf of the State of California and all its departments and agencies, and all mutual aid operational plans or agreements duly adopted or approved by the State Disaster Council or the Governor are hereby confirmed, validated and declared legally effective. The terms "mutual aid agreements" or "agreements" as used in this chapter shall include "operational plans."

It is the purpose of the Legislature in enacting this section to facilitate the adoption of mutual aid operational plans and to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers. Mutual aid operational plans duly adopted by the State Disaster Council shall be effective for the purposes provided in the California Disaster and Civil Defense Mutual Aid Agreement in the absence of a duly proclaimed state of extreme emergency or state of disaster.

SEC. 3. Section 1541 of said code is amended to read:

Allotment of appropriations

1541. Any funds appropriated for the support of the Disaster Council or for the purposes of this chapter shall be allotted by the Director of Finance to a state agency having duties pursuant to Section 1540, or allotted to the Governor, to be expended under his direction in carrying out the objects and purposes of this chapter. In the absence of a state of ex-

treme emergency or state of disaster, extraordinary services incurred by local governmental agencies in executing mutual aid agreements shall constitute a legal charge against the State when approved by the Governor; provided, that such agreement has received the approval of said Disaster Council, or the previous approval of the California State War Council.

In addition to any appropriation made to support activities contemplated by this act, the Governor is empowered to make expenditures from any fund legally available in order to deal with disaster or threatened disaster conditions should they occur.

SEC. 3.5. Section 1550.04 of said code is amended to read:

Qualifications of stand-by officer

1550.04. The qualifications of each stand-by officer shall be carefully investigated and a summary of the qualifications of each such officer shall be entered on the minutes when he is appointed. Each prospective appointee to a post of stand-by officer shall be examined as to his qualifications under oath.

The legislative body may request the Director of the California Disaster Office to aid in the investigation of any prospective appointee in the manner provided in this section No examination or investigation shall be made without the consent of the prospective appointee.

Consideration shall be given to places of residence and work, so that for each office for which stand-by officers are appointed there shall be the greatest probability of survivorship. Stand-by officers may be residents or officers of a local agency other than that to which they are appointed as stand-by officers.

SEC. 4. Section 1562 of said code is amended to read:

Mutual aid plans

1562. During any state of extreme emergency or any state of disaster when the need arises for outside aid in any county, city and county, or city within the region, such aid shall be rendered in accordance with the mutual aid plans developed on a regional or other basis.

It shall be the duty of local public officials to comply with such plans.

In periods of local peril or emergency, other than a period of a state of disaster or a state of extreme emergency as defined by this chapter, local governmental agencies have full power to exercise mutual aid powers in accordance with local ordinances, resolutions, agreements or plans therefor and to that end may, in the California Disaster and Civil Defense Master Mutual Aid Agreement, provide for mutual aid during periods of local peril or emergency.

SEC. 5. Section 1564 of said code is amended to read:

Responsibility of local officer

1564. Unless otherwise expressely provided by the parties the responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him through the operation of such mutual aid plans.

SEC. 6. Section 1571 of said code is amended to read:

Local disaster council

1571. Counties, cities and counties, and cities may create disaster councils by ordinance. A disaster council shall develop a plan for meeting any condition of extreme peril or any condition which is specified in Section 1505 as constituting the basis for a declaration of a state of extreme emergency or a state of disaster; such plan shall provide for the effective mobilization of all the resources of the community, both public and private. The legislative body of a county, city and county or city may in such ordinance or by resolution adopted pursuant to such ordinance, provide for the organization, powers and duties, divisions, services and staff of the civil defense and disaster organization. The legislative body of a county, city and county or city may, by resolution, authorize public officers, employees and registered volunteers to command the aid of citizens when necessary in the execution of their duties during a period of a state of extreme emergency.

Counties, cities and counties, and cities may enact ordinances and resolutions and either establish rules and regulations or authorize disaster councils to recommend to the local director of civil defense rules and regulations for dealing with local emergencies that can be adequately dealt with locally; and further may act to carry out mutual aid on a voluntary basis, and to this end may enter into agreements. In the absence of a declaration of a state of extreme emergency or state of disaster, state personnel and equipment may be employed in accordance with any mutual aid plan or agreement, or at the direction of the Governor.

Any war, defense or disaster council established by any county, city and county, or city, existing as of the effective date of this chapter, and previously certified as an accredited war, defense or disaster council by the California State War Council shall, for the purposes of this chapter or any other law of this State, constitute a disaster council.

Neither this chapter nor anything expressed in it is intended to be or is to be construed as a denial of the power of such local agencies to establish such departments pursuant to Article XI, Section 11, of the Constitution.

CHAPTER 1331

An act to add Section 53019 to, to amend Sections 53021 and 53023 of, the Government Code, relating to emergency powers of local agencies.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 53019 is added to Article 2, Chapter 1, Part 1, Division 2, Title 5, of the Government Code, to read:

53019. It is hereby declared to be the public policy of the State of California that the control of fires and dangerous conditions caused by great public calamities is a matter of statewide concern and interest to all inhabitants and citizens. Legislative declaration

SEC. 2. Section 53021 of said code is amended to read:

53021. Services performed or expenditures made by a local agency within or without its territorial limits are conclusively deemed for the direct protection and benefit of its inhabitants and property if made or performed for: Services and expenditures

(a) A national or local emergency created by military attack or sabotage.

(b) Providing adequate national or local defense.

(c) Local peril consisting of the existence of conditions, within the territorial limits of a local agency, in the absence of a duly proclaimed state of extreme emergency or state of disaster, which conditions are a result of an emergency created by great public calamity such as extraordinary fire, flood, storm, epidemic, earthquake or other disaster which is, or is likely to be, beyond the control of the services, personnel, equipment and facilities of that agency and require the combined forces of other local agencies to combat.

(d) Before one local agency may respond to a request for material fire protection or aid pursuant to this article the requesting agency must have primary fire protection by an organized fire department pursuant to law, and the request for aid must come from the chief or other authorized agent of such requesting agency.

Notwithstanding budget limitations and restrictions imposed by law, except limitations imposed by the Constitution, all such services performed or expenditures made are payable from any funds of the public agency rendering the services or making the expenditure upon the adoption of a resolution by the governing body of that agency determining that the services were performed or the expenditures were made in connection with such an emergency and designating the fund or funds from which the obligation is to be paid.

SEC. 3. Section 53023 of said code is amended to read:

53023. Notwithstanding any other provisions of law or any local ordinance all the privileges and immunities from liability, exemptions from laws and rules, all pension, relief, disability, workmen's compensation, and other benefits, which apply to officers, agents, or employees of the local agency when performing functions within the local agency's limits apply to them to the same extent while performing functions extraterritorially pursuant to this article. Application of privileges, immunities, etc.

CHAPTER 1332

An act to amend Section 21711 of, and to add Section 21650.5 to, the Water Code, relating to irrigation districts.

In effect September 18 1959

[Approved by Governor June 29, 1959 Filed with Secretary of State July 1, 1959]

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

SECTION 1. Section 21650.5 is added to the Water Code, to read:

Runoff election

21650.5. In the event that there are three or more candidates for an office in a district containing 500,000 or more acres, and at the general election no one candidate secures a majority of the votes cast, a runoff election shall be held on the second Tuesday in March, next following, between the two candidates who secured the greatest numbers of votes at the general election.

The board shall declare elected to each office the candidate receiving the highest number of votes at the general election, except when a runoff election is required by this section, in which event the board shall certify the two candidates who received the highest number of votes in the general election, as candidates in the runoff election and shall then declare elected the candidate receiving the highest number of votes in the runoff election.

The board shall call and conduct a runoff election in accordance with provisions applicable to general elections, insofar as they are practicable.

Notwithstanding the provisions of Section 21101, whenever a runoff election is required by this section, the candidate declared elected shall take office at noon on the regular monthly meeting day of the board in April next following his election, but his term shall expire at noon on the regular monthly meeting day of the board in March in the fourth year after his election.

SEC. 3. Section 21711 of said code is amended to read:

Declaration of election

21711. The board shall declare elected to each office the candidate receiving the highest number of votes for that office, except as otherwise provided in Section 21650.5.

CHAPTER 1333

An act to amend Section 5005 of the Business and Professions Code, relating to the State Board of Accountancy.

In effect September 18, 1959

[Approved by Governor June 29, 1959 Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 5005 of the Business and Professions Code is amended to read:

5005. The secretary-treasurer shall be selected annually by the board. He need not be a member of the board but shall be a certified public accountant of this State in good standing.

CHAPTER 1334

An act to add Section 4820 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4820 is added to the Health and Safety Code, to read:

4820. The board of directors of a county sanitation district engaging in refuse disposal operations may, by resolution, establish a cash difference fund in an amount not to exceed one hundred dollars ($100), in the same manner and by the same procedures as prescribed by Sections 29370 to 29379, inclusive, of the Government Code.

CHAPTER 1335

An act to repeal Section 32958 of the Water Code, relating to county water districts.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 32958 of the Water Code is hereby repealed.

CHAPTER 1336

An act to convey certain tide and submerged lands to the City of Richmond, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. There is hereby granted to the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, and to its successors, all of the right, title, and interest of the State of California, held by said State by

virtue of its sovereignty in and to all of the tide and submerged lands, whether filled or unfilled, more particularly described as follows:

Parcel No. 1—Beginning at Station 344 on the boundary line of San Pablo Rancho, as said boundary line is delineated on that certain map entitled "Map of the San Pablo Rancho, Accompanying and Forming a Part of the Final Report of the Referees in Partition", etc., filed in the office of the Recorder of Contra Costa County, California, March 1, 1894, said station being the point of intersection of courses numbers 6 and 258 of the Meanders of the Water Front, as shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands situate in the County of Contra Costa, State of California 1872", etc., as prepared by order of the Board of Tide Land Commissioners and surveyed under the direction of G. F. Allardt, Chief Engineer of the Tide Land Survey; thence South 60° 22′ East along said course No. 6 to Station No. 38 on the boundary line of Brooks Island as shown on said "Map No. 1 of Salt Marsh and Tide Lands", etc.; thence continuing along said meander line in a general easterly direction, being also the southerly boundary line of said Brooks Island to Station No. 3 of said meander line; thence South 75° 30′ East continuing along said meander line to its intersection with the southerly boundary line of the City of Richmond and County of Contra Costa as determined by the "Map of Joint Survey of Boundary between the Counties of Alameda and Contra Costa", dated August 1932, on file in the office of the County Surveyor, Contra Costa County, California; thence South 74° 09′ 23.3″ West along said City and County boundary line 10,498.61 feet, more or less, to the common boundary corner between Contra Costa, Alameda and San Francisco Counties; thence North 44° 59′ West along said City and County boundary line as determined by said Joint Survey to its intersection with the U.S. Pierhead line established by the Secretary of the Army in accordance with the provisions of Section 11 of the River and Harbor Act approved March 3, 1899; thence northwesterly along said pierhead line North 21° 17′ 02″ West to Station No 35 of San Francisco Bay Harbor Lines and Department of the Army, Corps of Engineers Harbor Lines—Richmond-Albany—Drawing No. 1-4-19, filed in the Office of the Chief of Engineers, Washington, D.C.; thence North 9° 54′ 56″ East continuing along said pierhead line 1,737.00 feet to Station No. 33 of said Harbor Lines; thence northeasterly in a direct line to the point of beginning.

Containing an area of 1,417 acres, more or less.

Parcel No. 2—Lots 17½ and 32, Section 25, Township 1 North, Range 5 West, Mount Diablo Base and Meridian.

Parcel No. 3—Lots 28, 29, 30, and 31 of Section 30, Township 1 North, Range 4 West, Mount Diablo Base, State Tide Lands in the City of Richmond, Contra Costa County.

Parcel No. 4—Those portions of Lots 3, 4, and 5 of Section 32, and that portion of Lot 31 of Section 29, lying within the

city limits of the City of Richmond, County of Contra Costa, all in Township 1, Range 4 West, Mount Diablo Base, State Tide Lands.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water and for public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) The lands herein granted are held upon the express condition that within 10 years from the effective date of this act said lands shall be substantially improved by the city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of Contra Costa County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

CHAPTER 1337

An act to amend Section 25611 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25611 of the Business and Professions Code is amended to read:

25611. No sign or signs which in whole or in part advertise any alcoholic beverage and exceed in area 720 square

inches, and no sign using the words "bar," "barroom," "saloon," or words of like or similar import, except the word "tavern," and the words "cocktail lounge," shall be maintained, erected, used, or placed upon or adjacent to the outside of any building and in connection with any premises therein licensed to sell alcoholic beverages at retail for consumption on the premises.

CHAPTER 1338

An act to amend Section 1207 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to costs of elections of members of the board of education.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1207 of the Education Code is amended to read:

1207. In those cases in which the school district, high school district, or junior college district is governed by a city board of education, and elections, either primary, general, or recall, of members of the board of education are by the provisions of the laws governing the cities held on the same day as municipal elections, general or special, a proportionate part of the actual cost and expense of the election shall be a legal charge against the school districts governed by the board of education. The city shall be reimbursed for the proportionate cost and expense incurred in the conduct of the election. The cost and expense of the elections within the boundaries of the city shall be apportioned between the city and the districts in the ratio that the total number of offices to be filled and propositions to be voted upon by the electors of the city and the school district or districts, respectively, bears to the total number of offices to be filled and propositions submitted. The cost and expense of the election in territory outside of the municipal boundaries shall be borne by the districts affected. As between the districts, costs and expense shall be apportioned as follows: In territory common to two or more districts the cost of conducting the election shall be borne in equal shares, and in territory within a single district the cost shall be borne by the district.

CHAPTER 1339

An act to amend Section 582 of the Agricultural Code, relating to imitation ice cream and imitation ice milk.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 582 of the Agricultural Code is amended to read:

582. In the event that a trade name is used on vehicles conveying, or places where imitation ice cream or imitation ice milk is sold, the words "imitation ice cream" or "imitation ice milk," shall be the same size as the largest letters used in the trade name and as conspicuously placed. In no case shall the letters in the words "imitation ice cream" "imitation ice milk" be less than six inches high. No person shall use the name "creamy," "creamery," or "dairy," nor the representation of a cow or any breed of dairy cattle or any combination of such words, symbols, marks, designs or representations commonly used in the sale, advertising or distribution of ice cream

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CHAPTER 1340

An act adding Article 9 (commencing with Section 1318) to Chapter 1 of Title 10 of Part 2 of the Penal Code, relating to the release of defendants on their own recognizance.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Article 9 (commencing with Section 1318) is added to Chapter 1 of Title 10 of Part 2 of the Penal Code, to read:

Article 9. Release on Own Recognizance

Release on own recognizance

1318. Upon good cause being shown, any court or magistrate who could release a defendant from custody upon his giving bail may release such defendant on his own recognizance if it appears to such court or magistrate that such defendant will surrender himself to custody as agreed, by following the provisions of this article.

Powers: Discretionary and permissive

1318.2. The powers granted to a court or magistrate by this article are purely discretionary and permissive. This article does not give any defendant the right to be released on his own recognizance.

File with clerk

1318.4. To be released on his own recognizance the defendant shall file with the clerk of the court in which the magis-

trate or judge is presiding an agreement in writing duly executed by him, in which he agrees that:

(a) He will appear at the time and place stated in such agreement as specified by the court or magistrate who is releasing him.

(b) If he fails to so appear and is apprehended outside of the State of California, he waives extradition.

(c) Any court or magistrate of competent jurisdiction may revoke the order of release and either return him to custody or require that he give bail or other assurance of his appearance as elsewhere provided by this chapter.

Discretion as to bail

1318.6. After a defendant has been released pursuant to this article, the court in which the charge is pending may, in its discretion, require that the defendant either give bail in an amount specified by it or other security as elsewhere provided in this chapter. The court may order that the defendant be committed to actual custody unless he gives such bail or gives such other security.

Arrest of defendant previously released

1318.8. The court to which the committing magistrate returns the depositions, or in which an indictment, information or appeal is pending, or to which a judgment on appeal is remitted to be carried into effect, may, by an order entered upon its minutes, direct the arrest of any defendant who has been released upon his own recognizance and his commitment to the officer to whose custody he was committed at the time of such release, and his detention until legally discharged, in the following cases:

(a) When he has failed to appear as he agreed.

(b) When he was required to give bail or other security as provided in Section 1318.6 and has failed to do so.

(c) Upon an indictment being found or information filed in the cases provided in Section 985.

Authorization for judge only

1319.2. This article does not authorize any clerk or other officer except the judge of a court or a magistrate to release a defendant upon his own recognizance.

Penalty: Felony

1319.4. Every person who is charged with the commission of a felony who is released on his own recognizance pursuant to this article who willfully fails to appear as he has agreed, is guilty of a felony, punishable as provided in Sections 18 and 19a.

Penalty Misdemeanor

1319.6. Every person who is charged with the commission of a misdemeanor who is released on his own recognizance pursuant to this article who willfully fails to appear as he has agreed, is guilty of a misdemeanor.

CHAPTER 1341

An act to amend Sections 479 and 626 of the Agricultural Code, relating to milk and dairy products.

In effect September 18, 1959

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 479 of the Agricultural Code is amended to read:

Labels on containers

479. The class or grade of all market milk sold, except in bulk to distributors, the word "raw" or "pasteurized," as the case may be, and the name and address of the distributor or original bottler shall at all times appear plainly and in a conspicuous place on, or be securely attached to, every cap, bottle, can or other container. If the name and address of the distributor is used, the milk products plant license number of the original bottler as assigned annually by the director, may be used in lieu of the name and address of the original bottler.

All labels required by this section shall be in capital letters of a size and boldness as to be legible by the purchaser or consumer. If the available space on any cap, bottle, or container for such labeling is not sufficient for the full name of the distributor, then a sufficient portion of the distributor's name which clearly identifies such distributor may be used in lieu of the entire distributor's name.

SEC. 2. Section 626 of said code is amended to read:

Skim or nonfat milk

626. Skim milk or nonfat milk is the product resulting from the complete or partial removal of milk fat from milk. It shall contain not more than twenty-five hundredths of 1 percent of milk fat and not less than 8.5 percent of milk solids not fat. Skim milk or nonfat milk shall conform to the bacterial standards of the grade or class of milk from which such skim milk is derived. All fluid skim milk sold for human consumption as such shall be derived from market milk.

All containers in which skim milk or nonfat milk is sold shall be plainly and conspicuously labeled with the words "skim milk" or "nonfat milk" and the word "raw" or "pasteurized," as the case may be, the grade or class, together with the name and address of the distributor. All labels required by this section shall be in capital letters of a size or boldness as to be legible by the purchaser or consumer. If the available space on any cap, bottle, or container for such labeling is not sufficient for the full name of the distributor, then a sufficient portion of the distributor's name which clearly identifies such distributor may be used in lieu of the entire distributor's name. Containers other than glass containers where sufficient space is available shall be labeled with the words "skim milk" or "nonfat milk" in capital letters not less than one-quarter inch in height and one-eighth inch in width.

CHAPTER 1342

An act to amend Section 21454 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to traffic control signals.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21454 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

21454. A green arrow on an official traffic control signal means that vehicular traffic facing the signal may cautiously enter the intersection to make the movement indicated by the green arrow but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such green arrow is exhibited. A green arrow may be displayed alone or with red, yellow or green.

It is unlawful to operate a traffic signal which is equipped with a green light and a red arrow which are shown simultaneously.

CHAPTER 1343

An act to amend Section 28133 of the Government Code, relating to compensation for public service in counties of the thirty-third class.

[Approved by Governor June 29, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28133 of the Government Code is amended to read:

28133. In counties of the thirty-third class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, seven thousand five hundred dollars ($7,500) a year.

2. The district attorney, ten thousand five hundred dollars ($10,500) a year and he shall not engage in private law practice during his term of office.

3. Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each

day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

CHAPTER 1344

An act to amend Section 73561 of the Government Code, relating to the number of judges in the municipal court in the district embracing the Cities of Carmel and Monterey.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 73561 of the Government Code is amended to read:

73561. There shall be two judges.

CHAPTER 1345

An act to amend Sections 73731, 73732, 73733, 73734, 73735, 73992, 73993, and 73994 of the Government Code, relating to municipal courts.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 73731 of the Government Code is amended to read:

Judges

73731. There shall be four judges.

SEC. 2. Section 73732 of said code is amended to read:

Salary: Clerk

73732. There shall be one clerk who shall receive a minimum salary of six hundred eight dollars ($608) monthly with annual increments of thirty-three dollars ($33), thirty-six dollars ($36), thirty-eight dollars ($38), and forty dollars ($40) to a maximum of seven hundred fifty-five dollars ($755) monthly.

SEC. 3. Section 73733 of said code is amended to read:

Same Deputy clerks

73733. The clerk may appoint:

(a) One chief deputy clerk, who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly

with annual increments of twenty-seven dollars ($27), twenty-nine dollars ($29), thirty dollars ($30), and thirty-three dollars ($33) to a maximum of six hundred eight dollars ($608) monthly.

(b) Three deputy clerks grade V (division heads), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Six deputy clerks grade IV (courtroom clerks, chief bookkeeper), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One deputy clerk grade III (assistant division head), who shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly.

(e) Seven deputy clerks grade II (cashiers, stenographers, section leaders), each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(f) Nineteen deputy clerks grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

(g) One telephone operator who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of twelve dollars ($12), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly.

SEC. 4. Section 73734 of said code is amended to read:

Same: Marshal

73734. There shall be one marshal who shall receive a monthly salary of eight hundred dollars ($800).

SEC. 5. Section 73735 of said code is amended to read:

Same. Deputy marshals

73735. The marshal may appoint:

(a) Two supervising deputy marshals who shall receive a minimum salary of four hundred sixty-four dollars ($464) monthly with annual increments of twenty-five dollars ($25), twenty-seven dollars ($27), twenty-nine dollars ($29), and thirty dollars ($30) to a maximum of five hundred seventy-five dollars ($575) monthly.

(b) Eleven deputy marshals grade II each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Five deputy marshals grade I, each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One chief clerk, who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23) twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(e) One clerk grade II (bookkeeper), who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly.

(f) Seven clerks grade I, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

SEC. 6. Section 73992 of said code is amended to read:

Same. Clerk

73992. There shall be one clerk who shall receive a minimum of six hundred eight dollars ($608) monthly with annual increments of thirty-three dollars ($33), thirty-six dollars ($36), thirty-eight dollars ($38), and forty dollars ($40) to a maximum of seven hundred fifty-five dollars ($755) monthly.

SEC. 7. Section 73993 of said code is amended to read:

Same: Deputy clerks

73993. The clerk may appoint:

(a) One chief deputy clerk, who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with annual increments of twenty-seven dollars ($27), twenty-nine dollars ($29), thirty dollars ($30), and thirty-three dollars ($33) to a maximum of six hundred eight dollars ($608) monthly.

(b) Four deputy clerks, grade V (general civil and small claims deputies), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Three deputy clerks, grade IV (courtroom clerks, supervisor traffic division), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) Two deputy clerks, grade III (chief bookkeeper, chief cashier), each of whom shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly.

(e) Four deputy clerks, grade II (assistant cashiers, assistant bookkeeper, calendar clerk), each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(f) Seven deputy clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

SEC. 8. Section 73994 of said code is amended to read:

Same: Marshal and deputy marshals

73994. There shall be one marshal who shall receive a monthly salary of eight hundred dollars ($800). The marshal may appoint:

(a) Two supervising deputy marshals who shall receive a monthly salary of four hundred sixty-four dollars ($464) monthly with annual increments of twenty-five dollars ($25), twenty-seven dollars ($27), twenty-nine dollars ($29), and thirty dollars ($30) to a maximum of five hundred seventy-five dollars ($575) monthly.

(b) Six deputy marshals, grade II (field deputies) each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Two deputy marshals, grade I (bailiffs), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One chief clerk who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five

dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(e) One clerk, grade II (bookkeeper), who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly.

(f) Four clerks, grade I each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

CHAPTER 1346

An act to amend Section 5536 of the Business and Professions Code, relating to the practice of architecture.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 5536 of the Business and Professions Code is amended to read:

5536. It is a misdemeanor, punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person, without a certificate, to practice architecture in this State or to advertise or put out any sign or card or other device which might indicate to the public that he is an architect or that he is qualified to engage in the practice of architecture.

Nothing contained in this section prohibits the use, in any advertisement, sign, card, or other device, of the terms "designer" or "building designer" by a person who does not possess a valid certificate to practice architecture if, in any such use, said person also specifies that he is not an architect.

CHAPTER 1347

An act to amend Section 70046.1 of the Government Code, relating to court reporters.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 70046.1 of the Government Code is amended to read:

70046.1. In a county with a population of 290,000 or more and under 295,000, the annual salary of regular official reporters shall be nine thousand six hundred dollars ($9,600) and the compensation of official phonographic reporters pro tempore shall be at the rate of forty dollars ($40) a day, or any fractional part thereof.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 1348

An act to amend Section 16574 of the Public Utilities Code, relating to public utilities districts.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16574 of the Public Utilities Code is amended to read:

16574. The board of directors or other officers of the district shall not incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this division. Any debt or liability incurred in excess of such express provisions is absolutely void, excepting that such debt limitations may be exceeded where the district finances waterworks or sewage disposal facilities by means of a bond issue and makes provision to pay the indebtedness out of revenues received over a period not to exceed 40 years.

CHAPTER 1349

An act to amend Section 26470 of, and to add Sections 26465, 26466, and 26542.1 to, the Health and Safety Code, relating to foods, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect immediately

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

SECTION 1. Section 26465 is added to the Health and Safety Code, to read:

26465. The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (in-

"Food additive"

cluding any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.

The term "food additive" does not include any of the following:

(a) A pesticide chemical in or on a raw agricultural commodity.

(b) A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity.

(c) Any substance used in accordance with a sanction or approval granted prior to the enactment of this section at the 1959 Regular Session of the Legislature pursuant to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040), the Poultry Products Inspection Act (71 Stat. 441), or the provisions of the Act of March 4, 1907, Chapter 2907 (34 Stat. 1256).

(d) Any substance used in accordance with a sanction or approval granted pursuant to this chapter, Article 1 (commencing at Section 301) of Chapter 1, Division 3 of the Agricultural Code, Article 2 (commencing at Section 377.1) of Chapter 3, Division 3 of the Agricultural Code, or Chapter 2 (commencing at Section 450) of Division 4 of the Agricultural Code, or Article 1 (commencing at Section 460) of Chapter 3 of Division 4 of the Agricultural Code, or Chapter 6 (commencing at Section 560) of Division 4 of the Agricultural Code, or Chapter 7a (commencing at Section 1081) of Division 5 of the Agricultural Code.

SEC. 2. Section 26466 is added to said code, to read:

"Safe"

26466. "Safe," as used in this chapter, has reference to the health of man or animal as used in the Food Additives Amendment of 1958 (Public Law 85-929; 72 Stat. 1784).

The term "pesticide chemical" means any economic poison as defined in Section 1061 of the Agricultural Code.

The term "raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing.

SEC. 3. Section 26470 of said code is amended to read:

Adulterated food

26470. A food shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 26471; or

(3) If it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; or

(5) If it is a diseased animal or the product of a diseased animal or an animal which has died otherwise than by slaughter, or which has been fed upon the uncooked offal from a slaughterhouse; or

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(7) If it is a canned poultry product or products containing poultry meat which does not comply with any standards of freshness and purity prescribed by the board under Article 6 of this chapter, notwithstanding a compliance with the labeling requirements of Section 26494.

(8) If it is, bears, or contains any food additive which is unsafe within the meaning of the Food Additives Amendment of 1958 (Public Law 85-929; 72 Stat. 1784).

(9) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to the federal act.

SEC. 4. Section 26542.1 is added to said code, to read:

Rules and regulations

26542.1. The board may promulgate rules and regulations prescribing the conditions under which food additives may be safely used. All rules and regulations promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required by the Federal Food, Drug and Cosmetic Act (52 Stat. 1040) and the rules and regulations currently promulgated by the United States Department of Health, Education and Welfare, Food and Drug Administration, and subtitle E, Chapter 51, United States Internal Revenue Code of 1954 and the United States Internal Revenue Service, Alcohol and Tobacco Tax Division, as amended.

When a food additive is permitted and its intended use is in conformity with regulations established by the board, it shall not be considered adulterated within the meaning of subdivisions (1), (2), or (8) of Section 26470.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Federal Government has recently amended the Federal Food, Drug, and Cosmetic Act by the Food Additives Amend-

ment of 1958 (Public Law 85-929; 72 Stat. 1784). This law will prohibit the use in food of additives which have not been adequately tested to establish their safety. Such amendment governs interstate commerce in foods; however, there is no corresponding legislation controlling the use of additives in food in intrastate commerce. Many manufacturers and food processors in California intrastate commerce use additives in foods, but there is no present means of controlling the use of additives which may be unsafe to the public's health.

In order that the health of California's millions of people will be protected and not continually endangered by the use of unsafe additives in food, it is necessary that this act take effect immediately.

CHAPTER 1350

An act to amend Section 28361 of the Health and Safety Code, relating to canneries.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 28361 of the Health and Safety Code is amended to read:

28361. "Meat or meat products" as used in this chapter, means any meat or meat product or poultry or poultry product which is not subject to the inspection of the Bureau of Meat Inspection or the Bureau of Poultry Inspection of the State Department of Agriculture, or of the Meat Inspection Division or Poultry Division of the United States Department of Agriculture, or of an approved municipal inspection department or establishment.

CHAPTER 1351

An act to add Article 1.5 (commencing at Section 23800) to Chapter 5, Division 9 of the Business and Professions Code, relating to alcoholic beverage licenses.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Article 1.5 (commencing at Section 23800) is added to Chapter 5, Division 9 of the Business and Professions Code, to read:

Article 1.5. Conditional Licenses

23800. Upon request of the licensee or applicant for a license the department may place reasonable conditions upon retail licensees in the following situations: Conditional licenses

(a) In any proceedings upon a petition for a license or a protest against the issuance of a license if the department finds that grounds exist for the denial of the application for the license which may be removed by the imposition of such conditions.

(b) In any proceedings for the suspension or revocation of a license, if findings are made which would justify such suspension or revocation, and where the imposition of such condition is reasonably related to such findings. In the case of a suspension, the conditions may be in lieu of or in addition to such suspension.

(c) Where, after proceedings to suspend or revoke a license, the department issues an order suspending or revoking only a portion of the privileges to be exercised under such license.

23801. The conditions authorized by Section 23800 may cover any matter relating to the privileges to be exercised under the license, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following: Conditions

(a) Restrictions as to hours of sale.

(b) Display of signs.

(c) Employment of designated persons.

(d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law.

(e) In cases under Section 23800(c), the portion of the privileges to be exercised under the license.

23802. Such conditions shall be endorsed upon the license and any renewal thereof and shall be binding upon all persons to whom the license is transferred. Transferee bound

23803. The department, upon its own motion or upon the petition of a licensee or a transferee who has filed an application for the transfer of the license, if it is satisfied that the grounds which caused the imposition of the conditions no longer exist, shall order their removal. Removal

23804. A violation of a condition placed upon a license pursuant to this article shall constitute the exercising of a privilege or the performing of an act for which a license is required without the authority thereof and shall be grounds for the suspension or revocation of such license. Suspension or revocation

23805. The proceedings specified in Section 23800(a), (b) and (c) shall be conducted in the same manner as is required for other proceedings involving petitions, protests or accusations, and the right of a respondent in such proceedings to appeal shall include the right to appeal from an order imposing conditions upon the licenses involved in the proceedings. If the department denies a petition filed under Section 23803, the licensee or transferee may, within 10 days after the mailing of Petitions, protests, etc.

such denial, make a written request for a hearing. The proceedings at such hearing shall be conducted as provided in Section 24300, and the respondent shall have the same rights of appeal therefrom as in disciplinary actions.

CHAPTER 1352

An act to amend Section 988.3, Military and Veterans Code, relating to advances of money to Department of Veterans Affairs by Department of Finance.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 988.3 of the Military and Veterans Code is amended to read:

988.3. The State Department of Finance is hereby authorized to provide for advances of money to the department, needed to meet contingent expenses, to such an amount not exceeding fifty thousand dollars ($50,000), as the said Department of Finance shall deem necessary, and to provide for advances of money to the department, needed to carry out the provisions of Articles 3 and 3.5 of this chapter to such an amount not exceeding ten million dollars ($10,000,000), as the said Department of Finance may deem necessary, such advances to be administered as revolving funds. The State Controller is hereby authorized and directed to draw his warrants upon the Veterans' Farm and Home Building Fund for such advances, and the State Treasurer is hereby authorized and directed to pay the same.

CHAPTER 1353

An act to amend Section 117p of the Code of Civil Procedure, relating to fees in small claims courts.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 117p of the Code of Civil Procedure is amended to read:

117p. A fee of one dollar ($1) shall be charged and collected for the filing of the affidavit for the commencement of any action; for each defendant to whom a copy of the affidavit is mailed by the clerk a fee of one dollar ($1) shall be charged and collected; and a fee of one dollar ($1) shall be charged and collected for the issuance of a writ of execution. Except as otherwise provided for in this chapter, no other fee or

charge shall be collected by any officer for any service rendered under this chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

CHAPTER 1354

An act to amend Section 1061 of the Insurance Code, relating to the audit of proceedings in cases of insolvency and delinquency.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1061 of the Insurance Code is amended to read:

1061. In verification of the matters set forth in Section 1060 of this code, the Department of Finance shall, at least every two years or more often if requested by the commissioner, examine the commissioner's books and accounts relating to all proceedings under this article and Article 8, Chapter 2, Part 6, Division 2 of this code, and shall file a report of each such examination with the court in which the respective proceeding is pending and shall furnish the commissioner a certified copy of each such report. The expense of examining the books and accounts of the commissioner as conservator or liquidator under this article or under Article 8, Chapter 2, Part 6 of Division 2 of this code shall be paid out of the Insurance Fund in the State Treasury and shall, upon order of the court or courts before which the proceedings under said articles are pending, be ratably reimbursed to said Insurance Fund out of the assets of the estates administered by the commissioner as conservator or liquidator under this article or under Article 8, Chapter 2, Part 6 of Division 2 of this code.

CHAPTER 1355

An act to amend Section 427 of the Streets and Highways Code, relating to highway Route 127.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 427 of the Streets and Highways Code is amended to read:

427. Route 127 is from:

(a) Route 4 near Tipton to Route 31 near Baker via the vicinity of Porterville, Camp Nelson, Olancha, Death Valley, and Death Valley Junction.

(b) Route 23 near Lone Pine to a junction with the highway described in subdivision (a) via Keeler.

CHAPTER 1356

An act to repeal Chapter 22 (commencing at Section 7920) of Division 3 of the Education Code, and Chapter 7 (commencing at Section 19351) of Division 14 of the Education Code as proposed by Senate Bill No. 2, relating to the School Bond Retirement Fund.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

Repeal

SECTION 1. Chapter 22 (commencing at Section 7920) of Division 3 of the Education Code is repealed and the School Bond Retirement Fund is abolished.

Repeal

SEC. 2. Chapter 7 (commencing at Section 19351) of Division 14 of the Education Code as proposed by Senate Bill No. 2 is repealed and the School Bond Retirement Fund is abolished.

Effect. Stats 1959, Ch 2

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect.

CHAPTER 1357

An act to amend Section 25752 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 25752 of the Business and Professions Code is amended to read:

25752. No licensee may manufacture, import, sell or distribute alcoholic beverages, except wine, in the State of California unless he keeps records at his licensed premises of such manufacture, importation, sale or distribution of alcoholic beverages manufactured, imported, sold or distributed by the licensee in this State. Such records shall include all expenditures incurred by the licensee in the manufacture, importation,

sale or distribution of alcoholic beverages, except wine, in this State. Provided, however, that any licensee licensed at more than one premises may keep all said records at one of his licensed premises. Records herein required to be kept shall be kept for a period of three years from the date of the transaction.

CHAPTER 1358

An act to amend Section 216 of the Labor Code, relating to failure to pay wages.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 216 of the Labor Code is amended to read:

216. In addition to any other penalty imposed by this article, any person, or an agent, manager, superintendent, or officer thereof is guilty of a misdemeanor, who:

(a) Having the ability to pay, willfully refuses to pay wages due and payable after demand has been made.

(b) Falsely denies the amount or validity thereof, or that the same is due, with intent to secure for himself, his employer or other person, any discount upon such indebtedness, or with intent to annoy, harass, oppress, hinder, delay, or defraud, the person to whom such indebtedness is due.

CHAPTER 1359

An act to amend Sections 1408 and 1410 of the Health and Safety Code, relating to the regulation of hospitals and other institutions providing care for the infirm.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1408 of the Health and Safety Code is amended to read:

1408. An advisory board shall be appointed to assist, advise and make recommendations to the director and the state department in the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter and for those purposes to serve as consultants to the director.

Advisory board

The board shall consist of the director, who shall serve as chairman ex officio, and seven members, four of whom shall be superintendents or administrators of hospitals with at least

five years of experience as such in hospitals having a capacity of 100 beds or more, and at least two of whom shall be administrators or operators of nursing homes with at least five years of experience in the operation of such homes, appointed by the Governor to hold office for four-year terms and until the appointment and qualification of their successors, except that the terms of the members first appointed shall expire as follows: Two shall expire on October 15, 1947; two shall expire on October 15, 1948; and one shall expire on October 15, 1949. The initial terms of each of the two members having experience in the operation of nursing homes shall expire as follows: One shall expire on October 15, 1961; and one shall expire on October 15, 1962. At the time of making the appointments the Governor shall designate the term for which each member of the board is appointed.

SEC. 2. Section 1410 of said code is amended to read:

Meetings

1410. The advisory board shall meet with the director at least twice each year and at such other times during the year as may be determined from time to time by the director.

CHAPTER 1360

An act to amend Section 9595 of, and to add Section 18708 to, the Education Code, to amend Section 9155 of, and to add Section 16409 to, the Education Code, as proposed by Senate Bill No. 2, relating to published materials prepared by a county superintendent of schools or school district.

In effect September 18, 1959

[Approved by Governor June 24, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 9595 of the Education Code is amended to read:

Publication of materials

9595. The county superintendent of schools may with the approval of the county board of education provide for the publication of materials that are necessary in connection with the curricular and special services that the superintendent of schools is authorized to perform in the county. The county superintendent of schools may, in accordance with regulations adopted by the county board of education and for educational use, sell or give away the published materials or may exchange them for similar published materials. Unless restricted by the regulations of the county board of education, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution. The distribution of the published materials in accordance with this section is declared to be a public purpose and in furtherance of Article IX, Section 1, of the Constitution.

SEC. 2. Section 18708 is added to said code, to read:

18708. A school district may, in accordance with regulations adopted by the governing board of the district and for educational use, sell, give, or exchange for similar published materials, published materials prepared by the district in connection with the curricular and special services that the district is authorized to perform. Unless restricted by the regulations of the governing board, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution. The distribution of the published material in accordance with this section is declared to be a public purpose and in furtherance of Article IX, Section 1, of the Constitution.

Sale of educational material by school district

SEC. 3. Section 9155 of the Education Code as proposed by Senate Bill No. 2 is amended to read:

9155. The county superintendent of schools may with the approval of the county board of education provide for the publication of materials that are necessary in connection with the curricular and special services that the superintendent of schools is authorized to perform in the county. The county superintendent of schools may, in accordance with regulations adopted by the county board of education and for educational use, sell or give away the published materials or may exchange them for similar published materials. Unless restricted by the regulations of the county board of education, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution. The distribution of the published materials in accordance with this section is declared to be a public purpose and in furtherance of Article IX, Section 1, of the Constitution.

Publication of materials

SEC. 4. Section 16409 is added to said proposed code, to read:

16409. A school district may, in accordance with regulations adopted by the governing board of the district and for educational use, sell, give, or exchange for similar published materials, published materials prepared by the district in connection with the curricular and special services that the district is authorized to perform. Unless restricted by the regulations of the governing board, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution. The distribution of the published material in accordance with this section is declared to be a public purpose and in furtherance of Article IX, Section 1, of the Constitution.

Sale of educational material by school district

SEC. 5. Sections 3 and 4 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 9595 of the Education Code as amended by Section 1 of this act and Section 18708 of said code as added by Section 2 of this act are repealed.

Effect. Stats. 1959, Ch. 2

CHAPTER 1361

An act to add Section 7113.5 to the Business and Professions Code, relating to contractors.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 7113.5 is added to the Business and Professions Code, to read:

7113.5. The adjudication of bankruptcy of a licensee or the confirmation of any other proceeding under the federal bankruptcy law, including a composition, arrangement, or reorganization proceeding, the appointment of a receiver of the property of a licensee as provided in Chapter 5 (commencing at Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, or the making of an assignment for the benefit of creditors as provided in Title 3 (commencing at Section 3449) of Part 2 of Division 4 of the Civil Code constitutes a cause for disciplinary action.

If a license is suspended or revoked upon the grounds set forth in this section, the registrar in his discretion may renew or reissue such license upon the condition that each contract undertaken by the licensee be separately covered by a bond or bonds conditioned upon the performance of, and the payment of labor and material required by, the contract.

This bonding requirement shall not apply to any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor, material, and all other items, is less than five hundred dollars ($500), and shall not extend beyond five years from the date such license is renewed or reissued.

CHAPTER 1362

An act to amend Section 5054 of, and to add Sections 5055 and 5135 to, the Business and Professions Code, and to amend Section 5134 of the Business and Professions Code as amended by Senate Bill No. 104, relating to the practice of accountancy.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 5054 of the Business and Professions Code is amended to read:

Fee schedule

5054. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for the certificate of certified public accountants shall be fixed by the board at not less than twenty-five dollars ($25) nor more than thirty-five dollars ($35). Should the applicant fail to pass the required examination, re-examination at subsequent examinations will be given the same applicant for an additional fee fixed by the board at not less than five dollars ($5) nor more than seven dollars and fifty cents ($7.50) for each subject in which the applicant is re-examined, except that in no case shall the fee for re-examination be less than ten dollars ($10).

(b) The preliminary examination fee is ten dollars ($10).

(c) The registration fee is ten dollars ($10).

(d) The annual renewal fee shall be set by the board at a sum not less than three dollars ($3) nor more than seven dollars and fifty cents ($7.50).

(e) The renewal fee after expiration of permit is an amount equal to the sum of two dollars and fifty cents ($2.50) plus the amount of the annual renewal fee established under subdivision (d) of this section for each year of delinquency.

SEC. 2 Section 5055 is added to said code, to read:

5055. The board may by regulation provide for the forfeiture of such part of an applicant's examination or re-examination fee as is commensurate with the cost of providing examination facilities for him if he fails to appear for examination after being scheduled therefor and so notified by the board. In the event of such a forfeiture the applicant shall not again become eligible for examination until he has paid the difference, if any, between the fee formerly paid, less the amount forfeited, and the fee required for the examination at the time he again applies therefor. **Forfeiture of fee**

SEC. 3. Section 5134 of said code, as amended by Senate Bill No. 104, is amended to read:

5134. The amount of fees prescribed by this chapter is that fixed by the following schedule: **Fee schedule**

(a) The application fee for the certificate of certified public accountants shall be fixed by the board at not less than twenty-five dollars ($25) nor more than thirty-five dollars ($35). Should the applicant fail to pass the required examination, re-examination at subsequent examinations will be given the same applicant for an additional fee fixed by the board at not less than five dollars ($5) nor more than seven dollars and fifty cents ($7.50) for each subject in which the applicant is re-examined, except that in no case shall the fee for re-examination be less than ten dollars ($10).

(b) The preliminary examination fee is ten dollars ($10).

(c) The registration fee is ten dollars ($10).

(d) The annual renewal fee shall be set by the board at a sum not less than three dollars ($3) nor more than seven dollars and fifty cents ($7.50).

(e) The renewal fee after expiration of permit is an amount equal to the sum of two dollars and fifty cents ($2.50) plus

the amount of the annual renewal fee established under subdivision (d) of this section for each year of delinquency.

SEC. 4. Section 5135 is added to said code, to read:

Forfeiture of fee

5135 The board may by regulation provide for the forfeiture of such part of an applicant's examination or re-examination fee as is commensurate with the cost of providing examination facilities for him if he fails to appear for examination after being scheduled therefor and so notified by the board. In the event of such a forfeiture the applicant shall not again become eligible for examination until he has paid the difference, if any, between the fee formerly paid, less the amount forfeited, and the fee required for the examination at the time he again applies therefor.

Effect. Stats 1959, Ch 310

SEC. 5. Sections 3 and 4 of this act become operative only if Senate Bill No. 104 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 104 takes effect, at which time Sections 1 and 2 of this act are repealed.

CHAPTER 1363

An act to add Article 3.6 (commencing at Section 75075) to Chapter 11 of Title 8 of, and to add Sections 75103.1, 75106.5 and 75109 to, the Government Code, relating to judge's retirement.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Article 3.6 is added to Chapter 11 of Title 8 of the Government Code, to read:

Article 3.6. Benefits Payable

Benefits payable

75075. Any judge hereafter retiring pursuant to the provisions of Section 75025 or Section 75060 may elect to receive the benefits accorded by this article (a) if he retires prior to attaining the age of 70 years, or (b) regardless of age at retirement, if he is a judge on the effective date of this article and (1) retires within five years after said effective date or (2) if not eligible to retire within said five-year period, he retires within two years after he attains eligibility.

Election to receive the benefits accorded by this article is made by filing written notice thereof with the Secretary of State at or prior to retirement.

Same

75076. A judge who qualifies, as prescribed in Section 75075, to receive the benefits accorded by this article shall receive a retirement allowance equal to 65 percent of the salary payable, at the time payment of the allowance falls due, to the judge holding the judicial office to which he was last elected or

appointed; except that if upon retirement a judge has received credit for 20 or more years of service rendered prior to the expiration of the time within which the judge is eligible to elect to receive the benefits accorded by this article and for which he has contributed to the Judges' Retirement Fund his retirement allowance shall equal 75 percent of such salary. If he retires pursuant to Section 75025, the allowance is payable during the remainder of his life; if pursuant to Section 75060, it is payable as provided in Section 75060.6.

Surviving spouse

75077. The surviving spouse of a judge who qualifies, as prescribed in Section 75075, to receive the benefits accorded by this article and who dies during retirement shall receive, until death or remarriage, an allowance equal to one-half of the retirement allowance that would be payable to the judge were he living and receiving the benefits accorded by this article. In such a case no payment shall be made pursuant to Section 75104.5.

Time of payment

75078. The allowance to the judge and to his surviving spouse under this article shall be paid by the State at the times and in the manner provided for the payment of salaries of justices of the Supreme Court.

Optional settlement

75079. When a judge elects and becomes entitled to receive the benefits accorded by this article he does not have the right to select an optional settlement under the provisions of Article 3.5 of this chapter.

SEC. 2. Section 75103.1 is added to said code, to read:

Rate of contribution

75103.1. The Legislature reserves the right to increase the rates of contribution prescribed by Sections 75101 to 75103, inclusive, in such amounts as it may find appropriate.

SEC. 3. Section 75106.5 is added to the Government Code, to read:

Deductions

75106.5. A retired judge or the surviving spouse of a judge, entitled to receive an allowance under the provisions of this chapter, may authorize deductions to be made from the allowance, in accordance with regulations established for the payment of group insurance premiums and other premiums provided for under the provisions of Section 1156 of this code.

SEC. 4. Section 75109 is added to the Government Code, to read:

Overpayment

75109. If the Controller determines that there has been an overpayment of contributions or that any amount not required to be paid under this chapter has been paid by a judge, the Controller shall refund the amount of the overpayment or excess payment to the judge. So much money as may be necessary is hereby appropriated from the Judges' Retirement Fund for the purpose of making refunds under this section.

CHAPTER 1364

An act to amend Section 13121 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the certification of school employees.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 13121 of the Education Code, as enacted by the Legislature at its 1959 Regular Session is amended to read:

13121. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California, and will by precept and example, promote respect for the Flag and the statutes of the United States and of the State of California, reverence for law and order, and undivided allegiance to the Government of the United States of America." The oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of the governing board of a school district or of any county board of education and filed with the State Board of Education. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the State shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the State. Upon the violation of any of the terms of the oath or affirmation, the State Board of Education shall suspend or revoke the credential which has been issued.

CHAPTER 1365

An act to amend Section 69895 of the Government Code, relating to the secretary and assistant secretaries of the superior court in counties having a population of less than 2,000,000 but more than 750,000.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county with a population of less than 2,000,000 but more than 750,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand four hundred twenty-five dollars ($1,425) a month.

In such a county with a population of over 750,000 but less than 2,000,000, on the authorization of the judges, the secretary shall have four assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be six hundred fifty dollars ($650) a month. The salaries of such secretaries and of such assistants shall be paid by the county in which they serve.

CHAPTER 1366

An act to add Sections 20014.4, 20017.4 and 21363.4 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20014.4 is added to the Government Code, to read:

"State member"

20014.4. Notwithstanding the provisions of Sections 20013 and 20014 "state member" includes harbor police members, and "state miscellaneous member" does not include harbor police members.

SEC. 2. Section 20017.4 is added to said code, to read:

"Harbor police member"

20017.4. "Harbor police member" includes all members employed as harbor policemen by the San Francisco Port Authority, whose principal duties consist of active law enforcement service, except those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise clearly do not fall within the scope of active law enforcement service, even though such person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement.

Except as otherwise provided, the provisions of this part applicable to "state miscellaneous members" are also applicable to harbor police members.

SEC. 3. Section 21363.4 is added to said code, to read:

Special death benefit

21363.4. The special death benefit is also payable if the deceased was a harbor police member, if his death was industrial, as determined by the Industrial Accident Commission, using the same procedure as in the workmen's compensation hearings, and if there is a wife or child who qualifies under subdivision (b) Section 21364.

Operative date

SEC. 4. This act shall become operative on the first day of the month succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date.

CHAPTER 1367

An act to amend Section 884 of the Welfare and Institutions Code, relating to medical care of persons before the juvenile court.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 884 of the Welfare and Institutions Code is amended to read:

884. Whenever it appears to the juvenile court that any person concerning whom a petition has been filed in said court alleging that said person comes within the provision of Section 700 of this code, is in need of medical, surgical or dental care, and that there is no parent, guardian or person standing in loco parentis capable or willing to authorize remedial care or treatment for such person, the court, upon the written recommendation of a qualified physician, and after due notice to the parent, guardian, or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical, or dental care for said person, and authorizing the release of information concerning such care to probation officers, parole officers, and any other qualified individuals or agencies caring for or acting in the interest and welfare of said person under order, commitment, or approval of the court. Nothing in this section, however, shall be construed as limiting the right of a parent, guardian or person standing in loco parentis in providing any medical or other remedial treatment recognized or permitted under the laws of this State.

CHAPTER 1368

An act to amend Section 69900 of the Government Code, relating to superior court employees.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county with a population of over 750,000 and under 900,000, a majority of the judges of the superior court may appoint the following employees:

(a) One grand jury statistician at an annual salary of eight thousand one hundred dollars ($8,100).

(b) Six senior legal stenographers, each at an annual salary of six thousand sixty dollars ($6,060).

(c) One senior clerk at an annual salary of five thousand seven hundred dollars ($5,700).

(d) Two information deputies each at an annual salary of four thousand four hundred forty dollars ($4,440).

(e) One probate court commissioner at an annual salary of fourteen thousand four hundred dollars ($14,400).

(f) One chief calendar clerk at an annual salary of seven thousand eight hundred dollars ($7,800).

(g) One domestic relations court commissioner at an annual salary of nine thousand six hundred dollars ($9,600).

(h) Two domestic relations deputy commissioners, each at an annual salary of seven thousand two hundred dollars ($7,200).

(i) One domestic relations deputy commissioner at an annual salary of six thousand nine hundred dollars ($6,900).

(j) One law clerk at an annual salary of six thousand dollars ($6,000).

(k) One general clerk at an annual salary of four thousand six hundred twenty dollars ($4,620).

(*l*) One court commissioner at an annual salary of nine thousand six hundred dollars ($9,600).

CHAPTER 1369

An act to amend Section 1461 of the Probate Code, relating to appearance of alleged insane or incompetent person at hearing for appointment of guardian.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1461 of the Probate Code is amended to read:

1461. Any relative or friend may file a verified petition alleging that a person is insane or incompetent, and setting forth the names and residences, so far as they are known to the petitioner, of the relatives of the alleged insane or incompetent person within the second degree residing within or without the State. The clerk shall set the petition for hearing by the court and issue a citation directed to the alleged insane or incompetent person setting forth the time and place of hearing so fixed by him.

If the alleged insane or incompetent person is within the State the citation and a copy of the petition shall be personally served on him in the same manner as provided by law for the service of summons. If the alleged insane or incompetent per-

son is not within the State the citation and a copy of the petition shall be delivered to him, personally. In all cases service shall be made on the alleged insane or incompetent person at least 10 days before the time of hearing unless the time is shortened by the court for good cause shown.

Notice of the nature of the proceedings and of the time and place of the hearing shall be mailed by the petitioner to each of the relatives of the alleged insane or incompetent person named in the petition at least 15 days before the time of hearing unless the time is shortened by the court for good cause shown. The court may order that similar notice be given to other persons in such manner as the court may direct. Any relative or friend of the alleged insane or incompetent person may appear and oppose the petition.

If the alleged insane or incompetent person is within the State and is able to attend, he must be produced at the hearing, and if he is not able to attend by reason of physical inability or by reason that the presence of such person in court would retard or impair the recovery of such person or would increase his mental debility, such inability or harmful effect must be evidenced by the affidavit of a duly licensed physician or surgeon, or other duly licensed medical practitioner, unless such alleged insane or incompetent person is a patient at a county or state hospital in this State in which case the affidavit shall be by the medical director or medical superintendent or acting medical director or medical superintendent of such county or state hospital.

If the alleged insane or incompetent person is not within the State and if the court determines that his attendance at the hearing is necessary in the interest of justice, the court may order him to be produced at the hearing upon penalty of dismissing the petition if he is not produced. If such an order is made and it is contended that the alleged insane or incompetent person is not able to attend by reason of physical inability or by reason that the presence of such person in court would retard or impair the recovery of such person or would increase his mental debility, such inability or harmful effect must be evidenced by the affidavit of a duly licensed physician or surgeon, or other duly licensed medical practitioner, unless such alleged insane or incompetent person is a patient at a county or state hospital in which case the affidavit shall be by the medical director or medical superintendent or acting medical director or medical superintendent of such county or state hospital.

All affidavits provided by this section shall be prima facie evidence of the facts contained therein.

CHAPTER 1370

An act to amend Section 817 of the Public Utilities Code, relating to regulation of public utilities.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 817 of the Public Utilities Code is amended to read:

817. A public utility may issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes, and other evidences of indebtedness payable at periods of more than 12 months after the date thereof, for any one or more of the following purposes and no others:

(a) For the acquisition of property.

(b) For the construction, completion, extension, or improvement of its facilities.

(c) For the improvement or maintenance of its service.

(d) For the discharge or lawful refunding of its obligations.

(e) For the financing of the acquisition and installation of electrical and plumbing appliances and agricultural equipment which are sold by other than a public utility, for use within the service area of the public utility.

(f) For the reorganization or readjustment of its indebtedness or capitalization upon a merger, consolidation, or other reorganization.

(g) For the retirement of or in exchange for one or more outstanding stocks or stock certificates or other evidence of interest or ownership of such public utility, or bonds, notes, or other evidence of indebtedness of such public utility, with or without the payment of cash.

(h) For the reimbursement of moneys actually expended from income or from any other money in the treasury of the public utility not secured by or obtained from the issue of stocks or stock certificates or other evidence of interest or ownership, or bonds, notes, or other evidences of indebtedness of the public utility, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant has kept its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purposes for which such expenditure was made.

CHAPTER 1371

An act to add Article 4 (commencing at Section 69640) to Chapter 5 of Title 8 of the Government Code, and to amend Section 69741 of the Government Code, relating to superior courts.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Article 4 (commencing at Section 69640) is added to Chapter 5 of Title 8 of the Government Code, to read:

Article 4. Superior Court Districts

"District"

69640. As used in this article the word "district" means a superior court district, created as provided in this article.

Number of districts

69641. The board of supervisors of any county, which has a population of not less than 4,000,000 as determined upon the basis of the last preceding census taken under the authority of the Congress or the Legislature, by ordinance may divide such county into not more than nine superior court districts within which one or more sessions of the superior court shall be held.

Superior court designation

69642. In the ordinance creating districts, or in a subsequent ordinance, the board of supervisors may designate one or more locations within each district at which sessions of the superior court shall be held.

Change of boundaries

69643. Whenever the board of supervisors finds that changes in population make necessary or expedient the change of boundaries of any district, the change of, addition of, or elimination of any location at which sessions of the superior court are to be held, or the creation of new districts, it may make such changes by ordinance.

Minimum population

69644. An ordinance creating or changing the boundaries of any district shall not result in any district having an estimated population of less than 350,000.

Maximum number of districts

69645. An ordinance creating additional districts shall not result in more than 11 districts in the county.

Approval

69646. The designation, addition, elimination or change of the location of sessions of the superior court shall first be approved by a majority of the judges of the superior court of the county and shall be effected by ordinance of the board of supervisors.

Facilities

69647. Whenever the board of supervisors designates, adds, or changes the location for the holding of sessions of the superior court in any district it shall provide housing, personnel, and facilities for the superior court at such location as provided by Section 68073. The adequacy of the court's quarters, including the plans for the number and design of the courtrooms, chambers and related facilities first shall be ap-

proved by a majority of the judges of the superior court of the county.

69648. Whenever, pursuant to this article or Section 68099, in the assignment of the business of the superior court it becomes necessary for a judge, clerk, deputy clerk, or court reporter who is regularly assigned to duty at a location in one district to travel to another location in the same or another district, for temporary attendance at a session of the superior court, he shall be allowed his necessary expenses in going to, returning from, and attending upon the business of such court. Such expense is a charge against the treasury of the county and shall be paid out of the general fund.

Expenses of court personnel

Whenever a judge of a municipal court within a county is assigned to sit as a judge of the superior court of the said county, he shall be regularly assigned to duty at a location within one of the districts by the presiding judge, and shall thereupon be entitled to the benefits of this section.

69649. When a majority of the judges of the superior court deem it necessary or advisable, by order filed with the county clerk and published as they may prescribe, they may direct that a session of the court be held at least once a week at any designated place in a district, not less than 30 miles distant from the nearest regular location of the sessions of the superior court in that district, measured by airline. The majority of the judges may limit the type of judicial proceedings which may be heard by the court at such place to probate, guardianship and domestic relations matters, including but not limited to orders to show cause proceedings in domestic relations matters.

Judicial action limitations

69650. At the next succeeding general session of the Legislature following division of a county into districts, or following any change in the boundaries of a district, the Legislature may change the boundaries of the district if it deems such action advisable.

Legislative change of boundaries

SEC. 2. Section 69741 of said code is amended to read:

69741. Except as otherwise provided by Section 68099, each superior court shall hold its sessions:

Superior court sessions

(a) At the location or locations in each superior court district specified by ordinance adopted pursuant to Article 4 (commencing at Section 69640) of this chapter.

(b) In every county in which such an ordinance is not in effect, at the county seat and at such other locations, if any, as provided in this article.

The superior court shall hold regular sessions commencing on the first Mondays of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges of the court, except that in the City and County of San Francisco the presiding judge shall prescribe the times of holding such special sessions.

CHAPTER 1372

An act to amend Sections 73433 and 73433.5 of the Government Code, relating to the municipal court in a district embracing the City of Bakersfield.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 73433 of the Government Code is amended to read:

Appointment of deputy clerks

73433. The clerk of the municipal court may appoint the following, each of whom shall receive monthly salaries in accordance with Sections 73433.5 and 73441:

(a) One assistant clerk;

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

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

(d) Three deputy clerks, to be designated as "municipal legal clerk II";

(e) Five deputy clerks, to be designated as "municipal legal clerk I";

(f) One deputy clerk, to be designated as "telephone operator";

(g) Six deputy clerks, to be designated as "typist clerk II"; and

(h) Four deputy clerks to be designated as "typist clerk I."

SEC. 2. Section 73433.5 of said code is amended to read:

Salary Clerk

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

(a) Title of position	No. of positions	Salary range A	B	C	D	E
Clerk of the municipal court	1	$527	$553	$581	$610	$641
Assistant clerk	1	412	433	455	478	502
Department court clerk	4	355	373	392	412	433
Clerk II	1	278	292	307	322	338
Municipal legal clerk II	3	373	392	412	433	455
Municipal legal clerk I	5	338	355	373	392	412
Telephone operator	1	265	278	292	307	322
Typist clerk II	6	278	292	307	322	338
Typist clerk I	4	240	252	265	278	292

(b) Within the positions set out in subdivision (a), there shall be five step levels which shall be designated as "step A," "step B," "step C," "step D," and "step E," which are defined as follows:

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

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

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

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

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

(c) Notwithstanding any other provision of this article:

(1) The minimum salary for each position shall normally be "step A" for the position. If it is difficult to secure qualified personnel at that step or if a person of unusual qualifications is engaged, the court or the clerk, as the case may be, may hire at any step of the salary range applicable to the position.

(2) A majority of the judges of the court may place the clerk in the step of the salary range to which he would be entitled if he had been placed in "step C" of such salary range on the effective date of his appointment as clerk.

(3) If a deputy clerk changes his position to another position of higher salary range, he shall receive the lowest amount provided in the salary range for the new position which is at least equal to the amount he would have received if he had been advanced one step higher in the salary range applicable to his old position. If at the time such deputy clerk changes his position to another of higher salary range he is receiving the salary provided in "step E" of the salary range applicable to his old position, he shall receive the lowest amount provided in the salary range for the newer position which is at least equal to the salary provided in "step E" of such old position plus the difference between the salaries provided in "step D" and in "step E" of such old position.

CHAPTER 1373

An act to amend Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the powers of the district.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamina-

tion, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate and to act in conjunction with the State of California or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Alameda, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual. or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Alameda County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels. canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any

water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Alameda County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein

unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasipublic use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Alameda County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To plan, improve, operate, maintain, and keep in a sanitary condition, a system of public parks, playgrounds, beaches, swimming areas and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control, drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic benches and tables, bathhouses, golf courses, tennis courts, or other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the board shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district or municipality, except with the consent of the governing body of such district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body.

15. The powers hereinabove granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwaters, jetties, outlets, channels, harbors, basins, or other work pertaining thereto, in such manner as to render them adaptable and useful to shoreline, beach, harbor, navigation, park or marina development or use, and to do such work in co-operation with any other public or quasi-public agency or corporation concerned with such development or use.

CHAPTER 1374

An act to amend Section 25465 of the Government Code, relating to contracts for public works.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25465 of the Government Code is amended to read:

25465. The provisions of this article shall not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches or camps established under Article 12 or 13 of Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code if a major portion of the construction work is to be performed by wards of the juvenile court assigned to such camps, ranches or homes.

CHAPTER 1375

An act to amend Section 25502 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25502 of the Business and Professions Code is amended to read:

25502. No manufacturer, wine grower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, shall, except as authorized by this division, hold the ownership, directly or indirectly, of any offsale general license for any premises, or own or control any interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, or mortgage of the premises or fixtures covered by an offsale general license.

Any wholesaler in counties not to exceed 15,000 population who holds both a beer and wine wholesaler's license and an offsale general license and who held such licenses prior to

September 19, 1947, may continue to hold such licenses or may transfer either or both licenses to another individual, individuals, partnership, corporation or other legal entity. Where both licenses are simultaneously transferred to an individual, individuals, partnership, corporation or other legal entity, the transfer shall be a person to person transfer only.

Nothing in this section prohibits any holder of a distilled spirits manufacturer's, manufacturer's agent's, rectifier's, or wholesaler's license, or any officer, employee, or representative of any such licensee, from acting as a trustee for any offsale general licensee in any bankruptcy or other proceedings for the benefit of the creditors of the offsale general licensee.

CHAPTER 1376

An act to add Section 51362.5 to the Water Code, relating to reclamation district operation and maintenance assessments.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 51362.5 is added to the Water Code, to read:

51362.5. The maximum tax rate specified in Section 51362 may be increased by the vote of two-thirds of the voters voting on such proposition at a special election held for such purpose. Such special election shall be called and held in the same manner as the special election provided for in Chapter 3 (commencing at Section 50800) of Part 4 of this division.

CHAPTER 1377

An act to add Part 9.1 (commencing at Section 33200) to Division 12 of the Water Code, relating to county water districts.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Part 9.1 (commencing at Section 33200) is added to Division 12 of the Water Code, to read:

PART 9.1. COSTA MESA MERGER

CHAPTER 1. GENERAL PROVISIONS

Short title

33200. This part shall be known and may be cited as the Costa Mesa District Merger Law.

33201. The State and the people thereof have a primary and supreme interest in securing to the inhabitants, property owners and water users within the City of Costa Mesa, the Newport Heights Irrigation District, the Fairview County Water District, and the Newport Mesa County Water District, the greatest possible efficient use and conservation of waters, both local and imported, that may be accomplished economically. Investigation has shown that the water supply problem of the Costa Mesa area and of Orange County is peculiar to that area and it is hereby declared that a general law cannot be made applicable thereto. It is hereby declared necessary for the proper reorganization of water supply, storage, conservation and use that this part be adopted to provide the means of eliminating expensive and wasteful duplication of water systems and securing a greater economy and efficiency of administration. Legislative declaration

33202. The City of Costa Mesa was incorporated on June 29, 1953, primarily for the purpose of providing municipal functions and services, including the providing of a water supply to its area; the Newport Heights Irrigation District was formed on August 5, 1918, primarily for providing a water supply to its land and inhabitants; the Fairview County Water District was formed on October 5, 1946, primarily for supplying water to its lands and inhabitants; and the Newport Mesa County Water District was formed on July 26, 1954, primarily for the purpose of supplying water to its land and inhabitants and to replace the Newport Mesa Irrigation District; that there is an overlapping, in whole or in part, of some of these districts and total contiguity, in that all of the districts and the city form a single contiguous unit. The new Costa Mesa County Water District, if formed, will include substantially all of the City of Costa Mesa within its boundaries. Overlapping functions

33203. This part is enacted partially under the authority expressly granted in Section 13 of Article XI of the Constitution of this State. Authority

33204. This part shall be given a liberal construction for the purpose of sustaining any and all proceedings taken hereunder. Construction

33205. Nothing in this part shall impair or adversely affect any right of any bondholder or creditor of any of the districts involved in this merger or of the City of Costa Mesa. Rights of bondholders

33206. For the purpose of accomplishing the dissolution, merger, and creation of the new district, the City of Costa Mesa may participate to the extent of transferring its water system and appurtenances and contributing its share of funds for the operation of the new district. Accomplishment of merger, etc.

CHAPTER 2. MERGER

33215. The Costa Mesa County Water District is hereby created, which includes the area of the Newport Heights Irrigation District, the Fairview County Water District, the New- "Costa Mesa County Water District"

port Mesa County Water District, the Newport Mesa Irrigation District, and the portion of the City of Costa Mesa not included in the above districts. The new Costa Mesa County Water District resulting from this merger comprises all of the area in the above named districts and the City of Costa Mesa and the boundaries of the Costa Mesa County Water District are described as follows:

Boundaries

All that certain real property situated in the State of California, County of Orange, described as follows:

Parcel 1. Beginning at the most Southerly corner of Lot 919, First Addition to Newport Mesa Tract, as shown on a map recorded in book 8, page 61 of Miscellaneous Maps, records of Orange County, California; thence North 29° 09′ West, 6399.66 feet, more or less, along the Southwesterly line of said First Addition to Newport Mesa Tract to the most Westerly corner of Lot 1304 of said First Addition to Newport Mesa Tract; thence North 19° 16′ East 1066.56 feet, more or less, along the Northwesterly line of said First Addition to Newport Mesa Tract to the Northwest corner of said tract. Said corner being on the center line of Nineteenth Street as shown on a map of said First Addition to Newport Mesa Tract; thence Easterly along the center line of Nineteenth Street to the intersection of the Southerly prolongation of the Westerly line of Lot 369 of Tract No. 1712, as shown on a map recorded in book 50, pages 32 to 36 of Miscellaneous Maps, records of Orange County, California; thence along said Westerly line and its Southerly prolongation and along the boundary line of said Tract No. 1712 the following bearings and distances: North 0° 32′ 53″ West 140.00 feet, North 78° 38′ 39″ West 98.72 feet, North 4° 08′ 05″ West 166.43 feet, North 25° 13′ 11″ East 152.55 feet, South 83° 07′ 22″ East 200.44 feet, North 26° 33′ 54″ East 107.33 feet, North 11° 18′ 36″ West 280.45 feet, North 73° 10′ 43″ East 224.61 feet, South 25° 12′ 55″ East 255.80 feet, South 0° 32′ 53″ East 339.48 feet, North 89° 27′ 07″ East 328.59 feet, North 0° 32′ 53″ West 49.54 feet, North 22° 32′ 10″ West 379.16 feet, North 228.89 feet, North 89° 27′ 07″ East 329.49 feet, North 0° 32′ 10″ West 260.00 feet, North 89° 27′ 07″ East 240.00 feet, North 0° 32′ 10″ West 260.00 feet, North 89° 27′ 07″ East 298.00 feet, North 0° 32′ 10″ West 162.91 feet, North 78° 13′ 02″ West 322.67 feet, North 83° 43′ 22″ West 201.21 feet, South 14° 37′ 15″ West 285.24 feet, South 46° 07′ 56″ West 178.93 feet, South 75° 40′ 08″ West 261.40 feet, North 33° 39′ 12″ West 206.14 feet, North 46° 27′ 50″ East 315.20 feet, North 0° 32′ 10″ West 178.02 feet, South 89° 27′ 41″ West 620.00 feet, South 66° 52′ 26″ West 240.00 feet, North 78° 04′ 04″ West 61.08 feet, North 21° 56′ 42″ West 187.00 feet, North 19° 00′ 22″ East 190.38 feet, North 48° 14′ 42″ West 299.27 feet, North 354.12 feet, to the Southerly line of the Fairview Farms Tract, as shown on a map recorded in book 8, page 71 of Miscellaneous Maps, records of Orange County, California; thence Westerly along said Southerly line to the Southwest

corner of Lot 75 of said Fairview Farms; thence Northerly along the Westerly line of said Lot 75 to the Northwest corner of said Fairview Farms; thence Easterly along the Northerly line of said Fairview Farms to the center line of Harbor Boulevard; thence Northerly along said centerline to the Easterly prolongation of the Southerly line of Tract No. 2822, as shown on a map recorded in Book 116, pages 3 to 18, inclusive, of Miscellaneous Maps, Records of Orange County, California; thence South 89° 22′ 53″ West, 830.16 feet; thence North 0° 39′ 28″ West, 347.51 feet; thence South 89° 21′ 40″ West, 994.37 feet; thence North 0° 39′ 30″ West, 1117.60 feet; thence South 89° 59′ 35″ West, 2481.08 feet; thence South 0° 38′ 57″ East, 600.00 feet; thence South 89° 59′ 35″ West, 2834.71 feet to a point on a curve concave Easterly and having a radius of 22,538.30 feet; thence Northerly along said curve to its intersection with the Southerly line of Gisler Avenue; thence Westerly along the Southerly line of Gisler Avenue to the Easterly line of the Santa Ana River; thence Northeasterly along said Easterly line of the Santa Ana River to the centerline of Talbert Avenue; thence Easterly along said centerline to the centerline of Harbor Boulevard; thence Southerly along said centerline to the centerline of Gisler Avenue; thence Easterly along said centerline to the centerline of Fairview Road; thence Southerly along said centerline to the centerline of Paularino Avenue; thence Easterly along said centerline to the centerline of Babb Street; thence Southerly along said centerline to the centerline of Baker Street; thence Easterly along said centerline to the Southerly prolongation of the West line of Lot 10, Block "B", Berry Tract, as shown on a map recorded in Book 9, page 6 of Miscellaneous Records of Los Angeles County, California; thence Northerly along the said West line and the Westerly line of Lot 1 of said Berry Tract to a line 330 feet Southerly and parallel to the centerline of Paularino Avenue; thence Easterly along said parallel line to the Easterly line of said Lot 1; thence Southerly along the Easterly line of Lot 1 and Lot 10 to the centerline of Baker Street; thence Easterly along the centerline of Baker Street to the Southerly prolongation of the Westerly line of Lot 4, Block "E" of said Berry Tract; thence Northerly along said Westerly line to the centerline of Paularino Avenue; thence Easterly along the centerline of Paularino Avenue to the Northerly prolongation of the Easterly line of said Lot 4; thence southerly along the said Easterly line of Lot 4 and Lot 9 of said Block "E" and the Easterly line of Lot 2, Block "F" of said Berry Tract; thence Easterly along the Easterly prolongation of the Southerly line of said Lot 2 to the centerline of Newport Avenue; thence Southwesterly along the center line of said Newport Avenue and along the center line of Superior Avenue to the Southeasterly prolongation of the Southwesterly line of Lot 919 of said First Addition to Newport Mesa Tract; thence Northwesterly to the point of beginning.

Parcel 2. Beginning at center line of Superior Avenue and East 17th Street; thence along said center line and prolongat on thereof to Coast Highway; thence along Southerly line of Coast Highway to the Westerly boundary of Tract No. 1011; thence along Tract boundaries including all lots in Tract No. 1011; thence along the Easterly side of Newport Avenue to the center line of Westminster Avenue excepting therefore an irregular shaped parcel owned by the Hoag Memorial Hospital; thence along the center line of Westminster Avenue to the Southerly boundary of Tract No. 464; thence along said tract line to the center line of Old County Road; thence along said center line to the center line of Westminster; thence along the center line of Westminster to the center line of East 15th Street; thence along the center line of East 15th Street to Irvine Avenue; thence along the center line of Irvine Avenue to the center line of Coral Place; thence along the center line of Coral Place to St. Andrews Road; thence along St. Andrews Road to the center line of Cliff Drive; thence along the center line of Cliff Drive to Irvine Avenue; thence along the Westerly lot line of Lots 1 and 2 of Tract No. 1221; thence along the Southerly lot line of Lot 2 of Tract No. 1221 to the center line of Kings Road; thence along the Southerly lot line of Lots 19, 20, 21, 22 and 23 of Tract No. 1221 and the lots of Blocks A and B of Tract No. 1219; thence along the Southerly tract line of Tract No. 1218; thence along the Southerly lot line of Block C and D of Tract No. 1219 to the Easterly lot line of Lot 10 in Block D of Tract No. 1219; thence along the Easterly line of said lot and the prolongation thereof to the boundary line of the City of Newport Beach; thence along said boundary line to the Northerly corner of Lot 148 of Tract No. 1218; thence along the tract line of Tract No. 1218 to the center line of East 15th Street; thence along said center line to the center line of Irvine Avenue; thence along the center line of Irvine Avenue to the intersection of East 19th Street; thence Southeasterly, Northeasterly and Northwesterly along the property line described as the Westerly quarter of Lot 159 in Block 53 of the Irvine Subdivision to the intersection of East 20th Street and Irvine Avenue; thence Northeasterly along the center line of Irvine Avenue to the intersection of East 23d Street, said intersection is Easterly of the East corner of Lot 328, of Newport Heights Tract; thence Northwesterly along the center line of East 23d Street to the intersection of East 23d Street and Newport Avenue; thence Southwesterly along the center line of Newport Avenue to the intersection of the center line of Superior Avenue and East 17th Street to the point of beginning.

Name of district

33216. The name of the new district which succeeds the preceding districts and the city water system is "Costa Mesa County Water District."

Public agency

33217. The new district is a public agency of the State and shall in all respects be operated, managed and governed

as provided by law for county water districts generally; except that until the existing bonded debt of the merged and dissolved district is paid in full, no general obligation bonds shall be voted nor shall any debt be incurred for any district-wide reservoir purpose, except after a hearing and finding by the board of directors of the area and degree of benefit and the creation of special assessment districts based upon such determination.

Districts dissolved

33218. The Newport Heights Irrigation District, Fairview County Water District, the Newport Mesa County Water District, and the Newport Mesa Irrigation District are hereby dissolved and for all purposes shall cease to exist as herein provided. The Costa Mesa County Water District shall and does hereby succeed to all the properties and rights of said districts, and the water system, facilities, and appurtenances of the City of Costa Mesa.

Date of merger

33219. The dissolution of the Fairview County Water District, the Newport Mesa County Water District, the Newport Heights Irrigation District, and the Newport Mesa Irrigation District, and their merger into the Costa Mesa County Water District, shall occur and be considered completed for all purposes on the first day of the second month following the sixty-first day after the effective date of this part, unless there has been filed with any of the districts or the City of Costa Mesa a petition signed by at least 5 percent of the registered voters of the area comprising all of the districts and the City of Costa Mesa requesting that an election be held for the purpose of approving or disapproving the dissolution, merger and creation of the new district by popular vote. If such petition is filed and found to be valid, the election shall be held as quickly as possible and pursuant to the general provisions for holding elections as provided for county water districts, beginning with Section 30700 of the Water Code. The certification of the results of the election, if held, shall determine whether the dissolution, merger and creation of the new Costa Mesa County Water District has been accomplished.

Resolutions approving dissolution

33220. The boards of directors of the Newport Heights Irrigation District, Fairview County Water District, the Newport Mesa County Water District, and the city council of the City of Costa Mesa, may adopt, any time prior to the first day of the second month following the sixty-first day after this part becomes effective, resolutions approving the dissolution of their districts and merger into the Costa Mesa County Water District pursuant to the provisions of this part. The failure of any of these districts or the city to adopt such a resolution shall not prevent the dissolution, merger and creation of the Costa Mesa County Water District, but shall only prevent the dissolution, merger and transfer of such district or city system as provided in this part. The territory of any district or city not adopting such resolution shall be excluded from Section 33215 hereof and shall not be part of the Costa Mesa County Water District as provided in this part.

Newport Mesa Irrigation District dissolved

33221. As the Newport Mesa Irrigation District has been inactive for a number of years by reason of the formation of an overlapping district known as the Newport Mesa County Water District, action by its directors, if any, shall not be necessary for approval of this part. The Newport Mesa Irrigation District is hereby dissolved and any property of the Newport Mesa Irrigation District not already transferred to the Newport Mesa County Water District is hereby transferred.

Date of dissolution and merger

33222. On the first day of the second month following the sixty-first day after the effective date of this part, and if the districts and the city have adopted the resolutions approving this part as herein provided, and if no petition bearing at least 5 percent of the signatures of the registered voters of the area in the districts and the city has been filed requesting an election, the dissolution of the named districts and their merger into and the formation of the new Costa Mesa County Water District shall occur without further action by any of the districts or the city. All of the facilities, properties, assets and liabilities of all the districts are hereby transferred on such date to the Costa Mesa County Water District. The water system and its appurtenances of the City of Costa Mesa are, pursuant to the city's resolution approving same, transferred as of that date to the Costa Mesa County Water District.

Recording of resolutions

33223. The boards of directors of the Newport Heights Irrigation District, Fairview County Water District, and Newport Mesa County Water District, and the City Council of the City of Costa Mesa, shall cause to be recorded with the Recorder of Orange County a certified copy of their resolutions approving the dissolution, merger and creation of the Costa Mesa County Water District as provided in this part. Said resolutions for recording shall include the boundary description of the district or city adopting.

Assessments and debts continued

33224. Any assessments levied by or on behalf of the districts, or any bills or statements rendered by or on behalf of the districts, being dissolved and merged into the new Costa Mesa County Water District shall continue to be a debt or obligation of the person or property against whom levied, assessed or rendered.

CHAPTER 3. OPERATION OF NEW DISTRICT

Operation of new district

33240. Except as in this part expressly provided, the new Costa Mesa County Water District shall be in all respects operated, managed and governed, its directors and officers shall be elected or appointed, and its revenue shall be raised and expended, as provided by law for county water districts generally.

Actions pending

33241. Any and all actions and proceedings pending by or against any of the districts dissolved hereby at the time of their dissolution and merger into the new district may be prosecuted to final judgment for or against said districts, or

the new Costa Mesa County Water District may be substituted as a party.

Actions after dissolution-ment

33242. After the effective date of the dissolution and merger of the districts into the new Costa Mesa County Water District, no action or proceeding shall be brought for or against the dissolved and merged districts or their directors or officers or employees, but shall be prosecuted by or against the Costa Mesa County Water District.

Debts assumed

33243. All outstanding bonded and other indebtednesses of the dissolved and merged districts are hereby assumed by the Costa Mesa County Water District, and all bondholders and creditors of such districts may enforce any rights they may have against the Costa Mesa County Water District in like manner as if the districts had not been dissolved and merged into the Costa Mesa County Water District. All property subject to taxation or assessment for the payment of the principal of or interest on any such outstanding bonded and other indebtedness shall, until such principal and interest is paid or provision is made for the payment thereof, continue to be subject to such taxation or assessment as fully as though said districts had not been merged or dissolved, and all provisions of law which could have been used against the legislative bodies and officers of the merged or dissolved districts to compel the levy and collection of such taxes or assessments had the merger or dissolution not occurred can be used against the board of directors and officers of the Costa Mesa County Water District. As the City of Costa Mesa has no present bonded indebtedness, the new Costa Mesa County Water District is not assuming any present or future indebtedness of the City of Costa Mesa.

Transfer of funds

33244. Upon the dissolution of the named districts, their merger into the Costa Mesa County Water District, and the transfer of the water system by the City of Costa Mesa to the Costa Mesa County Water District as in this part provided, there shall be transferred to the General Fund of the Costa Mesa County Water District a sum equal to three dollars ($3) for each connected consumer by each of the districts and the City of Costa Mesa. All other funds of the district shall be transferred to special accounts for the payment of bond principal and interest of the respective assessment districts as provided in this part. Any surplus remaining after the payment of all bonded indebtedness or after setting aside sufficient funds to pay all bonded indebtedness shall remain in the special fund for the benefit of the territory of the district from which the funds were collected, and shall be used from time to time, until expended, for capital improvements within such territory.

Appointment of directors

33245. The boards of directors of the Newport Heights Irrigation District, the Fairview County Water District, and the Newport Mesa County Water District, and the city council of the City of Costa Mesa, shall, on or before the first day of the first month following the sixty-first day after this part

becomes effective, appoint by resolution a director to serve as a director of the Costa Mesa County Water District. The four directors so appointed shall, within 60 days thereafter, appoint the fifth director. If they for any reason should fail to appoint such a director within the time allowed, the board of supervisors of the County of Orange shall appoint such director. If any of the districts or the city fail to appoint a director as herein provided, the directors who are appointed as herein provided shall consider such office vacant and make an appointment therefor. The directors so appointed shall proceed as provided in Water Code Sections 30520 and following, to organize the board, elect officers, and proceed to govern the affairs of the Costa Mesa County Water District. Any director so appointed must qualify as provided by county water district law, and the first directors shall classify themselves by lot as provided in Water Code Section 30501.

Appraisal of assets

33246. The board of directors of the Costa Mesa County Water District shall, as soon as possible after the formation of the district, cause an appraisal to be made of all operating (other than pipelines, wells, reservoirs and appurtenances) and non-operating assets acquired from each district and the city. The non-operating assets shall be sold as soon as practicable and the proceeds therefrom credited to the district or city from which received. The operating assets necessary for the proper functioning of the integrated system shall be retained and all surplus operating property shall be sold and the proceeds therefrom credited to the agency from which received. It is the intention of the Legislature that the Costa Mesa County Water District equalize as much as reasonably possible the contribution of retained operating property (other than pipelines, wells, reservoirs and appurtenances) by each of the agencies.

Resolution adopting divisions

33247. The Board of Directors of the Costa Mesa County Water District shall, within one year after their appointment, adopt a resolution dividing the Costa Mesa County Water District into five divisions as nearly equal in acreage as practicable for the purpose of electing directors thereafter by divisions, as provided in Article 1 (commencing at Section 30730) of Chapter 2, Part 4, Division 12 of the Water Code.

Execution of documents

33248. The districts and the city shall, pursuant to this part, execute any and all documents necessary to complete the transfer of assets as herein provided.

Enforcement of Ordinance No 122

33249 The Board of Directors of the Costa Mesa County Water District shall enforce the same or similar provisions as Ordinance No. 122 of the City of Costa Mesa, respecting extension of water mains and costs thereof and the requirement of annexation to the City of Costa Mesa for water service in the area formerly served by the city system and the contiguous area northerly and easterly thereof, until the full amount of the funds advanced or hereafter advanced by the city for mainline extension, reservoir or well purposes has been collected and refunded to the city.

33250. Land may be added to the Costa Mesa County Water District or excluded therefrom, and all other actions or proceedings may be carried on by the Costa Mesa County Water District in the same manner as provided by the county water district law. Additions

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CHAPTER 1378

An act to amend Section 69600 of the Government Code, relating to the superior court judges for the County of Santa Clara.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.] In effect September 18, 1959

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

SECTION 1. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be 12 judges of the superior court.

CHAPTER 1379

An act to add Section 269 to the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.] In effect immediately

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

SECTION 1. Section 269 is added to the Revenue and Taxation Code, to read:

269. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1957 on property owned by any educational institution which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the welfare exemption and that would have so qualified for such fiscal year had it been owned by such institution on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some educational institutions purchased property during the 1957 calendar year, after the lien date for that year, which property was taxed for the Fiscal Year 1957-58, although it would have been exempt from taxation for that year by reason of the welfare exemption had it been acquired prior to such lien date. If required to meet such tax obligation, the ability of such institutions to function effectively will be seriously impaired, to the great detriment of our State. This act will remedy that situation, and in doing so the public policy of the State for the exemption of property owned by educational institutions, as expressed in Section 1c of Article XIII of the Constitution, will be subserved and the State as a whole will benefit.

CHAPTER 1380

An act to validate certain actions relating to the annexation of property to cities and to the zoning of such property, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Whenever heretofore there has been submitted to the electors of any general law city at an election therein a proposition for the adoption of an ordinance annexing, or purporting to annex, uninhabited territory to such city, which ordinance places, or purports to place, such territory in a particular district for zoning purposes or otherwise zones, or purports to zone, such territory for particular uses, and a majority of the votes cast upon such proposition were in favor of the adoption of such ordinance, and a certified copy of such ordinance has been filed with the Secretary of State, such ordinance is hereby confirmed, validated and declared legally effective, and such territory is hereby declared to be legally annexed to such city and to be legally zoned for the particular uses specified in such ordinance.

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

The peace, health and safety of the citizens of such cities and of the State require the orderly and unhampered functioning of the public bodies of such cities and such functioning depends upon the validity of the organization and boundaries of such public bodies, and upon the validity of acts and proceedings, particularly annexation proceedings, including the zoning of the property annexed, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of such cities and particularly those residing in the territory so annexed and zoned can be afforded the protection of the police, fire, safety, sanitary and other regulations and protections provided by public bodies and by such cities;

(2) Public works and construction by such cities can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals and other works, structures, improvements and facilities required by such cities for the public peace, health and safety, and immediately needed by reason of any such annexation;

(3) Such cities can issue and sell bonds for the purpose of providing such works, structures, improvements and facilities so required by such cities by reason of such annexation and zoning of the territory annexed which may or cannot be sold because of defects in the organization or boundaries of some such city or in the acts or proceedings for the annexation or zoning of the territory annexed, which defects will be cured by this act.

CHAPTER 1381

An act to amend Section 69599.5 of the Government Code, relating to superior courts.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 69599.5 of the Government Code is amended to read:

69599.5. In the County of Santa Barbara there shall be three judges of the superior court.

CHAPTER 1382

An act to add Section 542 to the Streets and Highways Code, relating to state highways, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect immediately

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

SECTION 1. Section 542 is added to the Streets and Highways Code, to read:

542. Route 242 is from Route 6 between Harbor Boulevard and the Yolo Causeway west of Sacramento to Route 3 near Watt Avenue.

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

The Federal Bureau of Public Roads has approved a circumferential freeway around the City of Sacramento to be included in the Federal Interstate System of Highways. It is necessary that a new route be added to the State Highway System for all of this freeway in order that expenditures may be legally made for the planning of this addition to the interstate system. It is essential that such addition be made at the earliest possible date. It is therefore necessary that this act take effect immediately.

CHAPTER 1383

An act to amend Sections 73821, 73822, 73823, 73824, and 73825 of the Government Code, relating to municipal courts.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 73821 of the Government Code is amended to read:

Judges

73821. There shall be three judges.

SEC. 2. Section 73822 of said code is amended to read:

Salary Clerk

73822. There shall be one clerk who shall receive a minimum salary of four hundred dollars ($400) monthly, with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred eighty-two dollars ($482) monthly.

SEC. 3. Section 73823 of said code is amended to read:

Same Deputy clerks

73823. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of three hundred forty-nine dollars ($349) monthly, with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred nineteen dollars ($419) monthly.

(b) Three deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of three hundred thirty-three dollars ($333) monthly, with annual increments of sixteen dollars ($16), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of four hundred dollars ($400) monthly.

(c) Two deputy clerks each of whom shall receive a minimum salary of three hundred four dollars ($304) monthly, with annual increments of fourteen dollars ($14), fifteen dol-

lars ($15), sixteen dollars ($16) and sixteen dollars ($16) to a maximum of three hundred sixty-five dollars ($365) monthly.

(d) Four deputy clerks each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly, with annual increments of twelve dollars ($12), thirteen dollars ($13), fourteen dollars ($14) and fourteen dollars ($14) to a maximum of three hundred eighteen dollars ($318) monthly.

(e) Three deputy clerks each of whom shall receive a minimum salary of two hundred fifty-three dollars ($253) monthly, with annual increments of twelve dollars ($12), twelve dollars ($12), thirteen dollars ($13) and fourteen dollars ($14) to a maximum of three hundred four dollars ($304) monthly.

Upon the effective date of this section, the incumbent officers and attaches shall each retain the same salary step in the salary range made applicable to his position by this section as he occupied under the superseded salary range. For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attache was first appointed to the position in which the increment is sought.

SEC. 4. Section 73824 of said code is amended to read:

Same: Marshal

73824. There shall be one marshal who shall receive a salary of three hundred eighty-two dollars ($382) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred sixty dollars ($460) monthly.

SEC. 5. Section 73825 of said code is amended to read:

Same Deputy marshals

73825. The marshal may appoint the following:

(a) Two deputy marshals who shall be court bailiffs, and who shall receive a minimum salary of three hundred forty-nine dollars ($349) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of four hundred nineteen dollars ($419) monthly.

(b) One deputy marshal clerk who shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of twelve dollars ($12), twelve dollars ($12), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of three hundred eighteen dollars ($318) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

CHAPTER 1384

An act to amend Section 69604 of the Government Code, relating to the superior courts.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 69604 of the Government Code is amended to read:

69604. In the County of Stanislaus there shall be four judges of the superior court.

CHAPTER 1385

An act to amend Section 72622 of the Government Code, relating to the official body of judges of municipal courts established in Los Angeles County.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 72622 of the Government Code is amended to read:

72622. By majority vote, the judges constituting such official body may adopt rules or bylaws for conducting the affairs and proceedings of such body, including provision for officers and committees, and defining their composition, qualification, powers and duties. The judges may assign one municipal court attache to serve as nonmember secretary to the official body and as executive assistant to the officers and committees thereof. Such assignment shall be in addition to such attache's regular duties. While so assigned the compensation to which such attache is normally entitled shall be increased ten (10) percent; provided, that such attache shall not receive a compensation which is greater than the compensation received by a judge of the municipal court in that county.

CHAPTER 1386

An act to amend Section 73431 of the Government Code, relating to judges of the municipal court established in the district embracing the City of Bakersfield.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 73431 of the Government Code is amended to read:

73431. There shall be four judges.

CHAPTER 1387

An act to amend Section 69582 of the Government Code, relating to superior courts.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 69582 of the Government Code is amended to read:

69582. In the County of Contra Costa there shall be seven judges of the superior court.

CHAPTER 1388

An act to amend Section 69586 of the Government Code, relating to the superior court in Los Angeles County.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 69586 of the Government Code is amended to read:

69586. In the County of Los Angeles there shall be 102 judges of the superior court, any one or more of whom may hold court.

CHAPTER 1389

An act to amend Section 27641 of the Government Code, relating to the term and removal of a county counsel, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect immediately

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

SECTION 1. Section 27641 of the Government Code is amended to read:

27641. The county counsel shall serve for four years from the time of his appointment and until his successor is appointed, subject to the following:

(a) He may be removed at any time by proceedings under Article 3 (commencing at Section 3060) of Chapter 7 of Division 4 of Title 1 of the Government Code.

(b) He may be removed at any time by the board of supervisors for neglect of duty, malfeasance or misconduct in office, or other good cause shown, upon written accusation to be filed

with the board of supervisors, by a person not a member of the board, and heard by the board and sustained by a three-fifths vote of the board. When an accusation has been so filed with the board, the board may direct the district attorney to investigate and present the accusation or may employ private counsel for that purpose. All testimony before the board shall be under oath or affirmation administered by the board. The board is hereby vested with the power to compel the attendance of witnesses and the production of books, papers and testimony and shall make such processes available to the accused. A copy of the accusation shall be personally served upon the accused and he shall be given not less than 10 days' time in which to file a written answer to the accusation. If, after hearing, it appears to the satisfaction of the board that the accusation has been substantiated, the board shall so notify the accused by mail. Such notice shall specifically state the findings and judgment of the board, and the board shall thereupon forthwith remove the accused from office and shall immediately appoint his successor.

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

The public interest requires that there be efficacious means of removing from office those officers who are inefficient, neglectful of duty, or who have been guilty of malfeasance or misconduct. This act provides such a device. There exists at present a situation in which such device is urgently needed if the public welfare is to be protected and, accordingly, it is provided that this act shall take immediate effect.

CHAPTER 1390

An act to amend Section 70141.5 of, and to add Section 70141.8 to, the Government Code, relating to superior court commissioners.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 70141.5 of the Government Code is amended to read:

Superior court commissioners

70141.5. In any county with a population exceeding 291,000 and not exceeding 900,000, as determined by the 1950 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner

appointed pursuant to Section 69897 of this code. Any commissioner who is authorized to perform such duties in any county with a population exceeding 291,000 and not exceeding 900,000 shall receive an annual salary of eight thousand four hundred dollars ($8,400). Such commissioner shall be allowed actual traveling expenses pursuant to Section 70148.

SEC. 2. Section 70141.8 is added to said code, to read:

70141.8. In any county with a population exceeding 290,000 and not exceeding 291,000, as determined by the 1950 federal census, the superior court may provide that the commissioner in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of twelve thousand dollars ($12,000). Same

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CHAPTER 1391

An act to amend Section 11715 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to vehicles owned by dealers.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 11715 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

11715. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale only.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may be used for the purpose of towing or transporting

by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 11716.

(d) The provisions of this chapter do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, except those vehicles rented or leased to vehicle salesmen in the course of their employment for purposes of display or demonstration, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

(e) The provisions of this section do not apply to vehicles currently registered in this State which are owned and operated by a licensed dealer when the notice of transfer has been forwarded to the department by the former owner of record pursuant to Section 5900 and when a copy of the notice is displayed in the same manner as is required of registration certificates.

CHAPTER 1392

An act to add Section 53608 to the Government Code, and Section 17203.5 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the investment of public funds and money.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 53608 is added to the Government Code, to read:

Deposit for safekeeping

53608. The legislative body of a local agency may deposit for safekeeping with a state or national bank located within this State or with the Federal Reserve Bank of San Francisco or any branch thereof within this State the bonds, notes, bills, certificates of indebtedness, warrants or other evidences of indebtedness in which the money of the local agency is invested pursuant to this article. The local agency shall take from such bank a receipt for securities so deposited. The authority of the legislative body to deposit for safekeeping may be delegated by the legislative body to the treasurer of the local agency; the treasurer shall not be responsible for securities delivered to and receipted for by a bank until they are withdrawn from the bank by the treasurer.

SEC. 2. Section 17203.5 is added to the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

17203.5. The governing board of a school district which has made an investment pursuant to the authority of Section 17203 may deposit such security for safekeeping with a state or national bank located within this State or with the Federal Reserve Bank of San Francisco or any branch thereof within this State. The governing board shall take from such bank a receipt for the security so deposited. The county treasurer with whom such funds if uninvested would be deposited shall not be responsible for securities delivered to and receipted for by a bank under the authority of this section until they are withdrawn from the bank by said treasurer. Same

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CHAPTER 1393

An act to amend Sections 73649, 73959 and 74749 of the Government Code, relating to the payment of official reporters in the municipal courts in San Diego County.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.] In effect September 18, 1959

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

SECTION 1. Section 73649 of the Government Code is amended to read:

73649. The judge of the court may appoint one official reporter pursuant to Section 72194 who shall be an attache of the court and in lieu of any other compensation provided by law for his services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of two hundred fifty dollars ($250). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporter shall receive the fees provided by Section 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego. Official reporter

SEC. 2. Section 73959 of said code is amended to read:

73959. The judge of the court may appoint one official reporter pursuant to Section 72194 who shall be an attache of the court and in lieu of any other compensation provided by law for his services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary Same

of two hundred fifty dollars ($250). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporter shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego.

SEC. 3. Section 74749 of said code is amended to read:

Same

74749. The judge of the court may appoint one official reporter pursuant to Section 72194 who shall be an attache of the court and in lieu of any other compensation provided by law for his services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of two hundred fifty dollars ($250). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporter shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego.

CHAPTER 1394

An act to amend Section 2877 of the Penal Code, relating to handiwork articles made by prisoners.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 2877 of the Penal Code is amended to read:

2877. The director may provide for the manufacture of small articles of handiwork by the prisoners out of raw materials purchased by the prisoners with their own funds or funds borrowed from the Inmates' Welfare Fund, which articles may be sold to the public at the state prisons, in public buildings, at fairs, or on property operated by nonprofit associations. State-owned property shall not be sold or given to prisoners for use under this section, except as expressly permitted by this section. The director may provide that all or a part of the sale price of the articles be deposited to the account of the prisoner manufacturing the article.

CHAPTER 1395

An act to amend Section 32221 of the Health and Safety Code, relating to local hospital districts.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 32221 of the Health and Safety Code is amended to read:

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital in excess of fifty thousand dollars ($50,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203. This section shall not apply to any district licensed to have 85 beds and located in a county of 2,000,000 or more population as determined by the 1950 census until one year has elapsed after the effective date of the amendment of this section at the 1959 Regular Session.

CHAPTER 1396

An act to amend Section 1269b of the Penal Code, relating to bail.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody and the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defendant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) It is the duty of the municipal and justice court judges in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor offenses. It shall contain a list of such misdemeanor offenses and the amounts of bail applicable thereto as the judges determine to be appropriate, and, if it does not list all misdemeanor offenses specifically, it shall

contain a general clause providing for a designated amount of bail as the judges of the county determine to be appropriate for all misdemeanor offenses not specifically listed in the schedule. The schedule of bail may be revised from time to time by the judges of the county, and the senior judge at each county seat shall call not more than two or less than one meeting each year of all municipal and justice court judges in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.

Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

CHAPTER 1397

An act to amend Sections 3167, 3254, and 3255 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to unification of school districts.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3167 of the Education Code is amended to read:

Canvass of votes

3167. The officers of the election in each district or portion of a district in which the election is held shall canvass the votes immediately after the closing of the polls. The canvass may be continued from day to day until completed. The provisions of the Election Code providing for absentee voting shall apply and the county superintendent of schools shall count absentee ballots on the seventh day after the election. Upon the completion of the canvass the election officers shall notify the county superintendent of schools of the votes cast for and against the proposed unification of school districts. The county superintendent of schools, after receiving the returns from all election officers, shall tabulate them and the

absentee ballots and notify the board of supervisors of the number of votes cast for, and the number of votes cast against, the unification of school districts in each elementary school district or unified school district and also the total number of votes cast for, and the total number of votes cast against, the unification of school districts.

If a majority of all the votes cast are cast in favor of the unification, the proposal carries; except, that (a) if the voters in one (1) district, or portion of a district cast a majority of all the votes cast at the election, then, the proposal must carry by a majority in such district, or portion of a district, and, in addition, by a majority of the combined votes of all the other districts or portion of districts, as the case may be, concerned; or (b) if the voters in a city elementary school district governed by a city board of education and having an average daily attendance of more than 225,000 during the immediately preceding fiscal school year, cast, in favor of the unification, a majority of all the votes cast on the proposition, the proposal for unification shall carry as to said city school district, and in addition, if the proposal carries in the city school district, the proposal shall also carry as to any other school district or districts included in the unification proposal at such election and in which a majority vote of the district is cast in favor of the proposal.

If the proposal for unification or reorganization includes a city elementary school district governed by a city board of education and having an average daily attendance of more than 225,000 during the immediately preceding fiscal year, and any one or more other elementary school districts, or a portion of one or more other elementary districts, any such other elementary school district or portion of such other elementary school district shall be excluded from the unification or reorganization proposal, no election shall be held in, and the unification or reorganization shall be ineffective in, such district or portion of district, if the governing board of the district adopts a resolution by a vote of four-fifths of its total membership stating that the district or portion of the district is excluded and files a certified copy of a resolution with the county committee or committees prior to adjournment of the hearings prescribed by Section 3153. If any such elementary district or portion of an elementary district so excluded is located in a high school district included in the unification or reorganization proposal, territory of the high school district which is coextensive with the excluded elementary district or excluded portion of an elementary district shall also be excluded and the unification or reorganization shall be ineffective in such territory of the high school district. The provisions of this paragraph shall remain effective until June 30, 1962.

If the majority of all votes cast in a unified district containing an incorporated city in which a high school has been maintained for 40 years or more are opposed to unification, the unified district shall not be included. If the unification carries

at the election the board of supervisors of the county in which the area, or the greater part thereof, is situated, shall cause an entry of that fact to be entered in its minutes and the unification shall be deemed to be accomplished, subject to the provisions of Sections 3201 and 3202.

SEC. 2. Section 3254 of said code is amended to read:

Membership on governing board

3254. No member of the governing board of any component district of a unified school district shall be a member of the governing board of the unified school district unless elected thereto; except that when a unified school district is formed pursuant to this chapter which includes a city school district having a city board of education as provided under Section 1203 of this code, the unified school district shall be governed by said city board of education and the governing board members thereof shall continue in office for the remainder of their terms as elected pursuant to the provisions of Section 1203.

SEC. 3. Section 3255 of said code is amended to read:

Date of election

3255 Upon the formation of a unified school district, except as otherwise provided in this article, the county superintendent of schools having jurisdiction shall call and set the date for an election for the purpose of electing the governing board of the district. Such call shall be issued not later than the fourth Friday of January next succeeding the formation of the district. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts.

CHAPTER 1398

An act to amend Section 23661 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 23661 of the Business and Professions Code is amended to read:

23661. Except as otherwise provided in this section, alcoholic beverages may be brought into this State from without this State for delivery or use within the State only by common carriers and only when the alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of the licensed importer or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division.

The provisions of this chapter are not applicable in the case of alcoholic beverages which are sold and delivered by a licensee in this State to another licensee in this State, and which in the course of delivery are taken without this State through another state without any storage thereof in such other state.

The provisions of this section are not applicable in the case of alcoholic beverages brought into this State by an adult on board a steamship, common carrier, or air common carrier from without the United States for personal or household use which are exempt from payment of duty in accordance with the existing provisions of federal law. Such alcoholic beverages shall be exempt from state licensing restrictions.

The provisions of this section are not applicable in the case of alcoholic beverages shipped into this State from without the United States by an adult member of the Armed Forces of the United States, serving outside the confines of the United States, for his personal or household use within the State in such quantity of alcoholic beverages as is exempt from the payment of duty under existing provisions of the Federal Tariff Act or regulations. Such alcoholic beverages may be brought into this State only by common carrier and consigned to the premises of a licensed importer or customs broker, or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division. Notwithstanding any other provisions of this division, the holder of an importer's license, a customs broker's license, or a public warehouse license, may make delivery of such alcoholic beverages as may be brought into this State under the provisions of this paragraph directly to the owner thereof upon satisfactory proof of identity. Such delivery shall not be deemed to constitute a sale in this State.

CHAPTER 1399

An act to amend Section 139 of the Civil Code, relating to support of spouse and children.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 139 of the Civil Code is amended to read:

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, specifying in such judgment or decree the name, age and amount of support for each child, and said decree or judgment may be enforced by the court by execution or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same, including any order for support of children based on a provision for such support in an integrated property settlement agreement, may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

The amendments to the second paragraph of this section enacted at the 1959 Regular Session of the Legislature are effective only with respect to property settlement agreements entered into after the effective date of such amendments.

CHAPTER 1400

An act to amend Section 1944 of the Labor Code, relating to employment of aliens.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of any native-born woman of the United States who has married a noncitizen.

(b) To any member of the faculty or teaching force or student body, or to student assistants, of any college or university supported in whole or in part by the State.

(c) To any specialist or expert temporarily employed by any department of the State or any county, or city, and engaged in special investigation.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

CHAPTER 1401

An act to amend Sections 4250 and 4252 of the Penal Code, relating to blood donations by prisoners.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 4250 of the Penal Code is amended to read:

Application re prisoners

4250. This chapter applies to prisoners confined in city, county, or city and county jails, or industrial farms or road camps established pursuant to this title, who are under a sentence of 30 days or more.

SEC. 2. Section 4252 of said code is amended to read:

Blood donations

4252. For each blood donation accepted by a blood bank from a prisoner, five days shall be deducted by the person in charge of the jail or other facility from the prisoner's period of confinement.

CHAPTER 1402

An act to amend Sections 1030 and 1256 of the Unemployment Insurance Code, relating to Unemployment Insurance Code.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 1030 of the Unemployment Insurance Code is amended to read:

Employers' submission of facts

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily

and without good cause or was discharged from such employment for misconduct connected with his work.

(b) Any base period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work.

(c) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims.

SEC. 2. Section 1256 of said code is amended to read:

1256. An individual is disqualified for unemployment compensation benefits if the director finds that he left his most recent work voluntarily without good cause or that he has been discharged for misconduct connected with his most recent work. Disqualification

An individual is presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer has given written notice to the contrary to the director within five days after the termination of service, setting forth facts sufficient to overcome the presumption. If the employer files such notice, the question shall immediately be determined in the same manner as benefit claims.

An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party, shall not be deemed to have left his work without good cause.

CHAPTER 1403

An act to add Section 7032 to the Business and Professions Code, relating to contractors, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.] In effect immediately

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

SECTION 1. Section 7032 is added to the Business and Professions Code, to read:

7032. Nothing in this chapter shall limit the power of a city or county to regulate the quality and character of installations made by contractors through a system of permits and inspections which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws, or to enforce other local laws necessary for the protection of the public health and safety. Nothing in this chapter shall limit the power of a city or county to adopt any system of permits requiring submission to and approval by the city or county of plans and specifications for an installation prior to the commencement of construction of the installation.

Nothing contained in this section shall be construed as authorizing a city or county to enact regulations relating to the qualifications necessary to engage in the business of contracting.

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

The protection of persons and property in this State requires that electrical, plumbing, heating, structural and other installations in buildings erected within the State of California meet reasonable standards of safety. Pursuant to the plan adopted by this Legislature in the State Housing Act, this protection has been provided by the enforcement on the local level of appropriate state and local building, electrical, plumbing and other laws through a permit system. A recent decision of the California Supreme Court, construing the Contractors State License Act, has been interpreted by some judges as prohibiting local governments from using a permit system for the enforcement of such building laws where work is to be performed by a state-licensed contractor. There is danger that a large number of installations will be made without adequate supervision unless the power of local governments to use a permit system is immediately clarified and confirmed by the adoption of this act.

CHAPTER 1404

An act to amend Sections 321 and 323 of the Agricultural Code, relating to foreign cold storage meat.

In effect September 18, 1959

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

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

SECTION 1. Section 321 of the Agricultural Code is amended to read:

Cold storage meat

321 It is unlawful to import or sell at wholesale any cold storage meat that has been imported into the State from with-

out the United States, herein referred to as foreign cold storage meat, without having first obtained a license from the director as hereinafter provided, and without having submitted all such meat for inspection and examination at port of entry. The director shall cause all such meat to be inspected upon arrival, and shall establish such bacteriological or chemical standards as he deems proper to determine the wholesomeness and fitness of such meat for human consumption; any meats found unfit for human consumption shall be marked conspicuously with the words "unfit for human consumption," and the sale thereof for human food is prohibited. All meats inspected and passed for food, as provided in this article, shall be marked with a tag or brand of such size and design as shall be promulgated by the rules and regulations established by the director for the enforcement of this article, and shall bear the words "foreign cold storage meat inspected and passed by the State Department of Agriculture." Such tag or brand shall not be removed until the meat is cut for retail, and meats so tagged or branded shall at all times be subject to reinspection.

SEC. 2. Section 323 of said code is amended to read:

323. The director, upon application of any person importing or selling at wholesale foreign cold storage meat, shall issue a license to such applicant upon the payment of an annual fee of twenty-five dollars ($25). All such licenses shall expire on June 30th of each year. No license shall be issued for a period of less than one year. License

All moneys collected under the provisions of this article shall be paid into the State Treasury to the credit of the General Fund.

SEC. 3. This act shall become operative July 1, 1960. Operative date

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CHAPTER 1405

An act to amend Section 851 of the Public Utilities Code, relating to the disposition of property by public utilities.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 851 of the Public Utilities Code is amended to read:

851. No public utility other than a common carrier by railroad subject to Part I of the Interstate Commerce Act (Title 49, U. S. C.) shall sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant, system, or other property necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, nor by any means whatsoever, directly or indirectly, merge or consoli-

date its railroad, street railroad, line, plant, system, or other property, or franchises or permits or any part thereof, with any other public utility, without first having secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger, or consolidation made other than in accordance with the order of the commission authorizing it is void. The permission and approval of the commission to the exercise of a franchise or permit under Article 1 (commencing at Section 1001) of Chapter 5 of this part, or the sale, lease, assignment, mortgage, or other disposition or encumbrance of a franchise or permit under this article shall not revive or validate any lapsed or invalid franchise or permit, or enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or waive any forfeiture.

Nothing in this section shall prevent the sale, lease, encumbrance or other disposition by any public utility or property which is not necessary or useful in the performance of its duties to the public, and any disposition of property by a public utility shall be conclusively presumed to be of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser, lessee or encumbrancer dealing with such property in good faith for value; provided, however, that nothing in this section shall apply to the interchange of equipment in the regular course of transportation between connecting common carriers.

CHAPTER 1406

An act to amend Section 200 of the Code of Civil Procedure, relating to persons exempt from liability to act as jurors.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A judicial, civil, naval or military officer of the United States, or of this State, or a member of the Armed Forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing chiropodist, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this State;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this State, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this State, or any exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this State, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision 3 of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination; or,

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

CHAPTER 1407

An act to add Section 70044.5 to the Government Code, relating to court reporters of the Superior Court of the County of San Mateo.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 70044.5 is added to the Government Code, to read:

70044.5. In a county with a population of 230,000 or more and under 250,000 the compensation of each regular official reporter and each pro tempore official reporter for reporting testimony and proceedings in contested cases is thirty-five dollars ($35) a day.

CHAPTER 1408

An act to amend Section 1871 of the Code of Civil Procedure, relating to compensation of court-appointed medical expert witnesses.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 1871 of the Code of Civil Procedure is amended to read:

1871. Whenever it shall be made to appear to any court or judge thereof, either before or during the trial of any action or proceeding, civil, criminal, or juvenile court, pending before such court, that expert evidence is, or will be required by the court or any party to such action or proceeding, such court or judge may, on motion of any party, or on motion of such court or judge, appoint one or more experts to investigate and testify at the trial of such action or proceeding relative to the matter or matters as to which such expert evidence is, or will be required, and such court or judge may fix the compensation of such expert or experts for such services, if any, as such expert or experts may have rendered, in addition to his or their services as a witness or witnesses, at such amount or amounts as to the court or judge may seem reasonable.

In all criminal and juvenile court actions and proceedings such compensation so fixed shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court or judge. In any county with a population of over 4,000,000 in which the following procedure has been authorized by the board of supervisors, on order by the court or judge in any civil action or proceeding, the compensation so fixed of any medical expert or experts shall also be a charge against and paid out of the treasury of such county. Except as above otherwise provided, in all civil actions and proceedings such compensation shall, in the first instance, be apportioned and charged to the several parties in such proportion as the court or judge may determine and may thereafter be taxed and allowed in like manner as other costs.

Nothing contained in this section shall be deemed or construed so as to prevent any party to any action or proceeding from producing other expert evidence as to such matter or matters, but where other expert witnesses are called by a party to an action or proceeding they shall be entitled to the ordinary witness fees only and such witness fees shall be taxed and allowed in like manner as other witness fees.

Any expert so appointed by the court may be called and examined as a witness by any party to such action or proceeding or by the court itself; but, when called, shall be subject to examination and objection as to his competency and quali-

fications as an expert witness and as to his bias. Such expert though called and examined by the court, may be cross-examined by the several parties to an action or proceeding in such order as the court may direct. When such witness is called and examined by the court, the several parties shall have the same right to object to the questions asked and the evidence adduced as though such witness were called and examined by an adverse party.

The court or judge may at any time before the trial or during the trial, limit the number of expert witnesses to be called by any party.

CHAPTER 1409

An act to amend Section 728 of the Welfare and Institutions Code, relating to arrest of minors.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 728 of the Welfare and Institutions Code is amended to read:

728. In case such citation cannot be served, or the party served fails to obey it, or in any case in which it appears to the court that the citation will probably be ineffective, a warrant of arrest shall issue on the order of the court, either against the parent or guardian, or the person having the custody of the minor, or with whom the minor is, or against the minor himself, or any or all such persons; or if there is no person to be served with a citation, as provided in Section 726, a warrant of arrest may be issued immediately against the minor.

Whenever a petition has been filed in the juvenile court alleging that a minor comes within the provisions of subdivision (m) of Section 700 of this code and praying for a hearing thereon or whenever any subsequent petition has been filed praying for a hearing in the matter of said minor, and it appears to the court that the conduct and behavior of the said minor may endanger the health, person, welfare, or property of himself or others, or that the circumstances of his home environment may endanger the health, person, welfare or property of said minor, a warrant of arrest may be issued immediately for the minor.

CHAPTER 1410

An act to add Chapter 1.8 (commencing at Section 148) to Division 1 of the Welfare and Institutions Code, relating to the acquisition and disposition of salvageable personal property for charitable purposes.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Chapter 1.8 is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 1.8. ACQUISITION AND DISPOSITION OF SALVAGEABLE PERSONAL PROPERTY FOR CHARITABLE PURPOSES

148. As used in this chapter:

Definitions

(a) "Solicit" or any of its derivatives means to request directly or indirectly the giving of any kind of salvageable personal property on the plea or representation, express or implied, to the person requested that the property or any proceeds to be derived therefrom are to be devoted to charitable uses. The word shall extend to such requests made by any of the following means, whether or not the person making the request is given anything as a result:

1. Orally or in writing, by telephone or otherwise.

2. By distribution, circulation, mailing, posting, or publishing of any handbill, advertisement, or publication.

3. By means of any box or receptacle, upon any public street, sidewalk or way, or in any public park or in any publicly owned or controlled place; or by means of any box or receptacle in any place immediately abutting upon any public sidewalk or way, or in any place of business open to the public, or in any room, hallway, corridor, lobby, or entranceway, or other place open or accessible to the public.

4. By making of any announcement through the press, radio, telephone, television, or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, or social gathering, which the public is requested to patronize.

(b) "Salvageable personal property" means any type of corporeal personalty. new or used, but not including money or evidences of debt.

Limitations

148.1. None of the provisions of this chapter shall apply to the activities of any organization or association of persons or any person engaged by or under its authority, in soliciting donations of salvageable personal property solely from members of the organization or in selling salvageable personal property obtained from the organization's members by such soliciting, or the soliciting and sale of salvageable personal

property by fraternal, social, political, or service organizations for occasional rummage sales or bazaars where such activity does not constitute a major part of the organization's activities and is not conducted as a permanent or continuous operation.

Soliciting donations Associations

148.3. It shall be unlawful for any association of persons to engage, directly or indirectly, in soliciting donations of salvageable personal property, or in selling salvageable personal property obtained by soliciting, except an association which is exempt under Section 23701d of the Revenue and Taxation Code from any tax imposed by the Bank and Corporations Tax Law.

Same Organizations

148.4. It shall be unlawful for any organization qualified under Section 148.3 to solicit donations of salvageable personal property, to contract with or otherwise engage any independent contractor to perform the work of soliciting such donations or selling any personal property donated. All soliciting shall be done by the officers of the organization or agents appointed by or under the authority of such officers.

Exception

148.5. It shall be unlawful for any person to engage in soliciting donations of salvageable personal property except as an officer or agent of an organization meeting the requirements of Section 148.3, and who has been appointed in the manner prescribed by this chapter.

Identification card

148.6. Every organization qualified under Section 148.3 to solicit donations of salvageable personal property, shall furnish each officer or agent engaged to work as a solicitor with an identification card stating the name and address of the solicitor, the name of the organization for whom he is soliciting, that he has been appointed by the organization to act as a solicitor, and the signature of the person by whom he was so appointed. The identification card must be exhibited on the demand of any person solicited or of any peace officer. Any such organization receiving the proceeds from any sale of salvageable personal property obtained by soliciting, shall see that each purchaser of such property is given a receipt stating the price paid for the property sold. Every such organization shall keep accurate books and records setting out the proceeds of such sales and the amounts devoted directly to charitable uses, which books and records shall be open to the inspection of any peace officer.

Misdemeanor

148.8. The violation of any provision of this chapter by any person or organization is a misdemeanor. Any person who solicits a donation of salvageable personal property, and uses any device purporting to be an identification card and which is not furnished in accordance with the provisions of this chapter is guilty of a misdemeanor.

Additional requirements allowed

148.9. The enactment of this chapter shall in no way limit or infringe upon the powers of counties and cities to impose additional requirements for the privilege of soliciting and selling salvageable personal property within their jurisdictions.

CHAPTER 1411

An act to amend Sections 8938, 8947, and 8954 of, to add Sections 8940.5, 8965 and 8966 to, and to repeal Sections 8965 and 8966 of, the Business and Professions Code, relating to yacht and ship brokers.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 8938 of the Business and Professions Code is amended to read:

Applications

8938. All applications for licenses shall be made in writing and every application shall be accompanied by the recommendations of two yacht and ship or real estate brokers of the county in which the applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that the applicant be granted a license.

If the applicant has not resided or engaged in business in the county for at least one year, the yacht and ship or real estate brokers of any county in which he formerly resided or had his place of business may make such recommendations.

Each individual applicant shall be at least 21 years of age.

SEC. 2. Section 8947 of said code is amended to read:

Copy of agreement

8947. When a licensee prepares or there is prepared on behalf of a licensee an agreement authorizing or employing such licensee to purchase, sell, or exchange a yacht or ship, for compensation or commission, such licensee shall deliver a copy of the agreement to the person signing it. Receipt for said copy may be made on the face of the agreement.

SEC. 2.5. Section 8940.5 is added to said code, to read:

Prohibitions

8940.5. Any person who has been denied a license or whose license has been revoked or is under suspension or has not been renewed while under suspension, or any person who has been a member of a partnership or an officer or director of a corporation the license of which has been revoked or is under suspension or has not been renewed while under suspension and who while acting as such partner, officer, or director participated in the acts for which the license was suspended or revoked, may be prohibited from serving as a member of a licensed partnership or as an officer or director of a licensed corporation, and the employment, election or association of such person in such capacity by an applicant or a licensee shall constitute grounds for the denial of an application and the suspension or revocation of a license.

SEC. 3. Section 8954 of said code is amended to read:

Suspension and revocation of license

8954. The commission may suspend or revoke the license of a broker or salesman who has committed any of the following acts:

(a) Makes a substantial misrepresentation upon which any person has relied.

(b) Makes a false warranty of a character likely to influence, persuade or induce any person with whom business is transacted under this chapter.

(c) Engages in a continued and flagrant course of misrepresentation or makes false warranties, whether or not relied upon by another person.

(d) Acts for the buyer and seller in a transaction without the knowledge and consent of both parties.

(e) Commingles the money or other property of his principal with that of his own.

(f) Does any of the acts or participates in any of the transactions defined in Section 8902 of this code with respect to any yacht or ship not registered in accordance with the provisions of Sections 3101 to 3112, inclusive, of the Revenue and Taxation Code.

(g) Performs any act or participates in any transaction which belongs to or is connected with a class or activity other than the class for which he is licensed.

(h) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring an exclusive listing, or participating in a transaction knowing that such means have been or will be used therein.

(i) Quotes prices higher than the gross listing prices.

(j) Engages in any other conduct constituting fraud or dishonest dealings, either with respect to his principal or other persons.

(k) Permits his name to be used for the purpose of assisting any person who is not a licensed yacht and ship broker or salesman to evade the provisions of this chapter.

SEC. 4. Sections 8965 and 8966 of said code are repealed. Repeals

SEC. 5. Section 8965 is added to said code, to read:

8965. During the month of December of each year, each person licensed under this chapter shall file with the commission an application for renewal of his license and shall pay to the commission the renewal fee required by this chapter, whereupon the commission shall renew his license. Every license not renewed in accordance with this section shall expire on January 1st of the year following the year for which it was issued or renewed and shall forthwith be returned to the commission. Such license may thereafter be reinstated only upon the filing of an application therefor and the payment of the renewal fee required by this chapter for the year in which reinstatement is sought, together with a penalty fee equal to 75 percent of the renewal fee. No examination shall be required for the reinstatement of a license which has expired solely for nonpayment of the renewal fee as required by this section. Application for renewal

SEC. 6. Section 8966 is added to said code, to read:

8966. An application for reinstatement of a license which has expired pursuant to Section 8965 shall be on the form pro- Application for reinstatement

vided by the commission and shall be affirmed or sworn to before a notary public or other person authorized by law to administer oaths and affirmations or shall be executed under penalty of perjury. The commission may refuse to grant reinstatement if the applicant, after the expiration of his license, has performed any act or participated in any transaction for which a license is required by this chapter or during such period has committed any offense or performed any act which would be cause for the suspension or revocation of a license under this chapter.

CHAPTER 1412

An act to amend Section 74261 of the Government Code, relating to municipal courts.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 74261 of the Government Code is amended to read:

74261. There shall be four judges.

CHAPTER 1413

An act to amend Section 777.1 of the Insurance Code, relating to free insurance.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 777.1 of the Insurance Code is amended to read:

777.1. No insurer shall participate in any plan to offer or effect any kind or kinds of insurance or annuities in this State as an inducement to the purchase or rental by the public of any goods, securities, commodities, or services, without any separate charge to the insured for such insurance, nor shall any agent, broker, or solicitor arrange the sale of any such insurance. The provisions of this article shall not be applicable to insurance written in connection with subscriptions to newspapers of general circulation; nor shall it apply to insurance issued to credit unions or to members of credit unions in connection with the purchase of shares in such a credit union; nor shall it apply to insurance offered as a guarantee of the performance of goods, which insurance is designed to protect the purchasers or users of such goods; nor shall it be applicable to any title insurance or life or disability insurance written in connection with an indebtedness, the purpose of which insurance is to pay

the balance of the indebtedness in the event of the death or disability of the person insured; nor shall it be applicable to any of the provisions of Part 5 (commencing at Section 12140), Division 2 of this code.

CHAPTER 1414

An act to amend Section 5050.3 of the Welfare and Institutions Code, relating to emergency commitments of mentally ill persons.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5050.3 of the Welfare and Institutions Code is amended to read:

5050.3. When any person becomes so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment, or restraint, a peace officer, health officer, county physician or assistant county physician, who has reasonable cause to believe that such is the case, may take the person into custody for his best interest and protection and place him as provided in this section. The person believed to be mentally ill may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the circumstances under which the person's condition was called to the officer's or physician's attention and shall also state that the officer or physician believes, as a result of his personal observation, that the person is mentally ill and because of his illness is likely to injure himself or others if not immediately hospitalized.

The superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person for a period not to exceed seventy-two (72) hours, excluding Sundays and nonjudicial days. Within said seventy-two (72) hours the person shall be discharged from the institution unless a petition of mental illness is presented to a judge of the superior court and the court issues an order for detention of such person, or unless the person is admitted as a patient under any other provision of law.

CHAPTER 1415

An act to amend Sections 74842, 74843, 74844, and 74845 of the Government Code, relating to the municipal court established in a district embracing the City of Vallejo.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 74842 of the Government Code is amended to read:

Salaries: Clerks

74842. There shall be one clerk who shall receive a minimum salary of four hundred fifty-eight dollars ($458) monthly with increments of twenty-three dollars ($23) and twenty-four dollars ($24) and twenty-five dollars ($25) and twenty-six dollars ($26) and twenty-eight dollars ($28) and twenty-nine dollars ($29) to a maximum of six hundred thirteen dollars ($613) monthly.

SEC. 2. Section 74843 of said code is amended to read:

Same: Deputy clerks

74843. The clerk may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with increments of seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(b) Three senior deputy clerks each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly with increments of fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

(c) Six deputy clerks each of whom shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly with increments of thirteen dollars ($13) and thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly.

SEC. 3. Section 74844 of said code is amended to read:

Same: Marshal

74844. There shall be one marshal who shall receive seven thousand eight dollars ($7,008) annually.

SEC. 4. Section 74845 of said code is amended to read:

Same: Deputy marshals

74845. The marshal may appoint:

(a) Three deputy marshals III each of whom shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly with increments of nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-three dollars ($23) and twenty-four dollars ($24) to a maximum of five hundred five dollars ($505) monthly.

(b) One deputy marshal II who shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with increments of seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(c) Two deputy marshals I each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly with increments of fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

(d) One intermediate clerk who shall receive a minimum salary of two hundred sixty-eight dollars ($268) monthly with increments of thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

CHAPTER 1416

An act to add Section 5259.5 to the Welfare and Institutions Code, relating to the commitment of feebleminded persons.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5259.5 is added to the Welfare and Institutions Code, to read:

5259.5. The sheriff or probation officer, whichever may be designated by the court, may execute the order of commitment with respect to any feebleminded person committed pursuant to this chapter.

In any case in which the probation officer executes the order of commitment, he shall be compensated for transporting such person to a state hospital in the amount and manner in which a sheriff is compensated for similar services under Section 7059.

CHAPTER 1417

An act to amend Section 54951 of the Government Code, relating to meetings of legislative bodies of local agencies.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 54951 of the Government Code is amended to read:

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

CHAPTER 1418

An act to add Section 11891.5 to the Public Utilities Code, relating to municipal utility districts.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 11891.5 is added to the Public Utilities Code, to read:

11891.5. The board of any district which has owned and operated an electric distribution system for at least 10 years and which maintains a system of accounting substantially in accordance with the Uniform System of Accounts for Electrical Corporations prescribed by the Public Utilities Commission of the State of California may provide by resolution, under such terms and conditions as it sees fit, for the payment, without prior specific approval by the board, of demands against the district which relate to obligations incurred for purposes and within the amounts specified for such purposes in a projection of the district's operations for a period of not longer than one year, if the demands are approved by the general manager. Such projection shall be expressed in terms of the major groups of accounts in such uniform system of accounts and shall be incorporated in the aforesaid resolution.

CHAPTER 1419

An act to amend Section 13963 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to membership in the State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 13963 of the Education Code is amended to read:

13963. Teachers employed by the California Polytechnic School, the California Maritime Academy, the California School for the Deaf, the California School for the Blind, every institution maintained and operated by the Department of

Mental Hygiene, every institution maintained and operated by the Youth Authority, the State School for Cerebral Palsied Children, or the State Board of Education, who hold valid teacher's certificates, or a California state teacher's credential, or who after June 16, 1944, secure a teacher's certificate valid in this State, or a state teacher's credential are members of the system. A teacher employed by the State School for Cerebral Palsied Children, who has been required to become a member of the State Employees' Retirement System, may elect, prior to January 1, 1948, to transfer his membership to the State Teachers' Retirement System. A teacher employed by any such institution maintained and operated by the Department of Mental Hygiene who has been required without his option, to become a member of the State Employees' Retirement System, may elect, prior to January 1, 1950, to transfer his membership to the State Teachers' Retirement System. A teacher employed by the California Maritime Academy, who has been required without his option to become a member of the State Employees' Retirement System, may elect, prior to January 1, 1960, to transfer his membership to the State Teachers' Retirement System, but if he so transfers his membership he shall not be entitled to credit under the State Teachers' Retirement System for service rendered as a member of the State Employees' Retirement System prior to July 1, 1956.

CHAPTER 1420

An act to amend Section 73972 of the Government Code, relating to municipal courts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 73972 of the Government Code is amended to read:

73972. There shall be one chief clerk who may appoint one municipal court clerk, one municipal court clerk assistant, three deputy municipal court clerks, and one municipal court clerk typist.

CHAPTER 1421

An act to add Section 827.8 to the Agricultural Code, relating to apple standards.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 827.8 is added to the Agricultural Code, to read:

827.8. It is unlawful to prepare, pack, sell or transport for sale any apples represented as having been exposed to "controlled atmosphere," or so use any such term or form of words or symbols of similar import on any container or lot of apples within this State, unless such apples have been kept in a room or storage building with not more than five percent (5%) oxygen for a minimum of ninety (90) days. It is also required that the oxygen level shall be reduced to five percent (5%) within twenty (20) days after date of sealing of the storage room.

The director shall adopt, amend or repeal rules and regulations as necessary, to properly establish and maintain the identity of controlled atmosphere apples by storage operators and others engaged in the preparation and sale of such apples.

CHAPTER 1422

An act to repeal Section 2413 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to seat belt reports.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 2413 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is repealed.

CHAPTER 1423

An act to amend Section 74045 of, and to add Sections 74045.5, 74561, and 74562 to, the Government Code, relating to salaries of court reporters.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 74045 of the Government Code is amended to read:

74045. Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attaches of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of nine thousand six hundred dollars ($9,600) a year, which shall be a charge against the general fund of the county. During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Official reporters: Salaries

SEC. 2. Section 74045.5 is added to said code, to read:

74045.5. Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive forty dollars ($40) a day, which shall upon order of the court be a charge against the general fund of the county.

Same: Pro tempore

SEC. 3. Section 74561 is added to said code, to read:

74561. Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attaches of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of nine thousand six hundred dollars ($9,600) a year, which shall be a charge against the general fund of the county. During the hours which the court is open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Same Compensation

SEC. 4. Section 74562 is added to said code, to read:

74562. Pursuant to Section 72194 the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive forty dollars ($40) a day, which shall upon order of the court be a charge against the general fund of the county.

Same Pro tempore

CHAPTER 1424

An act to add Section 8991 to the Health and Safety Code, relating to public cemetery districts.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 8991 is added to the Health and Safety Code, to read:

8991. The board of supervisors, or boards of supervisors if the district is situated in more than one county, may provide by an order entered upon the minutes of the board, or upon the minutes of each board, that, in lieu of the trustees report required by Section 8990, the trustees shall file with the board, or each board, a verified copy of the audit report of the annual audit of the district made pursuant to Section 26909 of the Government Code.

CHAPTER 1425

An act to amend Section 70141.6 of the Government Code, relating to superior court commissioners.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 70141.6 of the Government Code is amended to read:

70141.6. In any county with a population exceeding 220,000 and not exceeding 235,000, as determined by the 1950 Federal Census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of nine thousand six hundred dollars ($9,600) and shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1426

An act to amend Section 200 of the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 200 of the Business and Professions Code is amended to read:

200. Notwithstanding any other provisions of this code, any revenues, collections, or receipts accruing to any board in the department may, in the manner determined by the director and with the consent of the board concerned, be received and deposited by the department, and in such case shall be accounted for to the board and remitted by the department to the State Treasury in accordance with law for credit to the fund of such board. Notwithstanding Section 158 of this code, all refunds shall be made by the department with the consent of the board.

CHAPTER 1427

An act to amend Section 4168 of the Public Resources Code, relating to the prohibition against possessing and firing of tracer and incendiary bullets.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4168 of the Public Resources Code is amended to read:

4168. (a) No person shall possess any bullets or ammunition of any kind containing thermite, magnesium, or aluminum components, such ammunition being commonly known as tracer or incendiary ammunition, within any forest, brush, grass or grain-covered area without first having obtained a written permit from the State Forester or his duly authorized agent.

(b) No person shall fire or cause to be fired from any rifle or other device capable of discharging ammunition, any bullet, projectile, or other ammunition containing the components of thermite, magnesium, or aluminum, or any other component capable of causing a fire and commonly known as tracer or incendiary ammunition within any forest, brush, grass or grain-covered area.

CHAPTER 1428

An act to add Chapter 11 (commencing at Section 4980) to Division 4 of the Public Resources Code, relating to California Conservation Camps.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Chapter 11 (commencing at Section 4980) is added to Division 4 of the Public Resources Code, to read:

CHAPTER 11. CALIFORNIA CONSERVATION CAMP PROGRAM

Legislative intent and declaration of policy

4980. It is found and declared that the people of this State have a direct interest in the protection and development of public and private lands which are used or are useful for public recreation, fishing and hunting, or which serve as a source of water for public use or support a vegetative cover that prevents excessive erosion.

In enacting this chapter, it is the purpose of the Legislature to declare the existence of a California Conservation Camp program in the furtherance of that interest, and to provide for the training and use of the inmates and wards assigned to conservation camps in the development of public conservation facilities and work programs.

It is the policy of this State to require the inmates and wards assigned to such camps to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreation, fish and game management, soil conservation and forest and watershed revegetation.

In order to effect the maximum possible conservation and development of natural resources for the benefit of the people of this State, whenever reasonably possible, conservation projects of a multiple purpose nature shall be undertaken by the California Conservation Camps. The various agencies concerned with conservation projects shall consult and advise with each other to promote such multiple purpose conservation projects and in order to achieve this goal may enter into such contracts as may be necessary.

"California Conservation Camps"

4981. As used in this chapter "California Conservation Camps" or "camps" means any camps now or hereafter established, as provided by law, for the purpose of receiving prisoners committed to the custody of the Director of Corrections and wards committed to the Director of the Youth Authority, and in which the work projects performed by the inmates or wards are supervised by employees of the Division of Forestry of the Department of Natural Resources.

4982. The State Forester shall utilize such inmates and wards assigned to conservation camps in performing fire prevention, fire control and other work of the Division of Forestry. At such times as he deems proper and on such terms as he deems wise he may enter into contracts or co-operative agreements with any public agency, state or federal, or with any county, district or municipal corporation, to utilize such inmates or wards for the development of forest fire prevention or control facilities, and in the performance of other conservation projects which are appropriate for such public agency, county, district or municipal corporation. The charge for such service shall be determined by the Director of Natural Resources. In determining the charge, he shall consider the sum by which the average per capita cost of maintaining an inmate or ward at the conservation camps exceeds the average per capita cost of such maintenance at institutions under the jurisdiction of the Director of Corrections or the Director of Youth Authority, plus maintenance and operation of special equipment, materials and supplies required for the project; provided, that the total charge for each inmate or ward shall not exceed three dollars and fifty cents ($3.50) per day. All such contracts are subject to the approval of the Director of Natural Resources and the Director of Finance. Fire control

4983. The conditions of work to be performed under such contracts or agreements shall be consistent with the requirements, as determined by the Director of Corrections and the Director of the Youth Authority, for maintaining control of inmates or wards committed to their respective custody. Conditions of work

4984. Conservation camp inmates and wards may be utilized in the rescue of lost or injured persons, and the saving of life and protection of property. The State Forester may co-operate with local agencies of government to accomplish this purpose. Rescue work

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CHAPTER 1429

An act to amend Section 4012 of the Public Resources Code, relating to the procedure of releasing arrested persons on their promise to appear before a magistrate.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 4012 of the Public Resources Code is amended to read:

4012. Whenever the State Forester or such employees of the Division of Forestry or classes thereof who have been designated by the State Forester as peace officers, and such voluntary firewardens who have been especially designated by

the State Forester as peace officers pursuant to Section 4011 of the Public Resources Code arrests any person for a violation of the provisions of this article or for a violation of any law relating to forest or fire protection not constituting a felony, he may in his discretion forthwith release the arrested person from his custody in the manner and under the conditions set forth in this section.

Unless an immediate appearance before a magistrate is demanded by such person, the arresting officer, upon production of satisfactory evidence of identity, may take the name and address of the person arrested and, if he believes such promise will be kept, may allow the person to sign a written promise to appear at a time and before a magistrate therein specified. The arresting officer shall deliver a copy of the promise to the person making it, and shall release him from custody. The magistrate specified in the promise shall be the magistrate of the court having jurisdiction of the particular offense for which the arrest was made. The time specified shall not be more than 30 days from and after the date of the arrest.

Any person who willfully violates his promise given in accordance with this section is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

CHAPTER 1430

An act to amend Section 4011 of the Public Resources Code, relating to the designation of peace officers and their powers.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 4011 of the Public Resources Code is amended to read:

4011. The State Forester and such employees or classes of the Division of Forestry employees who may be designated by the State Forester, and such voluntary firewardens as are especially designated by the State Forester, have the powers of peace officers to enforce all state and county fire laws, other than laws the enforcement of which is primarily the responsibility of the State Fire Marshal, and shall have the powers of peace officers upon request pursuant to Section 1509.7 of the Military and Veterans Code, and are not liable to civil action for trespass committed in the discharge of their duties.

Any such peace officer may enforce federal fire laws to the extent that he is authorized to do so.

CHAPTER 1431

An act to add Sections 73526, 73606, and 74306 to the Government Code, relating to municipal courts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 73526 is added to the Government Code, to read:

73526. The judges of the court may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court the same compensation as is paid official reporters of the Superior Court of the County of San Mateo which, in criminal cases, shall upon order of the court be a charge against the general fund of the county.

Reporters pro tempore

SEC. 2. Section 73606 is added to said code, to read:

73606. The judges of the court may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court the same compensation as is paid official reporters of the Superior Court of the County of San Mateo which, in criminal cases, shall upon order of the court be a charge against the general fund of the county.

Same

SEC. 3. Section 74306 is added to said code, to read:

74306. The judges of the court may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court the same compensation as is paid official reporters of the Superior Court of the County of San Mateo which, in criminal cases, shall upon order of the court be a charge against the general fund of the county.

Same

CHAPTER 1432

An act to add Section 203.11 to the Welfare and Institutions Code, relating to a county hospital and safety commission.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 203.11 is added to the Welfare and Institutions Code, to read:

203.11. (a) In the interest of public health and safety the board of supervisors of any county which maintains a county hospital may by ordinance establish a hospital and safety com-

mission. The commission shall be advisory to the board of supervisors.

(b) The commission shall exercise such powers and perform such duties relating to the administration of the county hospital as shall be prescribed by the ordinance. The commission shall further exercise such powers and perform such duties as shall be prescribed by the ordinance and which may include the following:

1. To promote safety among all county officers and employees and to develop a program of accident prevention.

2. To investigate all industrial, vehicular and all other accidents to county personnel and county equipment, including privately owned equipment operated by county personnel under contract with the county.

3. To hold hearings in the course of such investigation and to report to the board of supervisors upon all accidents reported to and investigated by the commission.

4. To recommend to the board of supervisors safety rules and regulations promoting the health and safety of all county officers and employees and agents in the prosecution of their office or employment and their use of all equipment in the course of their duties as such officers, employees, and agents.

(c) The commission shall consist of either five or seven members who shall be appointed by the board of supervisors. No person holding any elective office shall be appointed to the commission. Members of the commission shall be residents of the county. Members shall be appointed in the manner prescribed by the ordinance and shall serve for such term as is prescribed therein; subject, however, to the power of the board of supervisors to remove any member of the commission at any time by three-fifths vote of the board.

(d) The members of the commission shall serve with or without compensation as prescribed by the ordinance. If compensation is authorized by the ordinance, it shall not exceed ten dollars ($10) per member for each meeting of the commission.

(e) Members of the commission may, when and if so provided in the ordinance, receive actual and necessary expenses in traveling from their place of residence to the place of meeting of the commission, and return, and such expenses shall be a proper charge upon the county; provided, however, that in no event shall any charge be made upon the county for any expense incurred by any member for any meal eaten at any meeting of the commission.

(f) Meetings of the commission shall be held in accord with the provisions of Chapter 9 (commencing at Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

(g) The provisions of Section 54954 of the Government Code notwithstanding, any meeting of the commission shall be held only in a public building of the county and within the county in which such commission is established.

(h) The ordinance establishing the commission shall specifically prescribe the following:

(1) The name of the commission;

(2) The functions and duties thereof;

(3) Number of members, method of appointment and term of members;

(4) A statement of whether or not payment of compensation to members of the commission is authorized and, if authorized, a statement of the amount of such compensation and the maximum number of meetings of the commission in any one calendar month for which such compensation may be paid;

(5) A statement of whether or not traveling expenses are authorized and, if authorized, a statement of the rate which will be allowed for mileage.

(6) Subject to the limitations prescribed by this section, such ordinance may contain such additional provisions as the board of supervisors may deem expedient for the proper administration of the affairs of the commission.

(i) Any ordinance of any county establishing a hospital or a safety commission enacted prior to the effective date of this section is hereby validated provided that the provisions of the ordinance substantially comply with the limitations and authorizations set forth in this section; provided expressly, however, that any such hospital or safety commission created by ordinance enacted prior to the effective date of this section shall cease to exist at the close of the sixtieth day following the effective date of this section, and no hospital or safety commission established by any such ordinance, or established in any other manner whatever, shall continue to exist or function thereafter in any county unless and until such hospital or safety commission is established by ordinance under the provisions of this section.

CHAPTER 1433

An act to amend Section 357.1 of the Agricultural Code, relating to the slaughter of cattle.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 357.1 of the Agricultural Code is amended to read:

357.1. Any producer of cattle may slaughter or have slaughtered for him on his own premises, for his own consumption and in small numbers cattle of his own production and may sell or give away a portion of the meat thereof except to a peddler, retailer, hotel, restaurant, or any person

offering the same for public consumption. When such person sells any of the meat thereof, he shall give to the buyer, and the buyer shall receive, a sales tag or sales memorandum, showing the names of the seller and buyer, the date of the sale and the quantity sold. The buyer shall retain said tag or memorandum for 30 days and exhibit it upon request of any inspector or any peace officer.

Cattle slaughtered by or for the producer of the cattle at his premises and for his own consumption may be transported with the hide on, after complete removal of the viscera, head and feet, to any licensed frozen food locker plant to be skinned, split, and quartered by the operators of such plants. The skinning, splitting, and quartering of such cattle at the licensed frozen food locker plant shall not require a slaughterer's license, and the frozen food locker plant shall not be subject to the inspection service required by Article 1 (commencing at Section 301), of Chapter 1, Division 3 of this code in the skinning, splitting and quartering of such cattle.

The plant operator shall maintain a record of every transaction involving uninspected meat for a period of five years. The record shall show the name of the producer of the cattle and the number of carcasses delivered by the producer.

CHAPTER 1434

An act to amend Section 1142 of the Agricultural Code, relating to egg products.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 1142 of the Agricultural Code is amended to read:

1142. It is unlawful for any person to engage in egg breaking, liquefying, or dehydration of egg products or to bring or cause to be brought into this State egg products from other states or from outside the United States for the purpose of resale as such products without first obtaining a license from the State Department of Public Health. The provisions of this section shall not apply to any bakery or restaurant, or employee thereof, in which eggs are broken for immediate use upon the premises, or to salvage operations that are incidental to any candling or grading process.

All persons engaged in the preparation of egg products for resale or manufacturing who are not required to obtain a license under this section shall register with the State Department of Public Health.

CHAPTER 1435

An act to amend Section 28106 of the Government Code, relating to compensation for public services in counties of the sixth class.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28106 of the Government Code is amended to read:

28106. In a county of the sixth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) Each supervisor, ten thousand dollars ($10,000) a year and mileage of ten cents ($0.10) a mile for each mile actually traveled in going to and from his residence to the county seat or in the performance of the duties required of him by law or by virtue of his office. In attending sessions of the board only four mileages shall be allowed for each month. The total mileage allowed shall not exceed five hundred dollars ($500) in any one calendar year.

(b) Grand jurors and trial jurors in the superior courts shall receive three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of trial jurors in the superior court shall be paid out of the general fund of the county on warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance.

CHAPTER 1436

An act to amend Sections 21166 and 22840 of the Water Code, relating to irrigation districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21166 of the Water Code is amended to read:

21166. A director for sitting on the board or acting under its orders shall receive not exceeding:

Director's compensation

(a) Twenty dollars ($20) per day except in districts containing over 500,000 acres which shall be governed by Section 22840.

(b) Ten cents ($0.10) per mile for each mile actually traveled between his place of residence and the district office.

(c) Actual and necessary expenses when acting under the orders of the board.

(d) In districts producing or distributing electric power, twenty dollars ($20) per day or in lieu thereof a monthly salary of not to exceed four hundred dollars ($400) per month except in districts containing over 500,000 acres which shall be governed by Section 22840.

SEC. 2. Section 22840 of said code is amended to read:

Same

22840. Directors of districts subject to this chapter shall each receive a salary fixed by the board of such a district at not to exceed four hundred dollars ($400) per month.

CHAPTER 1437

An act to add Section 2079 to the Harbors and Navigation Code, relating to the San Francisco Harbor.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 2079 is added to the Harbors and Navigation Code, to read:

2079. The authority may lease the following described property or any portion thereof for a car ferry slip or purposes in connection therewith for a term of 60 years or less:

Beginning at a point on the westerly line of New York Street located two hundred sixty-six (266) feet northerly from the northerly line of Twenty-Sixth Street, measured at right angles thereto; running thence northerly along the westerly line of New York Street a distance of six hundred (600) feet to the southerly line of Twenty-Fourth Street; thence easterly along the southerly line of Twenty-Fourth Street (66 feet wide) produced to its intersection with the Water Front Line as adopted September 12, 1877; thence southeasterly along said Water Front Line to its intersection with a line, said line being parallel with the northerly line of Twenty-Sixth Street produced and located two hundred sixty-six (266) feet northerly measured at right angles therefrom; thence westerly parallel with the northerly line of Twenty-Sixth Street to the point of beginning and containing 309,000 square feet of land, more or less.

The making of such lease shall not be governed by the provisions of Sections 2032, 2072, 2073 or 2074, but the authority shall require a reasonable consideration to the State for such lease and may prescribe such terms and conditions in such lease as it considers to be equitable and proper in the interests of the State.

CHAPTER 1438

An act to amend Section 28108 of the Government Code, relating to compensation for public services in the counties of eighth class.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28108 of the Government Code is amended to read:

28108. In a county of the eighth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) Each supervisor, five thousand four hundred dollars ($5,400) a year for personal services performed personally by him as supervisor and seven cents ($0.07) for each mile traveled to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to each member of the board is in full for all official services performed by him in any public capacity.

(b) The fee for trial jurors for attendance in any court is five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile actually and necessarily traveled in attending upon court, in going only, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

(c) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury five dollars ($5). For each mile actually traveled, in going only, in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, fifteen cents ($0.15).

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

CHAPTER 1439

An act to amend Section 4886 of the Health and Safety Code, relating to sewer maintenance districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4886 of the Health and Safety Code is amended to read:

4886. The board may acquire by gift, condemnation, purchase, or otherwise in the name of the county, and own, control, manage, and dispose of, real and personal property necessary or convenient for the purposes of this chapter, and may perform all of the acts necessary or proper to accomplish such purposes.

CHAPTER 1440

An act to amend Sections 19687 and 19689 of the Education Code as enacted at the 1959 Regular Session, relating to state school aid for exceptional pupils.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 19687 of the Education Code is amended to read:

Special tax

19687. The board of supervisors with whom the certificate is filed shall, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the district of residence of each pupil enrolled in the facilities other than the district maintaining such facilities, sufficient in amount to raise, for the use of the facilities, the sum of one hundred sixty dollars ($160) per unit of average daily attendance, less any amounts per unit of such average daily attendance remaining in the county school building aid fund from levies and collections made in any prior year and not paid to the State pursuant to Section 19689.

SEC. 2. Section 19689 of said code is amended to read:

County school building aid fund

19689. The county auditor shall, not later than the last Monday in December and the last Monday in May of each year, notify the superintendent of schools of the amount in the county school building aid fund. Thereupon the superintendent shall draw his order on the county auditor in favor of the State Treasurer for the amount in the county school building aid fund of the county, except that the total of such orders for any year may be limited to an amount not to exceed the total of one hundred sixty dollars ($160) for each unit of average daily attendance during the next preceding fiscal year of students residing in a district other than a district maintaining the facilities. Such amount shall be paid by the county treasurer and, upon order of the State Controller, shall be deposited in the State Treasury to the credit of the State School Building Aid Fund. All money paid to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 19704, and shall be credited to the repayment of the apportionment of funds to the school district maintaining the facilities.

CHAPTER 1441

An act to add Section 2813 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to inspections of commercial vehicles.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2813 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

2813. Every driver of a commercial vehicle shall stop and submit the vehicle to an inspection of the size, weight and equipment of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of commercial vehicles and when signs are displayed requiring such stop.

CHAPTER 1442

An act to add Section 919 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school elections.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 919 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

919. Nothing in this code shall be construed as prohibiting any member of the governing board of a school district or any administrative officer of a school district who does not have any teaching responsibilities from appearing at any time before a citizens group, which requests his appearance, to discuss the reasons why the governing board of the school district called an election to submit to the voters of the district a proposition for the issuance of bonds or for an increase in the maximum tax rate of the district and to answer questions put to him by any taxpayer concerning the cost of such proposals.

CHAPTER 1443

An act to amend Section 2611 of the Welfare and Institutions Code, relating to county medical and hospital care.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 2611 of the Welfare and Institutions Code is amended to read:

2611. There shall be exempt from the transfers and grants authorized by Section 2601 and from attachment and execution on claims under Section 2603 against property acquired by persons for the support of whom public moneys have been expended all of the following property:

(a) Cash to the amount of fifty dollars ($50).

(b) Personal effects and household furniture to the value of five hundred dollars ($500).

(c) An interment space, crypt, or niche intended for the interment of the applicant or recipient of aid.

(d) Funds placed in trust for funeral or burial expenses to the extent that such funds do not exceed the sum of five hundred dollars ($500).

(e) Insurance policies having an actual cash surrender value of not to exceed five hundred dollars ($500).

No county shall withhold emergency medical or hospital care from any person pending his giving security for reimbursement to the county for the care or hospitalization to be provided to him.

CHAPTER 1444

An act to amend Sections 3818, 3819, 3830, 3925, 3929, 3941, and 3946 of the Elections Code, relating to office designations on election ballots.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 3818 of the Elections Code is amended to read:

Ballot form and contents

3818. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the lists of candidates for other offices by a double rule, above and below that list. Each series

of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "State Legislature," "County," "Municipal," or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than 12-point, each word being separated from the names of the candidates beneath by a 3-point line.

SEC. 2. Section 3819 of said code is amended to read:

Same

3819. Except in cases provided for by Section 26 of Article VI of the Constitution, immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district, federal, or state office which the candidate then holds.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. Notwithstanding any other provision of law, if upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of mailing appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in 8-point roman bold-face capitals and lower-case type.

SEC. 3. Section 3830 of said code is amended to read:

Same

3830. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

(Fold ballot so this box is here off by inspector with hatched on the ... side)

1156

PERFORATED LINE

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)
(Fold ballot to this perforated line leaving top margin exposed)

GENERAL BALLOT—22d Congressional, 38th Senatorial, 57th Assembly District

INSTRUCTIONS TO VOTERS: To vote for a candidate of your selection for the office of Associate Justice of the Supreme Court the office of Associate Justice District Court of Appeal Second Appellate District, Division One the office of Presiding Justice District Court of Appeal Second Appellate District Division Two the office of Associate Justice District Court of Appeal, Second Appellate District Division Two stamp a cross (+) in the voting square after the word Yes to the right of the name of the candidate To vote against that candidate stamp a cross (+) in the voting square after the word No to the right of the name of that candidate To vote for any other candidate of your selection stamp a cross (+) in the voting square next to the right of the name of that candidate Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote not to exceed, however the number of candidates who are to be elected. To vote for all of the electors of a party stamp a cross (+) in the square opposite the names of the Presidential and Vice Presidential candidates of that party A cross (+) stamped in the square opposite the name of a party and its Presidential and Vice Presidential candidate is a vote for all of the electors of that party but for no other candidates To vote for these electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose To vote for a person not on the ballot write his name under the title of the office in the blank space left for that purpose To vote on any measure stamp a cross (+) in the voting square after the word Yes, or after the word No. All marks except the cross (+) are forbidden and make the ballot void If you wrongly stamp, tear or deface this ballot return it to the inspector of election and obtain another. On absent voter ballots mark a cross (+) with pen or pencil

PRESIDENTIAL ELECTORS

Vote for One Party

ADLAI E. STEVENSON, ESTES KEFAUVER,	for President / for Vice President	Democratic
DWIGHT D. EISENHOWER, RICHARD M. NIXON,	for President / for Vice President	Republican
[illegible] HOLTWICK, [illegible] COOPER,	for President / for Vice President	Prohibition
	for President / for Vice President	

CONGRESSIONAL

United States Senator	Vote for One
THOMAS H. KUCHEL, Republican, United States Senator	
[illegible], Republican, No name title	
[illegible], Democratic, Candidate United States Senator	

Representative in Congress Twenty-second District	Vote for One
[illegible], Republican, United States Congressman	
[illegible], Democratic, Businessman Rancher	

STATE LEGISLATURE

Member of the Assembly Fifty-seventh District	Vote for One
[illegible], Republican, Member Assembly, 57th District	
[illegible], Democratic, Teacher	

JUDICIAL

For Associate Justice of the Supreme Court		
[illegible]	YES	
	NO	

For Associate Justice District Court of Appeal Second Appellate District Division One		
[illegible]	YES	
	NO	

For Presiding Justice District Court of Appeal, Second Appellate District Division Two		
[illegible]	YES	
	NO	

For Associate Justice, District Court of Appeal, Second Appellate District Division Two		
[illegible]	YES	
	NO	

Judge of the Superior Court Office No. Twenty-eight	Vote for One
[illegible], Judge of the Municipal Court	
[illegible], Attorney at Law	

MEASURES SUBMITTED TO VOTE OF VOTERS

1	FOR THE VETERANS BOND ACT OF 1956 [illegible]	YES	
	AGAINST THE VETERANS BOND ACT OF 1956 [illegible]	NO	
2	SCHOOL BONDS. Senate Constitutional Amendment No. [illegible]	YES	
		NO	
3	STATE CONSTRUCTION PROGRAM BONDS. Assembly Constitutional Amendment No. 37 [illegible]	YES	
		NO	
4	OIL AND GAS CONSERVATION. Initiative. [illegible]	YES	
		NO	
5	ALCOHOLIC BEVERAGE ESTABLISHMENTS. Senate Constitutional Amendment No. 5. [illegible]	YES	
		NO	
6	CHURCH EXEMPTION. PARKING LOTS. Assembly Constitutional Amendment No. 8. [illegible]	YES	
		NO	
7	STATE LEGISLATURE. Assembly Constitutional Amendment No. 68. [illegible]	YES	
		NO	
8	LEGISLATIVE BUDGET SESSIONS. Senate Constitutional Amendment No. 4. [illegible]	YES	
		NO	
9	BOROUGH FORM OF COUNTY GOVERNMENT. Assembly Constitutional Amendment No. 60. [illegible]	YES	
		NO	
10	STATE CIVIL SERVICE CONTRACT ARCHITECTS AND ENGINEERS. Senate Constitutional Amendment No. 4. [illegible]	YES	
		NO	
11	FRAMING COUNTY CHARTERS. Assembly Constitutional Amendment No. 4. [illegible]	YES	
		NO	
12	STATE "RIGHT TO WORK". Senate Constitutional Amendment No. 7. [illegible]	YES	
		NO	
13	REPEALING ALIEN LAND LAW. Repeal of Initiative Act Submitted by Legislature. [illegible]	YES	
		NO	
14	LEGISLATIVE EMPLOYEES. Assembly Constitutional Amendment No. 9. [illegible]	YES	
		NO	
15	PUBLIC WATER SUPPLIES. MUTUAL WATER COMPANIES. Senate Constitutional Amendment No. 39. [illegible]	YES	
		NO	
16	CIVIL AND CRIMINAL APPEALS. Assembly Constitutional Amendment No. 64. [illegible]	YES	
		NO	
17	CONSTITUTIONAL PROVISIONS RELATING TO JUDICIARY. Assembly Constitutional Amendment No. 30. [illegible]	YES	
		NO	
18	INFERIOR COURT JUDGES. Assembly Constitutional Amendment No. 63. [illegible]	YES	
		NO	
19	STATE BOUNDARIES. Senate Constitutional Amendment No. 13. [illegible]	YES	
		NO	

COUNTY QUESTIONS

A	COUNTY BOND PROPOSITION OF A. Bonds for Juvenile Detention and Community Facilities. [illegible]	BONDS YES	
		BONDS NO	
B	COUNTY BOND PROPOSITION B. Bonds for the Replacement of County Hospital. [illegible]	BONDS YES	
		BONDS NO	
C	SPECIAL COUNTY PROPOSITION NO. 1. [illegible]	YES	
		NO	
D	PROPOSED COUNTY CHARTER AMENDMENT NO. 1. [illegible]	YES	
		NO	

LOS ANGELES CITY SPECIAL MUNICIPAL ELECTION

M	SALARY OF MEMBERS OF THE CITY COUNCIL LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT M. [illegible]	YES	
		NO	
N	SALARY OF MAYOR LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT N. [illegible]	YES	
		NO	
O	SALARY OF CITY ATTORNEY LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT O. [illegible]	YES	
		NO	
P	SALARY OF CITY CONTROLLER LAST FIXED IN 1945. CITY OF LOS ANGELES CHARTER AMENDMENT P. [illegible]	YES	
		NO	
Q	CHANGE IN LIMITATION OF AUTHORITY OF DEPARTMENT OF WATER AND POWER TO ISSUE REVENUE BONDS. CITY OF LOS ANGELES CHARTER AMENDMENT Q. [illegible]	YES	
		NO	
R	SOCIAL SECURITY FOR EMPLOYEES OF THE DEPARTMENT OF WATER AND POWER. CITY OF LOS ANGELES CHARTER AMENDMENT R. [illegible]	YES	
		NO	
S	LIMITATION ON HEIGHT OF BUILDINGS BY FLOOR AREA RATIO "OVERLAY" BY EXISTING FIXED HEIGHT LIMIT OF 150 FEET. CITY OF LOS ANGELES CHARTER AMENDMENT S. [illegible]	YES	
		NO	

PERFORATED LINE

3—CS 1444 1154

(This number shall be torn off by inspector and handed to the voter)

1154

PERFORATED LINE

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)
(Fold ballot to this perforated line, leaving top margin exposed)

GENERAL BALLOT — 22d Congressional, 38th Senatorial, 57th Assembly District

INSTRUCTIONS TO VOTERS: To vote for a candidate of your selection for the office of Associate Justice of the Supreme Court, the office of Associate Justice, District Court of Appeal, Second Appellate District, Division One, the office of Presiding Justice, District Court of Appeal, Second Appellate District, Division Three, stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate. To vote for any other candidate of your selection, stamp a cross (+) in the voting square next to the right of the name of that candidate. Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write his name under the title of the office in the blank space left for that purpose. To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter ballots mark a cross (+) with pen or pencil.

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STATE

Governor — Vote for One

- GOODWIN J. KNIGHT, Republican — Governor of California
- RICHARD PERRIN GRAVES, Democratic — Governmental Administrator
- (blank)

Lieutenant Governor — Vote for One

- HAROLD J. POWERS, Republican — Lieutenant Governor
- EDWARD R. ROYBAL, Democratic — Member Los Angeles City Council
- (blank)

Secretary of State — Vote for One

- FRANK M. JORDAN, Republican — Secretary of State
- FRANK G. H. STEVENS, Prohibition — Minister
- HORACE V. ALEXANDER, Independent Progressive — Machinist
- DANIEL RAEBURN, Democratic — Newspaper Publisher
- (blank)

Controller — Vote for One

- ROBERT C. KIRKWOOD, Republican — State Controller
- GEORGE D. COLLINS JR., Democratic — Assemblyman, 24th District, California Legislature
- FRED H. ROSS, Prohibition
- (blank)

Treasurer — Vote for One

- CHARLES G. JOHNSON, Republican — State Treasurer
- HERBERT R. COHN, Independent Progressive
- GEORGE R. JOHNSON, Democratic — Business Executive
- (blank)

Attorney General — Vote for One

- EDMUND G. (PAT) BROWN, Democratic, Republican — Attorney General of California
- EDWIN M. COOPER, Prohibition — Attorney
- (blank)

Member State Board of Equalization, Fourth District — Vote for One

- WILLIAM G. BONELLI, Democratic — Member State Board of Equalization
- ROBERT E. McDAVID, Republican — Certified Public Accountant
- (blank)

PERFORATED LINE

CONGRESSIONAL

United States Senator — Vote for One
(Short term, ending January 3, 1957)

- THOMAS H. KUCHEL, Republican — United States Senator
- ISOBEL M. CERNEY, Independent Progressive — Teacher and Writer
- SAMUEL WILLIAM YORTY, Democratic — Member of United States Congress
- (blank)

Representative in Congress, Twenty-second District — Vote for One

- JOE HOLT, Republican — Member of Congress
- WILLIAM M. "BILL" COSTLEY, Democratic — Attorney at Law
- (blank)

STATE LEGISLATURE

State Senator, Thirty-eighth District — Vote for One

- FRANK NELSON, Prohibition — Radio Broadcaster
- RICHARD RICHARDS, Democratic — Attorney at Law
- MILDRED YOUNGER, Republican — Housewife
- (blank)

Member of the Assembly, Fifty-seventh District — Vote for One

- CHARLES J. CONRAD, Republican — Member Assembly 57th District
- CLIFFORD H. MARKER, Democratic — Business Executive
- (blank)

JUDICIAL

For Associate Justice of the Supreme Court

Shall DOUGLAS L. EDMONDS be elected to the office for the term prescribed by law?	YES / NO
Shall JOHN W. SHENK be elected to the office for the term prescribed by law?	YES / NO

For Associate Justice, District Court of Appeal, Second Appellate District, Division One

Shall LOUIS C. DRAPEAU be elected to the office for the term prescribed by law?	YES / NO

For Presiding Justice, District Court of Appeal, Second Appellate District, Division Three

Shall CLEMENT L. SHINN be elected to the office for the term prescribed by law?	YES / NO

MEASURES SUBMITTED TO VOTE OF VOTERS

No.	Measure	Vote
1	FOR THE VETERANS BOND ACT OF 1954. This act provides for a bond issue of one hundred seventy-five million dollars ($175,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes	
	AGAINST THE VETERANS BOND ACT OF 1954. This act provides for a bond issue of one hundred seventy-five million dollars ($175,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes	
2	SCHOOL BONDS. Senate Constitutional Amendment No. 3. Directs issue and sale of $100,000,000 of State bonds to provide loans and grants to school districts to be used for such purposes as school site acquisition and improvement, school building construction and alteration, and school furniture and equipment purchase as well as for expenses of bond issue and of administration. Permits Legislature to reduce total bond issue by appropriation of other money or to augment bond proceeds by additional appropriation. Provides that fund allocation shall be regulated by Legislature which shall require districts to repay State according to their ability	YES / NO
3	ALCOHOLIC BEVERAGE CONTROL. Senate Constitutional Amendment No. 4. Establishes Department of Alcoholic Beverage Control to administer liquor licensing laws in place of State Board of Equalization. Provides for Director of Alcoholic Beverage Control appointed by Governor with Senate approval subject to removal by Governor or by legislative majority. Makes offense involving moral turpitude an additional ground for denial, suspension or revocation of liquor licenses. Establishes three-man board to hear appeals from department's decisions. Prohibits state manufacture or sale of liquor. Preserves consistent provisions of existing Alcoholic Beverage Control Act and existing license fee scale until Legislature provides otherwise	YES / NO
4	AID TO NEEDY AGED. Initiative Constitutional Amendment. Increases monthly aid payments to aged persons who meet eligibility requirements of Welfare and Institutions Code. Fixes $100 (instead of $80 heretofore fixed by law) as maximum monthly payments and permits Legislature to increase but not decrease this amount. Provides that payments shall be regarded as income of the recipient alone. Appropriates money as state share of Aged Aid	YES / NO
5	TAXATION EXEMPTION OF VESSELS. Senate Constitutional Amendment No. 23. Continues exemption of California-registered freight and passenger ships of more than 50 tons burden from local property taxation, such exemption otherwise due to expire January 1, 1955	YES / NO
6	PAY OF LEGISLATORS. Assembly Constitutional Amendment No. 13. Sets salaries of Members of the State Legislature at $500 per month	YES / NO
7	LAND TITLES. TORRENS ACT. Amendment of Initiative Act. Authorizes Legislature to amend or repeal the Land Title Law (Torrens Act) adopted by initiative in 1914	YES / NO
8	TAX EXEMPTION OF COMMERCIAL AND FISHING VESSELS. Senate Constitutional Amendment No. 38. Provides that local property tax exemption of California-registered vessels, otherwise due to expire January 1, 1955, shall continue but will include vessels engaged in commercial deep sea fishing outside state territorial waters, as well as freight and passenger vessels. Exemption will be limited to vessels of more than 100 tons burden	YES / NO
9	CHURCH EXEMPTION. PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 54. Provides that tax exemption of church buildings in the course of erection include building equipment and the land on which the building is located	YES / NO
10	TERMS OF STATE OFFICERS. Assembly Constitutional Amendment No. 1. Fixes terms of Assemblymen at four instead of two years, one half of members being elected every second year. Fixes terms of State Senators at six instead of four years, approximately one third being elected every two years. Limits future Governors to two successive terms	YES / NO
11	TAXATION EXEMPTION FOR DISABLED VETERANS. Assembly Constitutional Amendment No. 2. Authorizes tax exemption on home acquired with federal assistance by veteran who has permanent and total service-connected disability consisting of loss or loss of use of both lower limbs. Limits such exemption to $5,000	YES / NO
12	VOTING ELIGIBILITY. Assembly Constitutional Amendment No. 23. Removes voting disqualification of person convicted of infamous crime after he has completed paying penalties imposed by law for such conviction	YES / NO
13	VERNON CITY CHARTER. Assembly Constitutional Amendment No. 30. Authorizes City of Vernon in Los Angeles County to propose charter for adoption by city electors and ratification by Legislature. Limits power of originating future charter amendments to city council. Permits charter to define voting eligibility in city elections. If less than 125 registered voters reside in city on day of charter adoption election, permits charter to fix voting eligibility and eligibility for office without regard to residence and on basis of property ownership. Confines future annexations to uninhabited territory	YES / NO
14	COLLEGE EXEMPTION. PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 53. Describes tax exemption of college buildings under course of construction as being inclusive of land on which the building is located	YES / NO
15	WELFARE EXEMPTION. PROPERTY UNDER CONSTRUCTION. Assembly Constitutional Amendment No. 22. Permits tax exemption now applied to property in actual operation for religious, hospital or charitable purposes and owned by nonprofit organization to include building and land during time when building is under construction. Applies to buildings in course of construction in March 1954 and thereafter	YES / NO
16	WATER RIGHTS OF GOVERNMENT AGENCIES. Senate Constitutional Amendment No. 36. Provides that acquisition of any interest in real property by any governmental agency, local, state or federal, shall constitute an agreement by the agency that it will conform to California water law with respect to such acquisition	YES / NO
17	STREET AND HIGHWAY FUNDS. VEHICLE PARKING. Assembly Constitutional Amendment No. 32. Permits street and highway revenues collected by State (from sources such as gasoline taxes and motor vehicle registration and operation fees) to be used for financing vehicle parking facilities, as the Legislature may prescribe	YES / NO
18	RESIDENT NONCITIZENS PROPERTY OWNERSHIP. Assembly Constitutional Amendment No. 10. Extends to resident foreigners who are eligible for United States citizenship the same privileges concerning property ownership as have been hitherto given to resident foreigners of white and African descent	YES / NO
19	INFERIOR COURT JUDGES. Assembly Constitutional Amendment No. 27. Makes judge of a justice court eligible for office as judge of a superseding municipal court though he is not an attorney, where he has served as justice of the peace for five years preceding November 7, 1950 and as judge of the justice court continuously thereafter	YES / NO
20	FRAMING COUNTY CHARTERS. Senate Constitutional Amendment No. 27. Extends time for preparation of proposed county charter by board of freeholders from present 120 days to six months. Alters requirements for nominating candidates for freeholder	YES / NO

COUNTY QUESTIONS

	Question	Vote
A	PROPOSITION A. County General Hospital, Osteopathic Division. Shall the County of Los Angeles incur a bonded indebtedness and issue bonds in the sum of nine million two hundred twenty thousand dollars ($9,220,000) for the purpose of providing funds for the construction of a Los Angeles County Osteopathic Hospital addition of the County General Hospital, including certain site clearance, equipment, furnishings and ground improvements therefor?	BONDS YES / NO
B	PROPOSITION B. Courts and Other County Facilities for Area Administrative Centers. Shall the County of Los Angeles incur a bonded indebtedness and issue bonds in the sum of four million five hundred ten thousand dollars ($4,510,000) for the purpose of providing funds for the construction of new buildings and additions to and the renovation of existing buildings required for court and administrative facilities outside of the Los Angeles City central civic center area, including land, equipment, furnishings and ground improvements therefor?	BONDS YES / NO
C	PROPOSITION C. County Jail, Wayside Honor Rancho. Shall the County of Los Angeles incur a bonded indebtedness and issue bonds in the sum of one million five hundred sixty three thousand dollars ($1,563,000) for the purpose of providing funds for the construction of a maximum security county jail at the Sheriff's Wayside Honor Rancho at Castaic together with the necessary buildings necessary thereto, including certain equipment, furnishings and ground improvements therefor?	BONDS YES / NO
D	PROPOSED COUNTY CHARTER AMENDMENT NO. 1. Shall Section 21½ be added to Article VI of the Charter of the County of Los Angeles to provide that the County Surveyor shall be known and referred to as the County Engineer and to require that he be a registered civil engineer and that he perform all duties imposed by law on the County Surveyor, all civil engineering work for the county except that which is imposed on some other county officer by state law or charter, and such other duties as may be prescribed by ordinance?	YES / NO
E	PROPOSED COUNTY CHARTER AMENDMENT NO. 2. Shall paragraph 13 of Section 34 of Article IX of the Charter of the County of Los Angeles be amended to authorize hearings on the discharge or reduction of an employee to be held before one or more members of the Civil Service Commission or before a hearing board or officer appointed by the commission, requiring findings to be approved by the commission where the hearing is not before the full commission, authorizing the commission to accept such findings without reading the record of the hearing or to decline to accept such findings and read the record or hold a new hearing?	YES / NO
F	PROPOSED COUNTY CHARTER AMENDMENT NO. 3. Shall paragraph 17 of Section 34 of Article IX of the Charter of the County of Los Angeles be amended to permit the giving of supplemental civil service examinations to all veterans on their return from military service and the addition of the names of successful candidates to existing eligible lists in lieu of the present provisions which limit the giving of such examinations to veterans of World War II and prohibit the addition of names of veterans to eligible lists after January 1, 1950?	YES / NO
G	PROPOSED COUNTY CHARTER AMENDMENT NO. 4. Shall Section 34½ of Article IX of the Charter of the County of Los Angeles be amended to extend the ten percent veterans credit on open competitive civil service examinations to all persons passing the examination who have served in the armed forces of the United States in time of war, armed insurrection or international police action and are honorably discharged or whose service was honorable, removing the present limitation to members of the Army, Navy or Marine Corps and thereby extend the preference to persons who served in the Coast Guard when not a part of the Navy?	YES / NO
H	PROPOSED COUNTY CHARTER AMENDMENT NO. 5. Shall Section 56½ be added to Article XII of the Charter of the County of Los Angeles to authorize the Board of Supervisors to require, upon the request of any city, district, public agency or political subdivision, any county department, officer or commission to perform any or all of the functions of any department, officer or commission thereof and to contract with such city, district, public agency or political subdivision as to the terms and conditions upon which such functions are to be performed by the county, including the blanketing into county civil service with or without examination of any or all officers or employees who have been performing such functions for such city, district, public agency or political subdivision for at least six months and for the other terms and conditions of such employment?	YES / NO

SEC. 4. Section 3925 of said code is amended to read:

Same: Primaries

3925. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general election, the order of precedence shall be as follows: Beginning in the column to the left, under the heading State, shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the State Board of Equalization. Under the heading Congressional shall be printed the groups of names for United States Senator in Congress, if any, and for Representative in Congress. Next, under the heading State Legislature shall be printed the groups of names for State Senator, if any, and for Member of Assembly. Finally under the heading County Committee shall be printed the names of the candidates for election to membership in the county central committee of the party. As many columns as needed shall be used to accommodate the offices to be filled.

At a presidential primary, the names of the persons preferred for President by each group of candidates shall appear first in the column to the left, followed by the sequence of offices as prescribed above.

SEC. 5. Section 3929 of said code is amended to read:

Same

3929. Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district, federal, or state office which the candidate then holds.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event the word "incumbent."

(c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. Notwithstanding any other provision of law, if upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered

mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, prior to the closing date of nominations for the general election, requests in writing a different designation which he then has the option to use under Section 3819 of this code.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 3819 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in 8-point roman bold-face capitals and lower-case type.

SEC. 6. Section 3941 of said code is amended to read:

Same

3941. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "Congressional," "State Legislature," "County" or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than 12-point.

SEC. 7. Section 3946 of said code is amended to read:

Same

3946. Except as to the order of the names of candidates the ballot shall be printed in substantially the following form:

3—CH 1444 6352

(This number shall be torn off by Inspector and handed to the voter)

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

PERFORATED LINE (Fold ballot to this perforated line, leaving top margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

19th Congressional, 38th Senatorial, 45th Assembly District, June ..., 19...

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No" All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another On absent voter's ballots mark a cross (+) with pen or pencil

26 REPUBLICAN

PERFORATED LINE

PARTISAN OFFICES

CONGRESSIONAL

United States Senator — Vote for One

WILLIAM F KNOWLAND, Rep
United States Senator

ROBERT D ADAMS Rep
Real Estate

CLINTON D McKINNON, Dem
Congressman

Representative in Congress Nineteenth District — Vote for One

CHET HOLIFIELD Dem
Member of Congress

CHRISTY J NELSON, Rep
Attorney at Law

JOHN F SHEFFIELD Rep
Lawyer

J TYLER MABEY, Rep
General Contractor

STATE LEGISLATURE

Member of Assembly Forty Fifth District — Vote for One

THOMAS J DOYLE, Dem
Assemblyman

FREDERICK (FRED) L BOON, Rep

COUNTY COMMITTEE

Member County Central Committee Forty Fifth Assembly District — Vote for Seven

IRVA M SULLIVAN

HOMER A JONAS SR.
Incumbent

KING KARPEN

ETHEL M COZEAN
Incumbent

FLOYD VINSON
Attorney at Law

CARL M LOER

RAYMOND A KALTENBACH

AUGUST F COVIELLO
Incumbent

TRACY H TOTTEN
Incumbent

NONPARTISAN OFFICES

JUDICIAL

Judge of the Superior Court Office No One — Vote for One

CHAS W FRICKE
Judge of the Superior Court

Judge of the Superior Court Office No Two — Vote for One

SAMUEL R BLAKE
Judge of the Superior Court

Judge of the Superior Court Office No Three — Vote for One

CLARENCE L KINCAID
Judge of the Superior Court

Judge of the Superior Court Office No Four — Vote for One

THOMAS L AMBROSE
Judge of the Superior Court

Judge of the Superior Court Office No Five — Vote for One

CLARENCE M HANSON
Judge of the Superior Court

Judge of the Superior Court Office No Six — Vote for One

ALLEN W ASHBURN
Judge of the Superior Court

CHARLES B MacCOY
Judge Municipal Court, Los Angeles Judicial District

Judge of the Superior Court Office No Seven — Vote for One

FREDERICK F HOUSER
Judge of the Superior Court

Judge of the Superior Court Office No Eight — Vote for One

DANIEL N STEVENS
Judge of the Superior Court

Judge of the Superior Court Office No Nine — Vote for One

J HILBRICK McCOY
Judge of the Superior Court

Judge of the Superior Court Office No Ten — Vote for One

VICTOR R HANSEN
Judge of the Superior Court

Judge of the Superior Court Office No. Eleven — Vote for One

LOUIS H BURKE
Judge of the Superior Court

IDA MAY ADAMS
Judge

COUNTY

District Attorney — Vote for One

S ERNEST ROLL
District Attorney
Los Angeles County

CLAUDE A WATSON
Attorney at Law

4—CH 1444

6352

(This number shall be torn off by inspector and handed to the voter)

6352

PERFORATED LINE

MARK CROSSES (+) ON BALLOT
ONLY WITH RUBBER STAMP,
NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)
(Fold ballot to this perforated line, leaving top margin exposed)
PERFORATED LINE

OFFICIAL PRIMARY ELECTION BALLOT

NONPARTISAN BALLOT

18th Congressional, 38th Senatorial,
44th Assembly District, June . . ., 19 . . .

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or after the word "No." All marks, except the cross (+) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another. On absent voter's ballots mark a cross (+) with pen or pencil.

22 NONPARTISAN

PERFORATED LINE

JUDICIAL

Judge of the Superior Court Office No One — Vote for One

- CHAS W FRICKE, Judge of the Superior Court

Judge of the Superior Court Office No Two — Vote for One

- SAMUEL R BLAKE, Judge of the Superior Court

Judge of the Superior Court Office No Three — Vote for One

- CLARENCE L KINCAID, Judge of the Superior Court

Judge of the Superior Court Office No. Four — Vote for One

- THOMAS L AMBROSE, Judge of the Superior Court

Judge of the Superior Court Office No Five — Vote for One

- CLARENCE M HANSON, Judge of the Superior Court

Judge of the Superior Court Office No. Six — Vote for One

- ALLEN W ASHBURN, Judge of the Superior Court
- CHARLES B MACCOY, Judge Municipal Court, Los Angeles Judicial District

Judge of the Superior Court Office No Seven — Vote for One

- FREDERICK F HOUSER, Judge of the Superior Court

Judge of the Superior Court Office No Eight — Vote for One

- DANIEL N STEVENS, Judge of the Superior Court

Judge of the Superior Court Office No Nine — Vote for One

- PHILBRICK McCOY, Judge of the Superior Court

Judge of the Superior Court Office No Ten — Vote for One

- VICTOR R HANSEN, Judge of the Superior Court

Judge of the Superior Court Office No Eleven — Vote for One

- LOUIS H BURKE, Judge of the Superior Court
- IDA MAY ADAMS, Judge

COUNTY

District Attorney — Vote for One

- SERNEST ROLL, District Attorney, Los Angeles County
- CLAUDE A WATSON, Attorney at Law

Supervisor Fourth District — Vote for One

- RAYMOND V DARBY, Supervisor Fourth District, Los Angeles County
- GLENN M ANDERSON, Business Man
- GRAYDON F BEERS, Public Relations Counselor
- HAROLD HARBY, Councilman City of Los Angeles
- ARTHUR E HILL, Insurance Executive
- LEONARD J McMULLEN, Auditor
- ERNEST A STEWART, Tax Economist
- KIRK WHITE, Automobile Dealer

CHAPTER 1445

An act to amend Section 72602 of the Government Code, relating to municipal courts in Los Angeles County.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	2
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	42
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	3
El Monte Municipal Court District	2
Pomona Municipal Court District	1
South Gate Municipal Court District	1
Citrus Judicial District	3
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 1446

An act to amend Section 316 of the Unemployment Insurance Code, relating to publication of information.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 316 of the Unemployment Insurance Code is amended to read:

316. There shall be maintained within an appropriate division of the department, a bureau, section or unit relating to education and public instruction for the purpose of informing employers and workers of their rights and responsibilities under this division, and of instructing the public generally concerning its basic purposes, provisions and operations. All standard information employee pamphlets concerning unemployment and disability insurance programs shall be printed in English and separately in Spanish, or at the discretion of the director, in English and Spanish, in such number as the director may determine.

CHAPTER 1447

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1959 Filed with Secretary of State July 6, 1959.] In effect immediately

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5, Division 7, Title 1 of the Government Code
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
Community service districts
Conservancy districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts

Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts

Sewer maintenance districts
Soil conservation districts
Storm water districts
Transit districts
Unified air pollution control districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water authorities
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective.

This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending or undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This subsection shall not extend the period in which any action may be brought beyond the period in which

it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1959.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 1448

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5, Division 7, Title 1 of the Government Code
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
Community service districts
Conservancy districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts

Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Storm water districts
Transit districts
Urban renewal agencies
Unified air pollution control districts
Vehicle parking districts
Veterans' memorial districts
Water authorities
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and deliv-

ered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This subsection shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1959.

CHAPTER 1449

An act to amend Section 35002.3 of the Government Code, relating to the annexation of territory by cities.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 35002.3 of the Government Code is amended to read:

35002.3. Territory shall not be annexed to a city if as a result of such annexation (1) unincorporated territory is completely surrounded by the annexing city; (2) a strip of unincorporated territory less than 200 feet wide and more than 300 feet long is created; or (3) a strip of unincorporated territory consisting solely of a highway or portion thereof is created.

This section shall apply only to annexation proceedings commenced or instituted after the effective date of this act.

CHAPTER 1450

An act to amend Section 6301 of the Business and Professions Code, relating to boards of law library trustees.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

(b) In a county in which one or more municipal courts have been established, the judges of such court or courts shall elect one of their number to serve as trustee.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chairman may appoint a member of the bar of the county or any other member of the board of supervisors of the county to serve as trustee in place of said chairman. The appointment

of the person selected in lieu of the chairman of the board of supervisors shall expire when a new chairman of the board of supervisors is selected, and such appointment shall not be subject to the provisions of Section 6302.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of five members in any county in which a municipal court has not been established, or of six members in any county where such a court has been established.

CHAPTER 1451

An act to add Article 7 (commencing at Section 2048) to Chapter 1, Title 1, Part 3 of the Penal Code, and to amend Section 5003 of said code, relating to the establishment and functions of correctional institutions.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 7 (commencing at Section 2048) is added to Chapter 1, Title 1, Part 3 of the Penal Code, to read:

Article 7. California Correctional Institution at Tehachapi

2048. The Director of Corrections is authorized to establish a state prison for the confinement of males under the custody of the Director of Corrections, to be known as the California Correctional Institution at Tehachapi. The California Correctional Institution at Tehachapi shall be situated on such state land as is, as of the effective date of this article, the site of the Tehachapi Branch, California Institution for Men.

Establishment of prison

2048.1. The primary purpose of the prison authorized to be established by Section 2048 shall be to provide custody and care, and industrial, vocational, and other training to persons confined therein.

Purpose

2048.2. Any person under the custody of the Director of Corrections may be transferred to the California Correctional Institution at Tehachapi in accordance with law.

Transfers

2048.3. The Director of Corrections shall make rules and regulations for the government of the California Correctional Institution at Tehachapi and the management of its affairs.

Rules and regulations

2048.4. The Superintendent of the California Correctional Institution at Tehachapi shall be appointed pursuant to Section 6050, and the Director of Corrections shall appoint, subject to civil service, such other officials and employees as may be necessary therefor.

Officials' appointments

2048.5. The Director of Corrections shall construct and equip, in accordance with law, suitable buildings, structures,

Buildings, etc.

and facilities for the California Correctional Institution at Tehachapi.

Applicability

2048.6. The provisions of Part 3 of this code apply to the California Correctional Institution at Tehachapi and to the persons confined therein insofar as such provisions may be applicable.

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

Jurisdiction

5003. The department has jurisdiction over the following prisons and institutions:

(a) The California State Prison at San Quentin.
(b) The California State Prison at Folsom.
(c) The California Institution for Men.
(d) The California Institution for Women.
(e) The Deuel Vocational Institution.
(f) The California Medical Facility.
(g) The Correctional Training Facility.
(h) The California Medium Security Prison.
(i) The California Correctional Institution at Tehachapi.
(j) Such other institutions and prison facilities as the Department of Corrections or the Director of Corrections may be authorized by law to establish.

CHAPTER 1452

An act to amend Section 704 of the Insurance Code, relating to suspension of certificate of convenience of an insurer.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 704 of the Insurance Code is amended to read:

704. The commissioner may suspend the certificate of authority of an insurer for not exceeding one year whenever he finds, after proper hearing following notice, that such insurer engages in any of the following practices:

(a) Conducting its business fraudulently.
(b) Not carrying out its contracts in good faith.
(c) Habitually and as a matter of ordinary practice and custom compelling claimants under policies, or liability judgment creditors of the insured, to either accept less than the amount due under the terms of the policies or resort to litigation against such insurer to secure the payment of the amount due.

The order of suspension shall prescribe the period of such suspension.

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

CHAPTER 1453

An act to add Chapter 3 (commencing with Section 13200) to Division 10 of the Fish and Game Code, relating to accounting by the Department of Fish and Game.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 3 is added to Division 10 of the Fish and Game Code, to read:

CHAPTER 3. ACCOUNTING

13200. The department shall maintain a cost accounting system that shall accumulate costs by regions and districts for each activity or program in which the department is engaged.

Cost accounting system

13201. In establishing the appropriate programs or activities for this system, consideration shall be given the following programs or activities:

Programs

(a) Individual hatchery operations, raised trout operations, wild trout operations, stream clearance, stream rehabilitation, spawning area management, steelhead operations, salmon in inland waters, salmon in ocean waters, striped bass, black bass, and catfish.

(b) Sardine management, anchovy management, tuna management, yellowtail management, barracuda management, rockfish management, and abalone management, and artificial reef operations.

(c) Controlled burning operations, chaparral management, brush and other land seeding and disking operations, mountain lion control, coyote control, deer depredation, elk depredation, antelope depredation, and bear depredation.

(d) Duck depredation, geese depredation, public shooting grounds for waterfowl, quail habitat management, wild pheasant habitat improvement, game farm pheasant operations, and public shooting grounds for upland game.

(e) General administration.

13202. Payroll and other costs that are directly identifiable with specific programs or activities shall be charged directly to accounts maintained for the appropriate programs or activities.

Payroll, costs, etc

Payroll and other costs that are not identifiable with specific programs or activities shall be allocated on an equitable basis to program or activity cost accounts.

13203. The basic principle of this cost accounting system shall be that the total cost of operation of the department shall be accounted for by accounting for the cost of each activity or program in which it is engaged.

Principle of system

Departmental report

13204. The department shall prepare a report at the end of each calendar quarter showing the cost of each activity and program for the quarter and shall submit such report to the Assembly and Senate Standing Committees on Fish and Game when the Legislature is in session, or to the respective interim committees when the Legislature is not in session.

CHAPTER 1454

An act to add Chapter 5 (commencing at Section 650) to Division 3 of the Harbors and Navigation Code, and to amend Section 5861 of the Public Resources Code, relating to the operation and equipment of vessels, and the registration thereof, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Chapter 5 (commencing at Section 650) is added to Division 3 of the Harbors and Navigation Code, to read:

CHAPTER 5. OPERATION, EQUIPMENT AND REGISTRATION OF VESSELS

Article 1. Operation and Equipment

Policy

650. It is the policy of this State to promote safety for persons and property in and connected with the operation and equipment of vessels and to promote uniformity of laws relating thereto.

Definitions

651. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Commission" means the Small Craft Harbors Commission, Department of Natural Resources.

(b) "Department" means the Department of Natural Resources.

(c) "Division" means the Division of Small Craft Harbors, Department of Natural Resources.

(d) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(e) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

(f) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled

to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the rentor or lessor of a vessel to the State or to any county, city, district, or political subdivision of the State under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(g) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the State, or to any county, city, district or political subdivision of the State, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(h) "Registered owner" is the person registered by the Department of Motor Vehicles as the owner of the vessel.

(i) "Waters of this State" means any waters within the territorial limits of this State.

(j) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the State or a municipality or subdivision thereof.

(k) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this State.

(*l*) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

652. (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows: Motorboats. Types and regulations

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate sidelights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light six points from right aft on each side of the vessel.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(b) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(c) Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951 (33 U. S. C. 143-147d) as amended, in lieu of the lights required by subdivision (b) of this section.

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(f) Every undocumented vessel shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the commission, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the commission.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the commission for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The commission may make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard.

(*l*) The commission may establish and maintain for the operation of vessels on the waters of this State pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

Muffling of noise

654. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race, and for such motorboats while on trial runs, and for such motorboats while competing in official trials for speed records.

Prohibitions, regulations, etc.

655. (a) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The commission shall adopt regulations for the operation of motorboats, undocumented vessels, water skis, aquaplanes or similar devices in a manner which will minimize the danger to life, limb, or property consistent

with reasonable use of the equipment for the purpose for which it was designed. Violation of such regulations shall constitute prima facie evidence of negligence pursuant to this section.

(b) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device while under the influence of intoxicating liquor or under the influence of any narcotic drug, barbiturate or marijuana.

Accidents

656. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) In the case of collision, accident or other casualty involving an undocumented vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars ($100) shall file with the department a full description of the collision, accident or other casualty on such forms and including such information as the commission may, by regulation, require. The department shall furnish approved forms for the filing of such reports.

(c) Neither the report required by this section nor any action taken by the department with regard to such report shall be referred to in any way, or be any evidence of negligence or due care of any party, at the trial of any action at law to recover damages.

Information

657. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the department pursuant to subdivision (b) of Section 656 shall be transmitted to said official or agency of the United States.

Towing persons

658. (a) No person shall operate a vessel on any waters for towing a person or persons on water skis or an aquaplane or similar device unless there is in such vessel a person at least 12 years of age, in addition to the operator, in a position to observe the progress of the persons being towed.

(b) No person shall operate a vessel on any waters of this State towing a person or persons on water skis, or aquaplane or similar device nor shall any person engage in water skiing, aquaplaning or other similar activity at any time between the hours from sunset to sunrise; provided, that such hours shall not apply to such waters of this State as to which prohibited hours for such activities are fixed by local ordinances, laws or regulations enacted pursuant to this chapter.

(c) The provisions of subdivisions (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in any one of the following authorized activities on any waters of this State: a regatta, motorboat or other boat race, a marine parade, a tournament or an exhibition.

(d) No person shall operate or manipulate any vessel, towrope or other device by which the direction or location of water skis, an aquaplane or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar device or any person thereon to collide with or strike against any object or person. The provisions of this subdivision do not apply to collisions of two or more persons on water skis, aquaplanes or similar devices being towed by the same boat.

(e) No person shall operate water skis, an aquaplane or similar device in such a manner as to endanger the life, limb or property of any person.

Uniform navigational markings

659. The commission may make rules and regulations for the uniform navigational marking of the waters of this State. Such rules and regulations shall not be in conflict with markings prescribed by the United States Coast Guard. No city, county, or person shall mark the waters of this State in any manner in conflict with the markings prescribed by the commission.

Applicability

660. (a) The provisions of this chapter, and of other applicable laws of this State shall govern the operation, equipment, and all other matters relating thereto whenever any undocumented vessel shall be operated on the waters of this State, or when any activity regulated by this chapter shall take place thereon; but nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the commission.

(b) Any city, county, city and county, or other political subdivision may, at any time, make special rules and regulations with reference to the operation of vessels on any waters within its territorial limits; and any city, county, city and county, or other political subdivision may, at any time, make formal application to the commission for special rules and regulations by the commission with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

(c) The commission is authorized to make special rules and regulations with reference to the operation of undocumented vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the commission may determine (1)

are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

Liability for damage

661. (a) The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, whether such negligence consists of a violation of the provisions of the statutes of this State, or neglecting to observe such ordinary care and such operation as the rules of the common law require. The owner shall not be liable, however, unless such vessel is being used with his or her express or implied consent. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under the control of his or her spouse, father, mother, brother, sister, son, daughter, or other immediate member of the owner's family. Nothing contained in this chapter shall be construed to relieve any other person from any liability which he would otherwise have, but nothing contained in this chapter shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

(b) The liability of an owner imposed by this section and not arising through the relationship of principal and agent or master and servant is limited to the amount of ten thousand dollars ($10,000) for the death of or injury to one person in any one accident and subject to such limit as to one person is limited to the amount of twenty thousand dollars ($20,000) with respect to the death of or injury to more than one person in any one accident and is limited to the sum of ten thousand dollars ($10,000) for damage to property of others in any one accident.

(c) In any action against an owner under this section the operator of the vessel shall be made a party defendant if personal service of process can be had upon the operator within this State. Upon recovery of judgment, recourse shall first be had against the property of the operator so served.

(d) In the event a recovery is had under the provisions of this section against an owner, such owner is subrogated to all the rights of the person injured or whose property has been injured and may recover from such operator the total amount of any judgment and costs recovered against such owner. If the bailee of an owner with the permission, express or implied, of the owner permits another to operate the vessel of the owner, then such bailee and such operator shall both be deemed operators of the vessel of the owner within the meaning of subdivisions (c) and (d) of this section.

(e) Where two or more persons are injured or killed in one accident, the owner may settle and pay any bona fide claim or claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and such payments shall diminish to the extent thereof the owner's total liability on account of such accident; and payments so made aggregating the full sum of twenty thousand dollars ($20,000) shall extinguish all liability of the owner hereunder to such

claimants and all other persons on account of such accident, which liability may exist pursuant to this section, and not arising through the negligence of the owner nor through the relationship of principal and agent or master and servant.

(f) No action provided for in this section shall abate by reason of the death of any injured person or of any person liable or responsible under the provisions of this section; except, that in any action for physical injury contemplated by this section by the executor, administrator or personal representative of any deceased person, the damages recoverable shall be the same as those recoverable under Section 956 of the Civil Code.

Copy of local laws: Filing

662. A copy of the ordinances or local laws adopted pursuant to this chapter, and of any amendments thereto, shall be filed in the office of the department.

Enforcement

663. Every peace officer of this State or of any city, county, city and county, or other political subdivision of the State shall enforce the provisions of this chapter and any regulations adopted by the commission pursuant to this chapter and in the exercise of such duty shall have the authority to stop and board any vessel subject to this chapter.

Arrests, notice to appear, etc.

664. (a) When any person is arrested for a violation of this chapter or any regulation adopted by the commission pursuant to this chapter or any ordinance or local law relating to the operation and equipment of vessels, and such person is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after such arrest.

(c) The place specified in the notice to appear shall be either:

1. Before a judge of a justice court or a municipal court judge within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made; or

2. Upon demand of the person arrested, before a judge of a justice court or a municipal court judge having jurisdiction of such offense at the county seat of the county in which such offense is alleged to have been committed; or before a judge in the judicial district in which the offense is alleged to have been committed.

3. Before an officer authorized by the county, city or city and county, to receive a deposit of bail.

4. Before a judge of a justice court or a municipal court judge within 50 miles by the nearest road to the place of the alleged offense who has jurisdiction of the offense and whose judicial district contains any portion of the body of water upon which the offense charged is alleged to have been committed.

(d) The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of the Penal Code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

Misdemeanor

665. Any person willfully violating his written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Failure to appear

666. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 664, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

667. In addition to any other court which may be a proper place of trial, any justice or municipal court within 50 miles by the nearest road to the place of the alleged offense having jurisdiction of the offense shall be a proper place of trial of any person on a charge of violation of this chapter or any regulation adopted by the commission pursuant to this chapter or any ordinance or local law relating to the operation and equipment of vessels if the justice or municipal court district includes any portion of the body of water upon which the offense charged is alleged to have been committed. Place of trial

668. (a) Any person who violates any provisions of Sections 652, 654, or 659 of this code or any regulations adopted by the commission pursuant thereto is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation. Misdemeanor

(b) Any person who violates any provisions of Section 653 or subdivision (a) or (b) of Section 658 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars ($100) for each violation.

(c) Any person who violates any provision of Sections 655, 656, or subdivision (d) or (e) of Section 658 of this code or any special rules and regulations adopted by the commission pursuant to the provisions of subdivisions (b) or (c) of Section 660 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months, or both, for each violation.

669. The regulations adopted by the commission pursuant to this chapter shall be adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code. Adoption of regulations

Article 2. Registration

680. Effective April 1, 1960, every undocumented vessel using the waters of this State shall be numbered. No person shall operate or a county, city, or political subdivision give permission for the operation of any undocumented vessel on such waters unless the undocumented vessel is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless (1) the certificate of number issued to such undocumented vessel is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such undocumented vessel. Undocumented vessel

681. (a) The owner of each vessel requiring numbering by this State shall file an initial application for number with the Department of Motor Vehicles or an agent authorized by the Department of Motor Vehicles on forms approved by the commission. The application shall contain the name and address Application for number

of the owner, and of the legal owner if any. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5). Upon receipt of the application in approved form, the Department of Motor Vehicles shall issue a certificate of ownership to the legal owner and a certificate of number to the owner, or both to the owner if there is no legal owner, stating the number issued to the vessel and the name and address of the owner. The Department of Motor Vehicles shall forward the original application to the department. The owner shall paint on or attach to each side of the bow of the vessel the identification number in such manner as may be prescribed by rules and regulations of the commission in order that it may be clearly visible. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation.

(b) The owner of any vessel already covered by a number in full force and effect which has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within thirty (30) days after the ninety (90) day reciprocity period provided for in Section 682. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under subdivision (a) of this section.

(c) Should the ownership of an undocumented vessel change, the existing certificate of ownership and a new application form accompanied by a fee of three dollars ($3) shall be filed with the Department of Motor Vehicles and a new certificate of ownership and a new certificate of number shall be issued in the same manner as provided for in the initial issuance of number and the number shall be reassigned to the new owner.

(d) In the event that an agency of the United States Government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this article shall be in conformity therewith.

(e) The Department of Motor Vehicles may issue any certificate of ownership and certificate of number or temporary certificate of number directly or the Department of Motor Vehicles may authorize any person to act as agent for the issuance of a certificate of number. In the event that a person accepts such authorization, he may be assigned a block of numbers which upon issuance, in conformity with this article and with any rules and regulations of the commission, shall be valid as if issued directly by the Department of Motor Vehicles.

(f) All records of the commission, the department, and the Department of Motor Vehicles made or kept pursuant to this section shall be public records.

(g) Every certificate of number issued pursuant to this article shall continue in full force and effect for a period of three years unless sooner terminated, discontinued or extended in accordance with the provisions of this article. Certificates of number may be renewed by the owner on forms and in the manner set forth by the commission in consultation with the Department of Motor Vehicles. The fee for renewal shall be three dollars ($3) and shall accompany the request for such renewal.

(h) The commission shall fix a day and month of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this article The certificate of number initially issued to an owner under Sections 681(a) and 681(c) may continue in full force and effect for a period of three years from the date of the owner's birthday next occurring after the date the certificate of number is issued.

(i) If the initial application for number is not received by the Department of Motor Vehicles on or before the date set by the commission a penalty of one-half the fee shall be assessed. If a certificate of number is not renewed on or before the date on which it expires a penalty of one-half the fee shall be assessed.

(j) All money received, except moneys collected under Section 683, pursuant to this article shall be deposited in the General Fund.

(k) The owner shall furnish the Department of Motor Vehicles notice of the transfer of all or any part of his interest in an undocumented vessel numbered in this State pursuant to subdivisions (a) or (b) of this section, or of the destruction or abandonment of such undocumented vessel, within 30 days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of ownership and certificate of number of such undocumented vessel, except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such undocumented vessel, such transfer shall not terminate the certificate of number.

(*l*) Any holder of a certificate of number shall notify the Department of Motor Vehicles within 30 days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Department of Motor Vehicles with his new address. The Department of Motor Vehicles may provide for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

(m) No number other than the number issued to an undocumented vessel or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such undocumented vessel.

(n) A fee of one dollar ($1) shall be charged for a copy of certificate of number, certificate of ownership, or any application filed pursuant to this article.

(o) Fees received pursuant to this article are appropriated for payment of refunds of money received or collected in the payment of fees, permits, or services whenever the fee, permit or service cannot lawfully be issued or rendered to the applicant, and in cases where the payment in whole or in part represents overpayment or payment in duplicate.

(p) The Department of Motor Vehicles shall transmit information from each initial application and each transfer application or renewal application to the county assessor in the county of residence of the owner of the vessel and to the county assessor in the county in which the vessel is principally kept if other than the county of residence of the owner.

The rules and regulations adopted by the commission shall be adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code.

Exceptions

682. An undocumented vessel shall not be required to be numbered under this article if it is:

(a) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state; provided, that such undocumented vessel shall not have been within this State for a period in excess of 90 consecutive days.

(b) A vessel from a country other than the United States temporarily using the waters of this State.

(c) A public vessel of the United States, a state or subdivision thereof or municipality of such state.

(d) A ship's lifeboat.

(e) Any vessel belonging to a class of boats which has been exempted from numbering by the commission after the commission has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the Federal Government has a numbering system applicable to the class of vessels to which the vessel in question belongs, after the commission has further found that the vessel would also be exempt from numbering if it were subject to the federal law. Undocumented vessels propelled solely by oars, paddles, or electric motors of 10 horsepower or less and undocumented vessels eight feet or less propelled solely by sail are exempt from the provisions of this article.

Misdemeanor

683. Any person who violates any provision of this article or any rule or regulation of the commission is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

Appropriation

SEC. 2. The sum of six hundred thousand dollars ($600,000) is hereby appropriated from the General Fund to the Department of Finance for allocation to the department and the Department of Motor Vehicles for the purposes of Chapter 5

(commencing at Section 650) of Division 3 of the Harbors and Navigation Code as added by this act, including refunds.

SEC. 3. Section 5861 of the Public Resources Code is amended to read:

5861. The commission shall establish general policies for the guidance of the division in the planning, acquisition, construction, development, improvement, maintenance and operation of small craft harbors under the jurisdiction of the division, the transfer of harbors to local agencies, and the making of loans to local agencies, pursuant to this division, the registration of vessels, the regulation of the operation and equipment of vessels by the division, and for that purpose may adopt such rules and regulations as may be necessary to carry out the provisions of this division and the provisions of Chapter 4 (commencing at Section 600) and Chapter 5 (commencing at Section 650), Division 3 of the Harbors and Navigation Code.

General policies: Small craft harbors

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Urgency

The great number of vessels using the waters of this State have created an extremely critical and dangerous situation. This is particularly true because of the conflicting local regulations regarding the operations of such vessels. For the protection of the health and safety of the people of this State it is imperative that this act take effect immediately.

CHAPTER 1455

An act to amend Section 2350 of the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2350 of the Health and Safety Code is amended to read:

2350. Whenever any portion of a district is included within a city which is not situated within the district by reason of annexation, such portion may be withdrawn from the district; provided, that notice of the intended withdrawal of such portion of the district shall be given to the district board at least 15 days prior to the adoption of a resolution declaring such portion withdrawn from the district.

Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be

withdrawn from the district if the State Department of Public Health certifies that the control program which the city proposes to undertake is at least equal to the program of the district.

CHAPTER 1456

An act to amend Sections 1563 and 1576, Military and Veterans Code, relating to preparation for and mitigation of disasters and damage caused by disasters.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 1563 of the Military and Veterans Code is amended to read:

Regional mutual aid plans

1563. In the development of the regional mutual aid plans provisions shall be made for the most effective use of state personnel and equipment as a part of such plans and during a state of extreme emergency or a state of disaster the Governor may exercise such authority over the use of such equipment and personnel as he may see fit or place it under the direction of such state or local officer as he may determine most appropriate. The Governor may also exercise the same authority following a disaster for the purpose of clearing and disposing of debris on public and private property resulting from the disaster. State personnel, equipment and facilities may be used to clear and dispose of debris on private property only after the Governor finds: (a) that such use is for a state purpose; (b) that such use is in the public interest serving the general welfare of the State; and (c) that such personnel, equipment and facilities already are in the disaster area.

SEC. 2. Section 1576 of said code is amended to read:

State of disaster

1576. During a state of disaster the Governor may direct all agencies of the State Government to utilize and employ state personnel, equipment and facilities for the performance of any and all activities designed to prevent and alleviate actual or threatened damage due to the disaster, and he may direct such agencies to provide services and equipment to clear and dispose of debris on public and private property resulting from the disaster. Any agency so directed by the Governor may expend any of its moneys in performing such activities which have been appropriated to it, irrespective of the particular purpose for which the money was appropriated. State personnel, equipment and facilities may be used to clear and dispose of debris on private property only after the Governor finds: (a) that such use is for a state purpose; (b) that such use is in the public interest serving the general welfare of the State; and (c) that such personnel, equipment and facilities already are in the disaster area.

CHAPTER 1457

An act to add Sections 7058.5, 7059, 7060, and 7061 to the Public Resources Code, relating to production of oil, gas or other hydrocarbons.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 7058.5 is added to the Public Resources Code, to read:

Necessity of resolution

7058.5. Before a lease or any operating agreement or other type of agreement for the production of oil, gas, or other hydrocarbons is entered into after the effective date of this section, the governing body of a city shall in open meeting adopt a resolution declaring its intention to take such action. The resolution shall describe the property involved in such manner as to identify it, specify the minimum rental, royalty, or other consideration, and the term of the lease or agreement, the form of the lease or agreement, and one variable, biddable factor, on which bids will be received, and fix a time not less than 30 days thereafter and place for a public meeting of said governing body, at which meeting sealed proposals to lease or contract will be received and considered. The resolution shall, before the date of such meeting, be published once a week for four successive weeks in one or more newspapers of general circulation in the city where the property is situated, or, if there is no newspaper of general circulation in such city, in one or more newspapers of general circulation in the county where the property is situated.

This section shall not apply to the renewal of leases or operating agreements issued for a fixed term; provided, that such renewals shall be subject to State Lands Commission approval as provided in Section 7060.

As used in this section, governing body of a city means the city council, or other city board or agency having jurisdiction by charter or law over the property involved.

SEC. 2. Section 7059 is added to said code, to read:

Lease, etc., to highest bidder

7059. At the time and place fixed in the resolution for the meeting, all sealed proposals which have been received shall in public session be opened, examined, and recorded by the governing body of the city, and the property shall be leased to, or the agreement shall be made and entered into with, the highest responsible bidder in the judgment of the governing body. The governing body may, however, should it deem such action for the best public interest, at any time reject any and all bids and withdraw the property from lease or contract.

As used in this section, governing body of a city means the city council, or other city board or agency having jurisdiction by charter or law over the property involved.

SEC. 3. Section 7060 is added to said code, to read:

Approval by State Lands Commission

7060. (a) No such lease or agreement shall be effective unless prior to adopting the resolution provided for by Section 7058 5 the city shall have petitioned the State Lands Commission for approval of the proposed resolution, and the proposed resolution shall have been approved by the State Lands Commission.

(b) No city shall consent to the modification or amendment of any such lease or agreement without the advance consent of the State Lands Commission to such modification or amendment.

SEC. 4. Section 7061 is added to said code, to read:

Applicability

7061. The provisions of Sections 7058.5 to 7059, inclusive, shall be applicable to all general law cities and shall be applicable to general law and chartered cities with respect to tide or submerged lands granted in trust to such cities by the State where mineral rights have not been reserved to the State. Section 7060 shall be applicable to both general law and chartered cities only with respect to tide or submerged lands granted in trust to such cities by the State, where mineral rights have not been reserved to the State. The provisions of Sections 7058.5 to 7060. inclusive, shall not apply to activities regulated by Chapter 29 of the Statutes of the 1956 First Extraordinary Session.

The State Lands Commission may in its discretion exempt particular leases or operating agreements from the procedure required by Sections 7058.5 and 7059 where by reason of the small size of the property or drainage from offset wells, such procedure would in the judgment of the State Lands Commission in the particular case be impractical.

CHAPTER 1458

An act to amend Sections 69592 and 69748.1 of the Government Code, relating to the superior court.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959]

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

SECTION 1. Section 69592 of the Government Code is amended to read:

Riverside County: Judges

69592. In the County of Riverside there shall be seven judges of the superior court.

SEC. 2. Section 69748.1 of said code is amended to read:

Session of superior court

69748.1. At least one session of the superior court shall be held in each city to which all of the following conditions apply:

(a) The city hall is not less than 70 miles from the site of the county courthouse.

(b) The city has a population of not less than 5,000.

(c) Within the 30-mile radius from the city hall there is a population of not less than 26,000.

(d) There are residing in the county at least 40 miles from the county courthouse not less than 34,000 persons, some of whom would be required to travel 80 miles to attend court at such city and at least 70 miles farther in order to attend the superior court at the county courthouse, or any other place where sessions of the superior court have been established.

At least two sessions of the superior court shall be held in each city to which all of the foregoing conditions apply, and which city in addition is located in a county in which there are at least seven judges of the superior court.

CHAPTER 1459

An act to amend Section 1405 of the Probate Code, relating to guardians.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1405 of the Probate Code is amended to read:

1405. The superior court shall appoint a general guardian of the person and estate, or person or estate, of minors and insane or incompetent persons, whenever necessary or convenient, and when no guardian has been appointed for the purpose by will or by deed. The court, in its discretion, may appoint more than one guardian and shall require either a separate bond from each or a joint and several bond. Where two or more guardians are appointed as coguardians, each shall be governed and liable in all respects as a sole guardian. If the estate does not exceed ten thousand dollars ($10,000), the court may require that the money in the estate be deposited in a bank or trust company or be invested in an account in an insured savings and loan association subject to withdrawal only upon the order of the court in which case no bond be required of the guardian. The court shall also confirm an appointment made by will or by deed, whenever requested, upon the same procedure and notice as in the case of appointment by the court.

CHAPTER 1460

An act to amend Section 689b of the Code of Civil Procedure, relating to execution of civil judgments.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

689b. (1) Where the property levied upon is a vehicle required to be registered with the Department of Motor Vehicles, the officer shall forthwith determine from the department the name and address of the legal owner of the vehicle and shall notify any such legal owner who is not also the registered owner of such vehicle of the levy by registered mail or certified mail or personal service.

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above set-offs, with interest to date of tender, and also stating therein his address within this State for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

(6) If the tender is accepted, all right, title, and interest of the seller or mortgagee in the property levied upon shall pass to the party to the action making the payment.

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him of a written demand therefor, which service must be attested by the certificate of the serving officer, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Such written demand of the levying officer may be served by him, or for him by any sheriff, marshal, or constable whose office is closer to the place of service, and whose fees and mileage shall be paid out of the prepaid fees in the possession of the levying officer.

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is pending, or which issued such

writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

CHAPTER 1461

An act to add Section 7933.5 to the Elections Code, relating to the demise of a candidate for public office.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 7933.5 is added to the Elections Code, to read:

7933.5. Whenever a candidate whose name appears upon the ballot at a general election dies after the hour of 12.01 a.m. of the thirty-ninth day before the election and before the time of the closing of the polls on the day of the election, the votes cast for such deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives the majority of the votes cast for the office he shall be considered elected and the office to which he was elected shall be vacant at the beginning of the term for which he was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

CHAPTER 1462

An act to amend Sections 447a and 449a of the Penal Code, relating to arson.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 447a of the Penal Code is amended to read:

Arson

447a. Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any trailer coach, as defined in Section 635 of the Vehicle Code, or any dwelling house, or any kitchen, shop, barn, stable or other outhouse that is parcel

thereof, or belonging to or adjoining thereto, whether the property of himself or of another, shall be guilty of arson, and upon conviction thereof, be sentenced to the penitentiary for not less than two or more than 20 years.

SEC. 2. Section 449a of the Penal Code is amended to read:

449a. Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any barrack, cock, crib, rick or stack of hay, corn, wheat, oats, barley or other grain or vegetable product of any kind; or any field of standing hay or grain of any kind; or any pile of coal, wood or other fuel; or any pile of planks, boards, posts, rails or other lumber; or any streetcar, railway car, ship, boat or other watercraft, automobile or other motor vehicle; or any other personal property not herein specifically named except a trailer coach, as defined in Section 635 of the Vehicle Code; (such property being of the value of twenty-five dollars ($25) and the property of another person) shall upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years. Same

SEC. 3. The amendment of Section 449a by Section 2 of this act shall not bar the prosecution or punishment of any person who violates the said Section 449a by the burning of any trailer coach prior to the effective date of this act. Effect re trailer coach

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CHAPTER 1463

An act to amend Sections 1208 and 4532 of the Penal Code, relating to the offense of failure of a prisoner released from jail during working hours to return to the jail.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible. In such ordinance the board shall prescribe whether the sheriff or the probation officer shall perform the functions of the work furlough administrator. "Work Furlough Rehabilitation Law"

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the court may direct that such person be permitted to continue in his regular employment, if that is

compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county.

(c) If the court so directs that the prisoner be permitted to continue in his regular employment, the work furlough administrator shall arrange for a continuation of such employment so far as possible without interruption. If the prisoner does not have regular employment, and the court has authorized the prisoner to secure employment for himself, the prisoner may do so. Any employment so secured must be suitable for the prisoner. Such employment must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

(d) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, to the extent directed by the court, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the pre-existing debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, or employment, the work furlough administrator shall report such fact to the court which directed or authorized employment pursuant to this section.

and the court may then order such prisoner returned to it and, if it finds that the violation has occurred, may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) This section shall be known and may be cited as the "Work Furlough Rehabilitation Law."

SEC. 2. Section 4532 of said code is amended to read:

Same Punishment

4532. (a) Every prisoner formally charged with or convicted of a misdemeanor who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, or who is employed or authorized to secure employment away from the place of confinement, pursuant to the Work Furlough Rehabilitation Law (Section 1208), and who thereafter escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not less than six months nor more than five years, regardless of any prior convictions, or in the county jail not exceeding one year; provided, however, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

The willful failure of a prisoner employed or authorized to secure employment pursuant to the Work Furlough Rehabilitation Law (Section 1208) to return to the place of confinement not later than the expiration of a period during which, pursuant to that law, he is authorized to be away from such place of confinement, is an escape from such place of confinement punishable as provided in this subdivision.

A conviction of violation of this subdivision, not by force or violence, shall not be charged as a prior felony conviction in any subsequent prosecution for a public offense.

(b) Every prisoner charged with or convicted of a felony who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape

from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

CHAPTER 1464

An act to add Section 7062 to the Public Resources Code, relating to the production of oil, gas or other hydrocarbons.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 7062 is added to the Public Resources Code, to read:

7062. (a) On or before October 1st of each year, each city shall cause to be made and filed with the State Lands Commission a detailed statement of all revenue and expenditures thereof from any operating agreement or other type of lease or agreement for the production of oil, gas, or other hydrocarbons, including obligations incurred but not yet paid. Said statement shall cover the fiscal year preceding its submission and shall show the project or operation for which each such expenditure or obligation is made or incurred.

(b) In addition to the other powers and duties specifically delegated to it, the State Lands Commission shall have authority to examine financial and operating records of any city relating to the production and sale of oil, gas, and other hydrocarbons under any operating agreement or other type of lease or agreement for the production of oil, gas, or other hydrocarbons and to conduct such other investigations and studies as it may deem necessary in connection therewith.

The provisions of this section shall be applicable only with respect to tide or submerged lands granted in trust to cities by the State. The provisions of this section shall not apply to activities regulated by Chapter 29 of the Statutes of the 1956 First Extraordinary Session.

CHAPTER 1465

An act to add Section 7054.5 to, and to amend Section 7052 of, the Public Resources Code, relating to oil, gas, and mineral leases by public agencies.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 7054.5 is added to the Public Resources Code, to read:

Approval of lease, etc.

7054.5. No lease or modification thereof or amendment thereto for the production, extraction, or removal of minerals, oil, gas, or other hydrocarbons from tide or submerged lands which have been granted by the State to a public agency in trust wherein the State has not reserved the minerals, shall be effective or shall be delivered to the lessee unless and until it has been approved by the State Lands Commission.

Prior to adopting the resolution provided for by Section 7052, the governing body may petition the State Lands Commission for approval of the form of the resolution.

When any public agency mentioned in Section 7056 has the right to designate drill sites or areas for the production of oil, gas or other hydrocarbons from tide or submerged lands pursuant to leases, operating agreements, other agreements, or modifications or amendments thereof, which are otherwise authorized by law, then such public agencies must first obtain the approval of the State Lands Commission before designating such drill sites or areas. Such designation and approval shall, as far as possible, conform to the legal requirements, policies and regulations applicable to the development of state-owned or controlled tide or submerged lands for the production of oil, gas or other hydrocarbons.

SEC. 2. Section 7052 of said code is amended to read:

Resolution of intention to lease

7052. Lands may be leased in tracts of such size and shape as the governing body may determine. Before executing a lease of any such property, the governing body shall in open meeting, by not less than a two-thirds vote of its members, adopt a resolution declaring its intention to lease the property. The resolution shall describe the property proposed to be leased in such manner as to identify it, specify the minimum rental and term for which it will be leased, the form of the lease or agreement, and one variable, biddable factor, on which bids will be received, and fix a time not less than three weeks thereafter and place for a public meeting of said governing body, at which meeting sealed proposals to lease will be received and considered. The resolution shall, before the date of such meeting, be published once a week for three successive weeks in one or more newspapers of general circulation in the county where the property is situated.

This section shall not apply to the renewal or extension for a fixed term not exceeding the original term of leases or operating agreements initially issued for a fixed term.

The State Lands Commission may in its discretion exempt particular leases or operating agreements from the procedure required by this section and Section 7053 where by reason of the small size of the property or drainage from offset wells such procedure would in the judgment of the State Lands Commission in the particular case be impracticable.

CHAPTER 1466

An act to amend Sections 2981 and 2982 of the Civil Code, relating to conditional sales.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 2981 of the Civil Code is amended to read:

Definitions

2981. As used in this section and in Section 2982 of the Civil Code, unless the context otherwise requires:

(a) "Conditional sale contract" shall mean:

1. Any contract for the sale of a motor vehicle, with or without accessories, under which possession is delivered to the buyer but the title vests in the buyer thereafter only upon the payment of all or part of the price, or upon the performance of any other condition.

2. Any contract for the bailment or leasing of a motor vehicle, with or without accessories, by which the bailee or lessee agrees to pay as compensation a sum substantially equivalent to the value of the property, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the property upon full compliance with the terms of the contract.

3. Any contract for the sale of a motor vehicle, with or without accessories, under which possession is delivered to the buyer, and a lien on the property is to vest in the seller as security for the payment of part or all of the price, or for the performance of any other condition.

(b) "Seller" shall mean the person who sells or leases the property under a conditional sale contract.

(c) "Buyer" shall mean the person who buys or hires property under a conditional sale contract, or any legal successor in interest of such person.

(d) "Person" shall mean and include an individual, company, firm, association, partnership, trust, corporation, or other legal entity.

(e) "Cash price" shall mean the amount for which the seller would sell and transfer to the buyer unqualified title

to the personal property described in the conditional sale contract, if such property were sold for cash at the seller's place of business on the date such contract is executed, and includes any applicable sales taxes.

(f) "Down payment" shall mean that part of the cash price which the buyer pays or agrees to pay to the seller in cash or property value or money's worth at or prior to delivery by the seller to the buyer of the personal property described in the conditional sale contract.

(g) "Unpaid balance" shall mean the difference between (e) and (f), plus all insurance premiums (except for credit life or disability insurance when the amount thereof is included in the time price differential), and all fees paid or to be paid to any public officer, in connection with the transaction, which are included in the contract balance.

(h) "Time price differential" shall mean any amount which the buyer agrees to pay to the seller in excess of the unpaid balance.

(i) "Contract balance" shall mean the amount unpaid under the conditional sale contract, which the buyer agrees to pay in installments as originally provided therein, and shall not include amounts for which the buyer may later become obligated under the terms of the contract in connection with insurance, repairs to or preservation of the motor vehicle, preservation of the security interest therein, or otherwise.

(j) "Motor vehicle" shall mean any vehicle required to be registered under the Vehicle Code.

SEC. 2. Section 2982 of said code is amended to read:

Conditional sales contract Contents

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing, and, if printed, shall be printed in type no smaller than six point, and shall contain all of the agreements between the buyer and the seller relating to the personal property described therein. It shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and when so executed an exact copy thereof shall be delivered by the seller to the buyer at the time of its execution. It shall recite the following separate items as such, in the following order:

1. The cash price of the personal property described in the conditional sale contract.

2. The amount of the buyer's down payment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property. As soon as received by the dealer the dealer shall refund to the buyer or credit to the buyer on the next payment due the amount realized on any insurance policy, or rights thereunder, assigned to the seller by the buyer in connection with the conditional sale. Failure of the dealer to comply with the foregoing provision shall in no way affect the validity or enforceability of the conditional sale contract.

3. The amount unpaid on the cash price, which is the difference between Items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance; provided, any such cost for credit life or disability insurance may be included in the time price differential if separately stated on the face of the contract.

5. A description and itemization of amounts, if any, which will actually be paid by the seller or his assignee to any public officer as fees in connection with the transaction, which are included in the contract balance.

6. The amount of the unpaid balance, which is the sum of Items 3, 4, and 5.

7. The amount of the time price differential.

8. The contract balance owed by the buyer to the seller, which is the sum of Items 6 and 7.

9. The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

10. The names and addresses of all persons to whom the notice required under subdivision (g) of this section is to be sent.

(b) If any charge for insurance is included in the contract balance, an insurance policy or policies or a certificate of insurance under a master policy shall be issued and the seller shall within 30 days after the execution of the conditional sale contract send or cause to be sent to the buyer the original or an exact copy of such policy or policies or certificate.

(c) The amount of the time price differential in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months, including any excess fraction thereof as one month, elapsing between the date of such contract and the due date of the last installment, or twenty-five dollars ($25), whichever is greater; provided, that such contract may provide for interest on any delinquent installment from and after the date of delinquency, and for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer may satisfy in full the indebtedness evidenced by such contract at any time before the final maturity thereof, and in so satisfying such indebtedness shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the time price differential, after first deducting from such time price differential a minimum charge of not to exceed twenty-five dollars ($25), as the sum of the periodic time balances after the month in which such contract is paid in full bears to the sum of all of the periodic time balances under the schedule of payments in the contract, both sums to be determined according to the monthly balances which would result if the indebted-

ness were paid according to the terms of the contract; provided, however, that the provisions of this subsection shall not impair the right of the seller or his assignee to receive a minimum time price differential of twenty-five dollars ($25), or to receive interest on delinquent installments or reasonable collection costs and fees, as provided in subsection (c) of this section; and provided further, that where the amount of such refund credit would be less than one dollar ($1), no refund need be made.

(e) If the seller, except as the result of an accidental or bona fide error in computation, shall violate any provision of subdivisions (c) or (d) of this section, the conditional sale contract shall not be enforceable, except by a bona fide purchaser for value, and the buyer may recover from the seller in a civil action the total amount paid on the contract balance by the buyer to the seller or his assignee pursuant to the terms of such contract.

(f) If the holder of such contract, except as the result of an accidental or bona fide error in computation, shall violate any provision of subdivision (d) of this section, the buyer may recover from such holder in a civil action the total amount paid on the contract balance by the buyer to such holder pursuant to the terms of such contract.

(g) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, at least five days' written notice of intent to sell a repossessed motor vehicle must be given to all persons liable on the contract. Such notice may be given by mail and need be given only to such persons as have furnished the seller or his assignee with an address to which such notice may be sent. During the period of five days after such notice is sent, the person or persons liable on the contract may pay in full the indebtedness evidenced by such contract. Such persons shall be liable for any deficiency after sale of the repossessed motor vehicle only if notice has been given pursuant to this subdivision.

(h) No such contract shall contain any provision by which, in the absence of default by the buyer in the performance of any of his obligations under the contract, the holder may accelerate the maturity of any part or all of the amount owing thereunder or repossess the motor vehicle.

CHAPTER 1467

An act to amend Section 14549 of the Health and Safety Code, relating to county fire protection districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14549 of the Health and Safety Code is amended to read:

14549. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

CHAPTER 1468

An act to add Section 5003.4 to the Public Resources Code, relating to the State Park System.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5003.4 is added to the Public Resources Code, to read:

5003.4. There shall be provided in each state park in which camping is permitted such parking facilities for house trailers as can be accommodated within the park consistent with the object of providing camping facilities for the public in such parks.

CHAPTER 1469

An act to add Section 169.2 to the Civil Code, relating to earnings and accumulations after an interlocutory judgment of divorce.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 169.2 is added to the Civil Code, to read:

169.2. After the rendition of an interlocutory judgment of divorce and while the parties are living separate and apart, the earnings and accumulations of the husband are the separate property of the husband.

CHAPTER 1470

An act to amend Section 70141.5 of, and to add Section 70141.7 to, the Government Code, relating to court commissioner of superior courts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 70141.5 of the Government Code is amended to read:

Probate commissioner: Duties and salary

70141.5. In any county with a population exceeding 291,000 and not exceeding 900,000, as determined by the 1950 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259

of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner who is authorized to perform such duties in any county with a population exceeding 291,000 and not exceeding 900,000 shall receive an annual salary of eight thousand four hundred dollars ($8,400). Such commissioner shall be allowed actual traveling expenses pursuant to Section 70148.

SEC. 2. Section 70141.7 is added to said code, to read:

Same

70141.7. In any county with a population exceeding 280,000 and not exceeding 285,000, as determined by the 1950 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of twelve thousand five hundred dollars ($12,500) and shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1471

An act to amend Section 25528 of the Government Code, relating to the sale or lease of county real property.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 25528 of the Government Code is amended to read:

25528. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the chairman of the board in three public places in the county, not less than 15 days before the date of the meeting, and by publishing the notice in the county pursuant to Section 6063.

CHAPTER 1472

An act to amend Sections 676, 677 and 680½ of the Code of Civil Procedure, relating to undertakings in actions to set aside fraudulent transfers and conveyances.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 676 of the Code of Civil Procedure is amended to read:

676. Where an action is commenced to set aside a transfer or conveyance of property on the grounds that such transfer or conveyance was fraudulent as to a creditor, the transferee or grantee to whom it is alleged the property was so transferred or conveyed or the successors or assigns of such transferee or grantee, may give an undertaking as herein provided, and when such undertaking is given as herein provided, the transferee or grantee to whom it is alleged the property was so transferred or conveyed, or the successors and assigns of such transferee or grantee, may sell, encumber, transfer, convey, mortgage, pledge or otherwise dispose of the property, or any part thereof, which is alleged to have been so transferred or conveyed so that the purchaser, encumbrancer, transferee, mortgagee, grantee or pledgee of such property, will take, own, hold and possess such property unaffected by such action and suit, or the judgment which may be rendered therein. Undertaking

SEC. 2. Section 677 of said code is amended to read:

677. Such undertaking with two sureties shall be executed by the transferee or grantee to whom it is alleged the property was so transferred or conveyed, or the successor or assign of such transferee or grantee, in double the estimated value of the property so alleged to have been transferred or conveyed; provided, in no case need such undertaking be for a greater sum than double the amount of the debt or liability alleged to be due and owing to the plaintiff in such action, commenced to set aside said transfer and conveyance. The estimated value of the property so alleged to have been transferred or conveyed shall be stated in the undertaking. Said undertaking shall be conditioned that, if it be adjudged in said action that the transfer or conveyance was fraudulent as to a creditor, then that the transferee or grantee or the said successor or assigns of such transferee or grantee giving such undertaking, will pay to the plaintiff in said action a sum equal to the value, as the same is estimated in said undertaking, of said property alleged to have been transferred or conveyed or the sum adjudged to be due and owing by the transferor of said property to the plaintiff in the action, whichever be the lesser sum. Sureties

SEC. 3. Section 680½ of said code is amended to read:

680½. If judgment be rendered in said action that the alleged transfer or conveyance was fraudulent as to a creditor, then judgment shall be rendered in such action without further proceeding in favor of plaintiff and against the principal and sureties on said undertaking for the sum for which said undertaking was executed according to the conditions thereof. Judgment

CHAPTER 1473

An act to add Section 819 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the academic education of inmates in state institutions.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 819 is added to the Education Code, to read:

819. The Director of Corrections may establish and maintain classes for inmates of institutions or facilities under the jurisdiction of the Department of Corrections by entering into an agreement with the county superintendent of schools of a county in which the institution or facility is located, or of a county contiguous to such county, with the approval of the county board of education, under which the county shall maintain classes for such inmates.

Any agreement entered into between the county superintendent of schools and the Director of Corrections, pursuant to this section shall require the Department of Corrections to reimburse the county for the cost to the county of maintaining such classes. "Cost" as used herein includes contributions required to be made by the county superintendent to the State Teachers' Retirement System, but such cost shall not include an amount in excess of the amount expended by the superintendent for salaries of the teachers for such classes, increased by one-fifth. Salaries of such teachers for the purposes of this section shall not exceed the salaries as set by the county superintendent for teachers in other classes for adults maintained by the county.

Attendance or average daily attendance in classes established pursuant to this section shall not be reported to the State Department of Education for apportionment and no apportionment from the State School Fund shall be made on account of average daily attendance in such classes.

No county superintendent of schools shall provide for the academic education of adult inmates of state institutions or facilities under the jurisdiction of the Department of Corrections except in accordance with this section.

CHAPTER 1474

An act to amend Section 690.24 of the Code of Civil Procedure, relating to exemptions from attachment and execution.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 690.24 of the Code of Civil Procedure is amended to read:

690.24. One motor vehicle of a value not exceeding three hundred fifty dollars ($350). One house trailer actually occupied by debtor and his family of a value not exceeding two thousand five hundred dollars ($2,500).

CHAPTER 1475

An act to amend Section 25103 of the Government Code, relating to signing resolutions, ordinances and records of board of supervisors.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959]

In effect September 18, 1959

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

SECTION 1. Section 25103 of the Government Code is amended to read:

25103. The records and minutes of the board shall be signed by the chairman and the clerk. The board may by resolution authorize the use of a facsimile signature of the chairman of the board on all resolutions, orders, ordinances and records of the board, except that the original copy thereof, or the copy thereof filed in the office of the clerk of the board, shall bear the personal signature of the chairman, and such documents bearing the facsimile signature shall be accorded the same force and effect as though personally signed by the chairman.

CHAPTER 1476

An act to repeal Article 2 (commencing at Section 525) of Chapter 1 of Division 2 of the Business and Professions Code, relating to State Medical Library.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959]

In effect September 18, 1959

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

SECTION 1. Article 2 (commencing at Section 525) of Chapter 1 of Division 2 of the Business and Professions Code is repealed.

CHAPTER 1477

An act to add Section 13208 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the revocation or suspension of the driving privilege.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 13208 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

13208. In any criminal proceeding, without regard to its disposition, wherein the defendant is charged with a violation of Division 11 (commencing at Section 21000) of this code, the court may, in its discretion, and when it has reason to believe that any of the conditions specified in Section 12805 exist, recommend to the department that an investigation be conducted to determine whether the driving privilege of that person should be suspended or revoked. In making the recommendation the court shall state the basis for the belief that the condition exists and whether the defendant relied upon the condition as a part of his defense. The department may provide a form for the court's convenience.

CHAPTER 1478

An act to amend Section 4156 of, and add Section 4464 to, the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to temporary vehicle permits and license plates.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 4156 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Temporary fees

4156. Other provisions of this code notwithstanding, the department in its discretion may issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by, and paid to the department, by the owner or other person in lawful possession of such vehicle. The permit shall be subject to such terms and conditions and shall be valid for such period of time as the department shall deem appropriate under the circumstances.

SEC. 2. Section 4464 is added to said code, to read:

Alteration of license plates

4464. No person shall display upon a vehicle a license plate altered from its original markings.

CHAPTER 1479

An act to add Section 29002.1 to, and repeal Section 29008 of, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to educational institutions and the issuance, acquisition and use of degrees, diplomas, certificates, transcripts and documents evidencing the completion of courses beyond high school.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 29002.1 is added to the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

"Diploma"

29002.1. Notwithstanding the provisions of Section 29001, "diploma" does not include a document evidencing completion of a course of inservice training given by any person, firm, association, partnership, or corporation, if all of the following conditions apply:

(a) The course of inservice training is given in connection with the primary business or purpose of the person, firm, association, partnership, or corporation, and such primary business or purpose is not education.

(b) The course of inservice training and the document is given only to employees of such person, firm, association, partnership, or corporation, or to employees or representatives of customers of such person, firm, association, partnership or corporation.

(c) No charge is asked or collected from the persons taking the course or receiving the document.

(d) The document issued for inservice training is a certificate which sets forth the extent of attendance or performance or both in an area of training.

(e) All statements made on the certificate are truthful.

Repeal

SEC. 2. Section 29008 of said code is repealed.

CHAPTER 1480

An act to amend Section 26650 of the Water Code, relating to irrigation districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 26650 of the Water Code is amended to read:

26650. Where the district has elected to transfer the duties of collector to the county tax collector, the delivery of duplicate

assessment rolls shall not be required, but the county auditor shall furnish to the directors the statement of assessed values as provided in Section 26627.

CHAPTER 1481

An act to add Section 1030 to the Government Code, relating to peace officers.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 1030 is added to the Government Code, to read:

1030. A classifiable set of the fingerprints of every person who is now employed, or who hereafter becomes employed, as a peace officer of the State, or of a county, city, city and county or other political subdivision, whether with or without compensation, shall be furnished to the State Division of Criminal Identification and Investigation and to the Federal Bureau of Investigation by the sheriff, chief of police or other appropriate appointing authority of the agency by whom the person is employed.

This section shall not apply to any currently employed peace officer whose appointment antedates the effective date of this section and whose fingerprints have already been submitted by his appointing authority to the State Division of Criminal Identification and Investigation and to the Federal Bureau of Investigation.

CHAPTER 1482

An act to amend Section 13737 of the Education Code, as enacted by Legislature at its 1959 Regular Session, relating to re-employment of noncertificated school district employees.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 13737 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

13737. Persons laid off because of lack of work or lack of funds are eligible to re-employment for a period of 39 months and shall be re-employed in preference to new applicants.

CHAPTER 1483

An act to add Section 559.1 to the Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 559.1 is added to the Agricultural Code, to read:

559.1. Notwithstanding any other provisions of this division, a nonallergic wholesome milk substitute may be manufactured in any milk products plant subject to conditions prescribed by the director, and upon obtaining a special permit issued by the director after proper investigation.

CHAPTER 1484

An act to add Sections 20933.4 and 20814 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20933.4 is added to the Government Code, to read:

20933.4. Any state member of this system who, prior to October 1, 1958, filed an election under Section 20931 of this code shall receive credit under Section 20933 on the basis of one full day for each calendar day of his tenure of office as an elected official of any county, such credit to be conditional upon his making contributions required by Section 20932 of this code.

Credited service

SEC. 2. Section 20814 is added to said code, to read:

20814. In computing the amount of service to be credited to a member who is entitled to credit under this part for service as an elective officer, a year of service shall be credited for each year of tenure in such office. A person serving in such office shall be deemed to be serving on a full-time rather than a part-time basis for all purposes of this part.

Computation

CHAPTER 1485

An act to amend Section 126 of the Government Code, relating to acquisition of lands by the United States, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 126 of the Government Code is amended to read:

126. Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State upon and subject to each and all of the following express conditions and reservations, in addition to any other conditions or reservations prescribed by law:

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment, consolidation and extension of national forests under the provisions of the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act";

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must in writing have assented to acceptance of jurisdiction over the land upon and subject to each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed;

(d) The conditions and reservations prescribed in subdivisions (a), (b), (c), (e), and (h) of this section must have been found and declared to have occurred and to exist, by the State Lands Commission, and the commission must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or resolutions making such findings and declarations to be filed in the Office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State reserve jurisdiction on and over the land for the execution of civil process and criminal process in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county, political subdivision or public district of or in the State and all other legislative jurisdiction except that which is necessary for the proper utilization by the United States of such use of the land for which such jurisdiction is accepted; and reserve to all persons residing on

such land all civil and political rights, including the right of suffrage, which they might have were this consent not given.

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed.

(g) Acquisition as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, and (3) leaseholds acquired by the United States over private lands or state-owned lands.

(h) In granting this consent, the Legislature and the State reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired.

(i) In granting this consent, the Legislature and the State except and reserve to the State all deposits of minerals, including oil and gas, in the land, and to the State, or persons authorized by the State, the right to prospect for, mine, and remove such deposits from the land.

The finding and declaration of the State Lands Commission provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published pursuant to Section 6061 in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 10680 to 10685, inclusive, of the Fish and Game Code.

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

The extent to which jurisdiction of the State of California applies within federal lands in this State is a matter of the utmost importance in numerous transactions every day. It is imperative that this bill, which, in effect, requires that the will of the people of this State prevail in all territory within the boundaries of this State, to the extent not inconsistent with federal duties, go into effect as early as possible. Thereby, those

laws which the people, through their representatives, have enacted for the public peace, health, and safety will have greater applicability.

CHAPTER 1486

An act to add Section 22519 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the regulation of offstreet parking facilities by local authorities.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 22519 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

22519. Local authorities may by ordinance or resolution prohibit, restrict or regulate the parking, stopping or standing of vehicles on any offstreet parking facility which it owns or operates. No such ordinance or resolution shall apply until signs giving notice thereof have been erected.

CHAPTER 1487

An act to amend Sections 396 and 399 of the Code of Civil Procedure, relating to payment of costs and fees on transfer of action to another court.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 396 of the Code of Civil Procedure is amended to read:

Transfer of proceedings

396. If an action or proceeding is commenced in a court which lacks jurisdiction of the subject matter thereof, as determined by the complaint or petition, if there is a court of this State which has such jurisdiction, the action or proceeding shall not be dismissed (except as provided in Section 581b, and as provided in subdivision 1 of Section 581 of this code) but shall, on the application of either party, or on the court's own motion, be transferred to a court having jurisdiction of the subject matter which may be agreed upon by the parties, or, if they do not agree, to a court having such jurisdiction which is designated by law as a proper court for the trial or determination thereof, and it shall thereupon be entered and prosecuted in the court to which it is transferred as if it had been commenced therein, all prior proceedings being saved.

In any such case, if summons is served prior to the filing of the action or proceeding in the court to which it is transferred, as to any defendant, so served, who has not appeared in the action or proceeding, the time to answer or otherwise plead shall date from service upon such defendant of written notice of the filing of such action or proceeding in the court to which it is transferred.

If an action or proceeding is commenced in or transferred to a court which has jurisdiction of the subject matter thereof as determined by the complaint or petition, and it thereafter appears from the verified pleadings, or at the trial, or hearing, that the determination of the action or proceeding, or of a counterclaim, or of a cross-complaint, will necessarily involve the determination of questions not within the jurisdiction of the court, in which the action or proceeding is pending, the court, whenever such lack of jurisdiction appears, must suspend all further proceedings therein and transfer the action or proceeding and certify the pleadings (or if the pleadings be oral, a transcript of the same), and all papers and proceedings therein, to a court having jurisdiction thereof which may be agreed upon by the parties, or, if they do not agree, to a court having such jurisdiction which is designated by law as a proper court for the trial or determination thereof.

An action or proceeding which is transferred under the provisions of this section shall be deemed to have been commenced at the time the complaint or petition was filed in the court from which it was originally transferred.

Nothing herein shall be construed to preclude or affect the right to amend the pleadings as provided in this code.

Nothing herein shall be construed to require the superior court to transfer any action or proceeding because the judgment to be rendered, as determined at the trial or hearing, is one which might have been rendered by a municipal or justice court in the same county or city and county.

In any case where the lack of jurisdiction is due solely to an excess in the amount of the demand, the excess may be remitted and the action may continue in the court where it is pending.

Upon the making of an order for such transfer, proceedings shall be had as provided in Section 399 of this code, the costs and fees thereof, and of filing the case in the court to which transferred, to be paid by the plaintiff unless the court ordering the transfer shall otherwise direct. If the party obligated to pay such costs and fees shall fail to do so within the time specifically provided, or, if none, then within five (5) days after service of notice of the order for transfer or as to costs and fees, then any party may pay such costs and fees and, if other than a party originally obligated to do so, shall be entitled to credit therefor or recovery thereof, in the same manner as is provided in Section 399.

SEC. 2. Section 399 of said code is amended to read:

Payment of costs and fees

399. When an order is made transferring an action or proceeding under any of the provisions of this title, the clerk, or the judge where there is no clerk, must, upon payment of the costs and fees, transmit the pleadings and papers therein (or if the pleadings be oral a transcript of the same) to the clerk (or to the judge where there is no clerk) of the court to which the same is transferred. When the transfer is sought on any ground specified in subdivisions 2, 3, 4 and 5 of Section 397 of this code, the costs and fees thereof, and of filing the papers in the court to which the transfer is ordered, shall be paid at the time the notice of motion is filed, by the party making the motion for the transfer. When the transfer is sought solely, or is ordered, because the action or proceeding was commenced in a court other than that designated as proper by the provisions of this title, such costs and fees must be paid by the plaintiff before such transfer is made; and if, in any such case, the defendant has paid such costs and fees at the time of filing his notice of motion, the same shall be repaid to him, upon the making of such order. If such costs and fees have not been so paid by the plaintiff within five days after service of notice of such order, then any other party interested therein, whether named in the complaint as a party or not, may pay such costs and fees, and the clerk shall thereupon transmit the papers and pleadings therein as if such costs and fees had been originally paid by the plaintiff, and the same shall be a proper item of costs of the party so paying the same, recoverable by such party in the event he prevails in the action; otherwise, the same shall be offset against and deducted from the amount, if any, awarded the plaintiff in the event the plaintiff prevails against such party in such action. The court to which an action or proceeding is transferred under the provisions of this title shall have and exercise over the same the like jurisdiction as if it had been originally commenced therein, all prior proceedings being saved, and said court may require such amendment of the pleadings, the filing and service of such amended, additional or supplemental pleadings, and the giving of such notice, as may be necessary for the proper presentation and determination of the action or proceeding in said court.

CHAPTER 1488

An act to amend Section 7204 of the Revenue and Taxation Code, relating to transmittal of local sales and use tax collections by the State Board of Equalization.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 7204 of the Revenue and Taxation Code is amended to read:

7204. All sales and use taxes collected by the State Board of Equalization pursuant to contract with any city, city and county or county shall be transmitted by the board to such city, city and county or county periodically as promptly as feasible, and the board shall charge the city, city and county or county for the board's services specified in this section and Section 7202 such amount as will reimburse the board for the cost to it in rendering the services. The transmittals required under this section shall be made at least twice in each calendar quarter.

CHAPTER 1489

An act to amend Section 3308 of, and to add Section 3310 to, the Health and Safety Code, relating to tuberculosis hospitals.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3308 of the Health and Safety Code is amended to read:

3308. Each county in the group shall pay its proportionate share to the hospital central committee of an amount designated by the committee to constitute a cash revolving fund to carry on the usual work and expense of the hospital. Each month a statement of the actual expenses of the hospital shall be sent to the board of supervisors of each county, together with a claim for the county's proportionate share of the expenses. Monthly claims shall be reduced to the extent of any remaining balance of a county's quarterly payments. The amounts when collected shall be paid into the cash revolving fund.

Cash revolving fund

SEC. 2. Section 3310 is added to said code, to read:

3310. Prior to the beginning of each quarter of the year an estimate of the amount required to operate the hospital for the subsequent quarter may be sent by the hospital central committee to the board of supervisors of each county, together with a claim for the county's proportionate share of the quarterly expenses of the hospital, and, upon approval of the board of supervisors, the county shall pay such claim.

Estimate and claim

CHAPTER 1490

An act to add Article 7 (commencing at Section 675) to Chapter 1 of Division 2 of the Business and Professions Code, relating to schools offering courses of instruction in nursing.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Article 7 (commencing at Section 675) is added to Chapter 1 of Division 2 of the Business and Professions Code, to read:

Article 7. Nursing

Notice of nonaccreditation

675. Every person, firm, association, partnership, or corporation offering a course of instruction in any type of nursing, including vocational nursing or practical nursing, which course of instruction is not accredited by the Board of Nurse Examiners or by the Board of Vocational Nurse Examiners and completion of which will not qualify a person to take the examinations given by such boards shall notify an applicant for admission thereto that the course of instruction is not accredited by such boards and that completion thereof will not qualify the person to take the examinations given by such boards.

The notice required by this section shall be in writing in at least 12-point bold face type, and in no event less than two points larger than the type in any other portion of the notice or contract, and shall be given to an applicant prior to the signing of any contract by such applicant or, if no contract is signed, prior to the making of any deposit or other payment by such applicant.

If an applicant is required to sign a contract in order to enroll in the course of instruction, the notice required by this section shall be contained in such contract directly above the place for the applicant's signature.

Limitations

676. The provisions contained in this article shall not apply to inservice training programs given in institutions for the purpose of qualifying persons to work therein, to public schools, to private schools or institutions offering advanced nursing education to registered nurses or vocational nurses licensed in the United States, or to schools conducted by any recognized church or denomination for the purpose of training the adherents of such church or denomination in the care of the sick in accordance with its religious tenets.

Records

677. Every person, firm, association, partnership, or corporation subject to the provisions of this article shall maintain records for at least three years, which records shall be open to inspection by investigators of the Board of Nurse

Examiners and the Board of Vocational Nurse Examiners and by peace officers acting in their official capacity.

The records shall include the names and address of the persons admitted to the course of instruction and a copy of any written contract signed by such a person or, if no contract is signed, a copy of the written notice given to such person.

A correspondence school whose home office is located outside of this State need maintain the foregoing records only for persons residing in this State.

Failure of notice

678. The failure to give the notice required by this article shall make any contract entered into between the parties null and void.

Misdemeanor

679. Any person, firm, association, partnership, or corporation who violates this article is guilty of a misdemeanor.

CHAPTER 1491

An act to amend Section 4850 of the Labor Code, relating to workmen's compensation and insurance.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4850 of the Labor Code is amended to read:

4850. Whenever any city policeman, city fireman, fireman of a county fire district, sheriff or any officer or employee of a sheriff's office, or any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who is a member of the State Employees' Retirement System is disabled by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the city or county, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments under this chapter, for the period of not exceeding one year. This section shall apply only to city policemen, sheriffs or any officer or employee of a sheriff's office, and any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who are members of the State Employees' Retirement System and excludes such employees of a police department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service, and excludes such employees of a county sheriff's office whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service. It shall also apply to city firemen and firemen of a county fire district who are members of the State

Employees' Retirement System and excludes such employees of the city fire department and county fire district whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting and prevention service. If the employer is insured, the payments which, except for the provisions of this section, the insurer would be obligated to make as disability indemnity to the injured, the insurer may pay to the insured. This section refers to temporary disability only.

CHAPTER 1492

An act to amend Sections 12205, 12206, 12300.3, and 12301 of the Financial Code, relating to check sellers and cashers.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 12205 of the Financial Code is amended to read:

Maintenance of assets

12205. A licensee who does not qualify to make use of agencies in the conduct of its business at all times shall maintain assets at least ten thousand dollars ($10,000) in excess of its liabilities, including liquid assets at least five thousand dollars ($5,000) in excess of its liabilities on account of moneys received in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts. A licensee is qualified to make use of agencies in the conduct of its business if at all times it shall have paid in capital of at least fifty thousand dollars ($50,000) and it shall maintain assets at least fifty thousand dollars ($50,000) in excess of its liabilities, including liquid assets at least five thousand dollars ($5,000) in excess of its liabilities on account of moneys received in the business of selling checks or receiving money for the purpose of paying bills, invoices or accounts. The commissioner may determine by general rule what assets are liquid assets within the meaning of this section and may determine by specific ruling or demand that a particular asset is or is not a liquid asset within the meaning of this section.

SEC. 2. Section 12206 of said code is amended to read:

Bond

12206. If the applicant is to engage in the business of check selling or receiving money for the purpose of paying bills, invoices or accounts of an obligor, the applicant shall file with the commissioner concurrently with its application for a license, a bond to be approved by the commissioner, in which the applicant is the obligor, in the sum of ten thousand dollars ($10,000) or such larger sum as the applicant or licensee may desire to file.

SEC. 3. Section 12300.3 of said code is amended to read:

Trust funds

12300.3. All funds received by a licensee or his agents from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose and for the purpose of paying bills, invoices, or accounts of an obligor shall constitute trust funds owned by and belonging to the person from whom they were received. All such money received by an agent of a licensee shall be separated from the funds of the agent not later than the end of the third business day following receipt by such agent. All such funds received by a licensee shall be separated from the funds of the licensee not later than the end of the next business day following receipt by such licensee. All such funds shall thereafter be kept separate and apart at all times from funds belonging to the licensee or any of its officers, employees or agents and may be used for no purpose other than paying bills of said persons, or paying checks, drafts, money orders, or other commercial paper sold by the licensee. All such trust funds received at the main or branch offices of a licensee shall be deposited in a bank or banks in an account or accounts in the name of the licensee designated "trust account," or by some other appropriate name indicating that the funds are not the funds of the licensee or of its officers, employees, or agents, on or before the close of the next business day following receipt. Funds received by an agent of a licensee must be deposited in such account on or before the close of the third business day following receipt by the agent.

Prior to separation and deposit by the licensee such funds may only be used by the licensee for the making of change or the cashing of checks in the normal course of its business, and then only to the extent of the amount of the bond which has been filed under Section 12206. Such funds are not subject to attachment, levy of execution or sequestration by order of court except by a payee or bona fide assignee, or bona fide holder in due course of a check, draft, or money order sold by a licensee, or except by an obligor for whom a licensee is acting as an agent in paying bills. Funds in said account, together with funds and checks on hand and in the hands of agents held for the account of the licensee, at all times shall be at least equal to the aggregate liability of the licensee on account of checks sold and bills, invoices, and accounts accepted for payment.

After separation and deposit such funds also may be used by a licensee for the cashing of checks in the normal course of its business provided such licensee has on file with the commissioner a bond containing the provisions and conditions set forth in Section 12207 through 12213, inclusive, of this code in an amount equal to the total liability of the licensee for money received by a licensee or his agents from the sale of checks, drafts, money orders, or other commercial paper serving the same purpose and for the purpose of paying bills, invoices, or accounts of an obligor as shown by audit on

the last day of the previous business year of the licensee, or as at any other more recent date as determined by the commissioner.

Nothing in this law shall be construed to prevent a purchaser, a holder in due course, the payee of a check, draft or money order sold by the licensee in the usual course of his business, or an obligor for whom the licensee is acting as an agent in paying bills of the obligor, from taking any legal action necessary to enforce any claims which said purchaser, holder in due course, payee, or obligor may desire to take including the right to levy attachment or execution.

In the event a license under this law shall be suspended or terminated the licensee shall immediately deposit in said trust account an amount which with funds therein contained shall be equal to the outstanding checks sold and bills unpaid.

SEC. 4. Section 12301 of said code is amended to read:

Branch offices, agencies

12301. A licensee may establish branch offices or agencies if it is qualified under the provisions of Section 12205 and if it expressly assumes responsibility for the acts of any person selling checks or cashing checks, drafts, or money orders for the licensee or accepting money in its name or on its behalf at such place of business. There shall be posted in a prominent place in each branch office or agency a sign stating that the place of business is a branch office or agency of the licensee. The licensee is responsible for the acts of any person selling checks or cashing checks, drafts, or money orders or accepting money in its name or on its behalf.

CHAPTER 1493

An act to amend Section 7100 of the Financial Code, relating to loans by savings and loan associations.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 7100 of the Financial Code is amended to read:

7100. The terms "real property," "improved real property," and "unimproved real property," as used in this chapter, include:

(a) A fee title to real property.

(b) A leasehold interest in real property under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the date specified for the last principal payment of the loan.

CHAPTER 1494

An act to amend Section 28121 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 28121 of the Government Code is amended to read:

28121. In a county of the twenty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, fourteen thousand dollars ($14,000) a year for all services. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, seven thousand five hundred dollars ($7,500) a year. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration shall be allowed; provided, however, county-owned automobiles may be used when traveling on official business both within and without the county.

(d) Grand jurors, six dollars ($6), trial jurors in the superior court, six dollars ($6) and trial jurors in justice courts, six dollars ($6), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents ($0.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

CHAPTER 1495

An act to amend Section 70047 of the Government Code, relating to superior court reporters.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 70047 of the Government Code is amended to read:

70047. In a county with a population of over 295,000 and under 500,000, as determined on the basis of the 1950 federal decennial census each regular official reporter shall be paid an annual salary of nine thousand six hundred dollars

($9,600), and each pro tempore official reporter shall be paid thirty-five dollars ($35) a day for the days he actually is on duty under order of the court.

CHAPTER 1496

An act to amend Sections 41305 and 41725 of, to add Sections 39925, 41307, 41308 and 41555 to, and to repeal Section 39925 of, the Water Code, relating to water storage districts.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

Repeal

SECTION 1. Section 39925 of the Water Code is repealed.

SEC. 2. Section 39925 is added to said code, to read:

Petition for candidate

39925. Not less than 10 days before the formation election, any 10 or more voters in any division of the proposed district may file with the department a petition requesting that the name of a specified person be placed on the ballot for the particular division as a candidate for the office of director to represent the particular division. Only the names proposed by the petitions filed with the department shall be printed on the ballots for the various divisions of the district. The date of actual receipt of any such petition by the department shall be deemed to be the date of filing of the same with the department.

SEC. 3. Section 41305 of said code is amended to read:

Same

41305. Not less than 60 days before the election, any 10 or more voters in any division of the district may file with the board a petition requesting that the name of a specified person be placed on the ballot for the particular division as a candidate for the office of director to represent the particular division. Only the names proposed by the petitions filed with the board shall be printed on the ballots for the various divisions of the district. The date of actual receipt of any such petition by the board shall be deemed to be the date of filing of the same with the board.

SEC. 4. Section 41307 is added to said code, to read:

Appointment in lieu of election

41307. If, by the fifty-ninth day prior to the election, only one person has been nominated as provided in Section 41305 for any elective office to be filled at that election, or no one has been nominated for such office, the board in its discretion may by resolution order that an election not be held for such office and request the department to appoint to such office the person nominated or, where no one has been nominated for such office, to appoint to such office such person as the department shall select. Upon receipt of a request from the board, the department shall make such appointment, and the person appointed shall qualify and take office and serve as if elected at a general election.

SEC. 5. Section 41308 is added to said code, to read:

41308. Not less than 84 days before a general election, the secretary shall give notice of the provisions of Sections 41305 and 41307 by causing a notice to be published one time in each affected county stating the time of the forthcoming general election and reciting the provisions of Sections 41305 and 41307. Notice

SEC. 6. Section 41555 is added to said code, to read:

41555. Not less than 10 days before the special election, any 10 or more voters in any division of the district may file with the board a petition requesting that the name of a specified person be placed on the ballot for the particular division as a candidate for the office of director to represent the particular division. Only the names proposed by the petitions filed with the board shall be printed on the ballots for the various divisions of the district. The date of actual receipt of any such petition by the board shall be deemed to be the date of filing of the same with the board. Petition for candidate

SEC. 7. Section 41725 of said code is amended to read:

41725. Nominations for any office to be filled at a recall election shall be made in the manner prescribed in Section 41555 for special elections. Nominations

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CHAPTER 1497

An act to add Section 6462.1 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6462.1 is added to the Streets and Highways Code, to read:

6462.1. The legislative body conducting the proceedings may provide for a classification of assessments into different terms of maturity so that smaller assessments may be made to mature over a shorter period of time, and may also provide for assessments to mature in other than equal annual amounts.

In such event, the bond declaration in the resolution of intention, assessment, and notice of recording the assessment may recite that the last installment of bonds shall mature a maximum rather than an exact number of years from the second day of January next succeeding the next September 1st following their date.

CHAPTER 1498

An act to amend Sections 74130 and 74131 of the Government Code, relating to municipal courts in Riverside County

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 74130 of the Government Code is amended to read:

Municipal court City of Riverside

74130. This article applies to the municipal court established in a district embracing the City of Riverside.

SEC. 2. Section 74131 of said code is amended to read:

Judges

74131. There shall be three judges.

CHAPTER 1499

An act to add Sections 813.6, and 828.61 to, and to amend Section 829.35 of, the Agricultural Code, relating to fruit, nut, and vegetable standards.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 813.6 is added to the Agricultural Code, to read:

Celery containers

813.6. All celery shall be placed in standard containers numbers 45-E, 45-F, 45-G, 45-H, 45-I, 45-J or 45-K and such containers shall be closed and lidded. Standard container number 45-E shall be closed with a lid not over 22 inches in length.

As used in this section "closed" or "lidded" as applied to containers of celery means (1) in the case of fibreboard containers that the opening is completely covered, except for necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container, and (2) in the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material similar to that used in the construction of the sides and bottom of said containers, securely attached to the top.

Containers of celery which are conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such containers, in letters not less than one inch in height, with the designation "Irregular Container," need not comply with the provisions of this section relating to containers.

This section shall not apply to:

(a) Celery in a retail establishment in possession of a retailer for the purpose of resale directly to consumers, or celery sold by a producer regularly engaged in the production of celery directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the celery was produced. As used in this section, "consumer" means a person who buys celery for use as food and not for resale.

(b) Celery prepared or packed for shipment to another packing plant located in this State for the purpose of further grading and packing into consumer packages, subject to the provisions of Sections 830.1 and 830.2 of this chapter which relate to the control of such shipments.

(c) Celery when being transported out of the State for pre-packaging if a permit has first been obtained from an enforcing officer.

Such officer may issue the permit if he determines that the celery complies with the requirements of this chapter, except as to containers, and is to be delivered pursuant to a bona fide contract of sale direct to a purchaser for further grading and packing into consumer packages.

SEC. 2. Section 828.61 is added to said code, to read:

828.61.	45-E celery container	9¾	16	19¼	Same
	45-F celery container	9¾	16	20¼	
	45-G celery container	10	11	15¾ to 16	
	45-H celery container	9½	10½	15¾	
	45-I celery container	8¼	9	17¼	
	45-J celery container	8¼	11	15	
	45-K celery container	9¾	11½	19¼	

SEC. 3. Section 829.35 of said code is amended to read:

829.35. 14 Carrots, numbers 45N, 45O, 45P, 45Q, 45R and 45T. Containers

15. Cauliflower, number 46.

15.5. Celery, numbers 45E, 45F, 45G, 45H, 45I, 45J, and 45K.

CHAPTER 1500

An act to amend Section 16676 of the Government Code, relating to remittances to state fiscal agents by the Treasurer.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16676 of the Government Code is amended to read:

16676. At such time as the Treasurer may fix with the approval of the Governor in accordance with Section 16673; (a) the Controller shall draw his warrant for the payment of

maturing or matured bonds and coupons and, (b) the Treasurer shall out of such funds remit to a fiscal agent in the form of check or draft sufficient funds for the redemption of the bonds and coupons or to reimburse the fiscal agent for matured bonds and coupons redeemed by the fiscal agent.

CHAPTER 1501

An act to add Section 25266 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to flashing lights for levee maintenance vehicles.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 25266 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

25266. Vehicles owned by the State and operated by officers or employees of the State who are actually engaged in levee maintenance, patrol, or inspection, or in stream measurement work, may display flashing amber lights to front and rear when parked on the traveled roadway so as to partially obstruct the free flow of traffic, or when moving at a speed slower than the normal rate of travel.

CHAPTER 1502

An act to amend Section 2284 of the Health and Safety Code, relating to mosquito abatement districts.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 2284 of the Health and Safety Code is amended to read:

2284. All sums expended by the district in abating a nuisance or preventing its recurrence, when notice of the lien is filed and recorded as provided in Section 2285, shall become a lien upon the property on which the nuisance is abated, or its recurrence prevented.

CHAPTER 1503

An act to amend Section 30507 of the Water Code, relating to county water districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 30507 of the Water Code is amended to read:

30507. Each director shall receive such sum as may be fixed by the board not exceeding fifty dollars ($50) for each meeting of the board attended by him, not exceeding two meetings in any calendar month.

CHAPTER 1504

An act to add Section 11723 to the Health and Safety Code, relating to narcotic addicts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 11723 is added to the Health and Safety Code, to read:

11723. In any case in which a person has been arrested for a criminal offense and is suspected of being a narcotic addict, a law enforcement officer having custody of such person may, with the written consent of such person, request the city or county health officer, or physician appointed by such health officer pursuant to Section 11722, to administer to the arrested person a test to determine, by means of use of a synthetic opiate antinarcotic in action, whether the arrested person is a narcotic addict, and such health officer or physician may administer such test to such arrested person.

CHAPTER 1505

An act to amend Sections 74132, 74133, 74134, 74135 and 74137 of the Government Code, relating to the municipal court in Riverside County.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 74132 of the Government Code is amended to read:

Clerk

74132. There shall be one clerk who shall receive a minimum monthly salary of five hundred sixteen dollars ($516), with a semiannual increment of twenty-nine dollars ($29), and thereafter annual increments of thirty dollars ($30), thirty-three dollars ($33), and thirty-three dollars ($33), to a maximum of six hundred forty-one dollars ($641).

SEC. 2. Section 74133 of said code is amended to read:

Clerk's appointees

74133. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum monthly salary of four hundred forty dollars ($440), with a semiannual increment of twenty-four dollars ($24), and thereafter annual increments of twenty-five dollars ($25), twenty-seven dollars ($27), and twenty-nine dollars ($29), to a maximum of five hundred forty-five dollars ($545).

(b) Four deputy clerks (court clerk), each of whom shall receive a minimum monthly salary of three hundred fifty-five dollars ($355), with a semiannual increment of twenty dollars ($20), and thereafter annual increments of twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of four hundred forty dollars ($440).

(c) One deputy clerk (senior account clerk) who shall receive a minimum monthly salary of three hundred thirty-seven dollars ($337), with a semiannual increment of eighteen dollars ($18), and thereafter annual increments of twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22), to a maximum of four hundred seventeen dollars ($417).

(d) Three deputy clerks (senior clerk) each of whom shall receive a minimum monthly salary of two hundred eighty-eight dollars ($288), with a semiannual increment of fifteen dollars ($15), and thereafter annual increments of sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18), to a maximum of three hundred fifty-five dollars ($355).

(e) Three deputy clerks (intermediate stenographer clerk) each of whom shall receive a minimum monthly salary of two hundred seventy-three dollars ($273), with a semiannual increment of fifteen dollars ($15), and thereafter annual increments of fifteen dollars ($15), sixteen dollars ($16), and eighteen dollars ($18), to a maximum of three hundred thirty-seven dollars ($337).

(f) Four deputy clerks (intermediate clerk), each of whom shall receive a minimum monthly salary of two hundred fifty-nine dollars ($259), with a semiannual increment of fourteen dollars ($14), and thereafter annual increments of fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred nineteen dollars ($319).

SEC. 3. Section 74134 of said code is amended to read:

Marshal

74134. There shall be one marshal who shall receive a minimum monthly salary of five hundred forty-five dollars ($545), with a semiannual increment of thirty dollars ($30), and thereafter annual increments of thirty-three dollars ($33), thirty-three dollars ($33), and thirty-six dollars ($36), to a maximum of six hundred seventy-seven dollars ($677).

SEC. 4. Section 74135 of said code is amended to read:

74135. The marshal may appoint:

Marshal's appointees

(a) One assistant marshal who shall receive a minimum monthly salary of four hundred forty dollars ($440), with a semiannual increment of twenty-four dollars ($24), and thereafter annual increments of twenty-five dollars ($25), twenty seven dollars ($27), and twenty-nine dollars ($29), to a maximum of five hundred forty-five dollars ($545).

(b) Three deputy marshals each of whom shall receive a minimum monthly salary of three hundred ninety-five dollars ($395), with a semiannual increment of twenty-two dollars ($22), and thereafter annual increments of twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of four hundred eighty-nine dollars ($489).

(c) One senior clerk who shall receive a minimum monthly salary of two hundred eighty-eight dollars ($288), with a semiannual increment of fifteen dollars ($15), and thereafter annual increments of sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18), to a maximum of three hundred fifty-five dollars ($355).

(d) Two intermediate clerks each of whom shall receive a minimum monthly salary of two hundred fifty-nine dollars ($259), with a semiannual increment of fourteen dollars ($14), and thereafter annual increments of fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred nineteen dollars ($319).

SEC. 5. Section 74137 of said code is amended to read:

Employment benefits, etc.

74137. The clerk and marshal and their employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated, or transferred in the same manner and with the same effect as is or may be provided by the current salary ordinance of the County of Riverside for other employees of said county, except as limited by general law. The salaries of incumbents of appointive positions provided in this article shall be determined in accordance with said salary ordinance, within the respective minimum and maximum monthly rates set forth in this article.

CHAPTER 1506

An act to amend Section 12002.1 of, and to add Section 12002.2 to, the Financial Code, relating to licenses under the Check Sellers and Cashers Law.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12002.1 of the Financial Code is amended to read:

Prorater

12002.1. A prorater is a person who, for compensation from a debtor, engages in whole or in part in the business of receiving money or evidences thereof for the purpose of distributing the money or evidences thereof among creditors in payment or partial payment of past due obligations of the debtor.

SEC. 2. Section 12002.2 is added to said code, to read:

Business agent

12002.2. A business agent, for the purpose of this division is a person who engages in business as a prorater as defined in Section 12002.1 as an incident to the business of advising, counseling, or directing persons in their investments, and in the organization and management of their affairs under an exclusive contract, the primary purpose of which is not the liquidation of existing indebtedness.

CHAPTER 1507

An act to amend Section 2144 of the Business and Professions Code, relating to emergency medical treatment.

In effect September 18, 1959

[Approved by Governor July 3, 1959 Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 2144 of the Business and Professions Code is amended to read:

2144. Nothing in this chapter prohibits service in the case of emergency, or the domestic administration of family remedies, nor does this chapter apply to any commissioned medical officer in the United States Army, Navy, or Marine hospital, or public health service, in the discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry.

No person licensed under this chapter, who in good faith renders emergency care at the scene of the emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

CHAPTER 1508

An act to amend Section 6535.1 of the Business and Professions Code, relating to the practice of barbering.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 6535.1 of the Business and Professions Code is amended to read:

6535.1. The board may, in its discretion, extend for a reasonable period the time within which any course of instruction shall be completed by any student upon the showing of good cause, which shall include but is not limited to interruptions in completing the course of instruction caused by any illness of or accident to the student, enrollment and attendance in any secondary school or institute of higher learning, or service in the Armed Forces of the United States.

An application for an extension of time pursuant to this section shall be made to the board in writing. No such application shall be denied by the board except upon a hearing conducted pursuant to Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if such hearing is requested by the applicant in writing within 30 days after the board has mailed to such applicant notice by certified mail of its intention to deny such application.

CHAPTER 1509

An act to amend Sections 20040, 20081, 20082, 20083, 20085 and 20086 of, to repeal Section 20084 of, and to add Sections 20082.5 and 20084 to, the Water Code, relating to supervision of districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 20040 of the Water Code is amended to read:

Certification of bonds

20040. Whenever the governing board of any district by resolution declares that it deems it desirable that any of its bonds, whether contemplated, authorized but not issued, or outstanding, should be certified pursuant to this chapter, the board shall file a certified copy of the resolution with the commission. The copy of the resolution shall be accompanied by a report which describes the plan of the project to be financed with the proceeds of the bonds in such detail as the commission may require and shall also be accompanied by such other information as the commission may require.

SEC. 2. Section 20081 of said code is amended to read:

Expenditures from proceeds

20081. Whenever the bonds of any district have been certified, no expenditure shall be made from the proceeds of the bonds nor shall any liability to be met from the proceeds be incurred until there has been filed with and approved by the commission a schedule of proposed expenditures of the proceeds setting forth to the satisfaction of the commission the plan proposed for carrying out the purposes for which the bonds were authorized or for any of the purposes the district may at the time of filing the schedule desire to commence to

fulfill. A certified copy of such approved schedule shall be filed by the secretary of the district with the treasurer, or person in custody of the proceeds, of the district before any expenditures from the proceeds of certified bonds may be made.

SEC. 3. Section 20082 of said code is amended to read:

20082. No expenditures from the proceeds of certified bonds shall be made by the treasurer, or any other person in custody of the proceeds, of a district for any purpose not specified in the approved schedule or for any approved purpose in excess of the amount allowed therefor in the approved schedule. However, revised schedules may be submitted to the commission as necessary and on approval by the commission shall supersede the original approved schedule.

SEC. 4. Section 20083 of said code is amended to read:

Inspection of work

20083. During the progress of any work to be paid from the proceeds of any certified bond issue, the director on behalf of the commission shall make from time to time an inspection of the work and report thereon to the commission in order that the commission may be advised as to the progress of the work and of any deficiencies which may be found to exist.

SEC. 5. Section 20085 of said code is amended to read:

Completion report

20085. Upon completion of the work, the director shall make a written report to the commission which shall include an opinion as to whether or not the project has been satisfactorily completed in accordance with the plan of the project and a description of any deficiencies which may be found to exist.

SEC. 6. Section 20086 is amended to read:

Approval report

20086. The commission, upon determining that the project has been satisfactorily completed and that the bond proceeds have been expended properly, shall forthwith make a report to the district approving the expenditures made from the proceeds of the certified bonds.

Repeal

SEC. 7. Section 20084 of said code is repealed.

SEC. 8. Section 20082.5 is added to said code, to read:

Deviation from plan

20082.5. Whenever the bonds of a district have been certified, no material deviation shall be made from the plan of the project without the consent of the commission.

SEC. 9. Section 20084 is added to said code, to read:

Expenditure reports

20084. During the progress of any work to be paid from the proceeds of any certified bond issue, a district shall report on the nature and status of the expenditure of the bond proceeds, as required by the commission. Upon completion of the project, the district shall submit to the commission a schedule showing the expenditures as actually made from the proceeds of the certified bond issue. If the district fails to make a required report, the commission may provide for the report at the expense of the district.

CHAPTER 1510

An act to amend Section 14 of the Orange County Flood Control Act (Chapter 723, Statutes of 1927), relating to maximum tax rates and use of revenues.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14 of the Orange County Flood Control Act (Chapter 723, Statutes of 1927) is amended to read:

Sec. 14. The board of supervisors of said district shall have power, in any year, to levy a tax upon all taxable property in said district, to carry out any of the objects or purposes of this act, and to pay the cost and expenses of constructing, maintaining, operating, extending and repairing any work or improvements of said district for the ensuing fiscal year, and said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenues derived from said tax shall be paid into the county treasury to the credit of the construction and maintenance fund of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that the maximum tax levied under this section for any one fiscal year shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in said district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon. Provided further, however, that out of the tax revenues of any fiscal year authorized by said maximum tax rate no amount in excess of an amount equal to ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the district shall be expended or appropriated for the purchase of water.

CHAPTER 1511

An act to repeal Article 6 (commencing at Section 54150), and to add Article 6 (commencing at Section 54150), to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, relating to the repair and restoration of property damaged or destroyed by storms or floods.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 6 (commencing at Section 54150) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code is repealed.

Repeal

SEC. 2. Article 6 (commencing at Section 54150) is added to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 6. Flood Relief

Short title

54150. This article shall be known and may be cited as the Emergency Flood Relief Law.

"Local agency"

54151. "Local agency" means any city, city and county, county, or public district.

"Project"

54152. "Project" means the repair or restoration, or both, other than normal maintenance, or the replacement of public real property, including but not limited to buildings, levees, flood control works, channels, irrigation works, city streets, county roads, bridges, and other public works that are damaged or destroyed by storm and flood or flood conditions, occurring during any specified period of time for which an appropriation is made by the Legislature. The completion of all or part of a project prior to application for funds hereunder shall not disqualify such project or any part thereof.

Administration and jurisdiction

54153. The Department of Finance, Department of Water Resources, and Department of Public Works shall administer this article as provided herein. The Department of Water Resources shall have jurisdiction over levees, flood control works, channels, irrigation works, and other similar projects, and the Department of Public Works shall have jurisdiction over all other projects. In the event of dual jurisdiction over any particular project, the two departments shall agree as to which shall assume jurisdiction and responsibility therefor.

Services and duties

54154. In addition to duties conferred by this article, state agencies, when requested by the Department of Finance, shall render services and perform duties necessary to carry out the purposes of this article.

Allocations

54155. Whenever funds are available for the purposes of this article, the Department of Finance shall make allocations therefrom in such amounts as it determines to be necessary to the Department of Water Resources and the Department of Public Works for expenditure for making the investigations, estimates, and reports required by this article. Such allocations may also be made to provide for preliminary investigations, estimates, and reports, or to reimburse the departments for expenditures made in anticipation of actual applications by local agencies. Allocations may also be made for the purpose of making such investigations, estimates, and reports as may be necessary to enable local agencies to obtain federal aid for flood relief purposes, regardless of whether or not such aid is available for projects that are eligible for state allocations pursuant to this article. The Department of Finance may allocate to any state agency, including the Department of Finance, from such funds, or other funds avail-

able therefor, such amounts as are necessary to administer the provisions of this article.

Same

54156. From any state money made available to it for that purpose, and subject to the conditions specified in Section 54157, the Department of Finance shall allocate funds to meet the cost of any one or more projects as defined in this article.

Same: Requisites

54157. (1) Except as provided in Section 54155, no money shall be allocated by the Department of Finance unless and until:

(a) A local agency has applied to the Department of Finance for an allocation of funds, and the Department of Water Resources or the Department of Public Works has first investigated and reported upon the proposed work, has found it to be a matter of general public and state interest and concern, has estimated the cost of the work and filed its report thereon with the Department of Finance, and the Department of Finance has approved the expenditure and purpose. The estimate of cost of the work may include expenditures made by the local agency for such work prior to the making of such estimate.

(b) The local agency has executed an agreement in such form as the Department of Water Resources or the Department of Public Works, as the case may be, prescribes. Such agreement shall be subject to the approval of the Department of Finance. Such agreement shall provide for the performance of the work by the local agency or by the Department of Water Resources or the Department of Public Works, the methods of handling the funds allocated hereunder and the matching funds provided by the local agency. It shall also contain such other provisions as are deemed necessary to assure completion of the work included in the project and the proper expenditure of funds as provided herein.

(c) Moneys as prescribed by the Department of Finance are made available by or on behalf of the agency in control of the damaged or destroyed facility or facilities.

(2) Allocations of funds under this article shall be made as follows:

(a) As to street, highway, and bridge projects, the Department of Finance shall determine the respective amounts which the State and the local agency shall contribute, using the following criteria as a guide:

(i) The State shall make no allocation as to that portion of the damage equal to 10 percent or less of the total amount apportioned by the State to the local agency from the Highway Users Tax Fund during the previous fiscal year.

(ii) As to damage exceeding 10 percent but not exceeding 50 percent of such amount apportioned, the State shall allocate 60 percent of the cost.

(iii) As to damage exceeding 50 percent but not exceeding 150 percent of such amount apportioned, the State shall allocate 80 percent of the cost.

(iv) As to damage over 150 percent of such amount apportioned, the State shall allocate 95 percent of the cost.

(b) As to other types of projects, the Department of Finance shall determine the respective amounts which the State and the local agency shall contribute, using the following criteria as a guide:

(i) The State shall make no allocation as to that portion of the damage equal to 10 percent or less of the revenue, exclusive of funds received from any federal or state agency, of the local agency during the previous fiscal year as determined by the Department of Finance.

(ii) As to damage exceeding 10 percent but not exceeding 50 percent of such revenue, the State shall allocate 60 percent of the cost.

(iii) As to damage exceeding 50 percent but not exceeding 150 percent of such revenue, the State shall allocate 80 percent of the cost.

(iv) As to damage over 150 percent of such revenue, the State shall allocate 95 percent of the cost.

(c) Expenditures incurred by a local agency prior to the effective date of the allocation for work otherwise eligible may be considered in determining the rate of contribution between the State and the local agency under the above criteria.

Same: Federal assistance

54158. When the United States or any agency thereof is to provide funds for any portion of the cost of a project, the amount so provided shall be deducted from the cost of the project in determining the amount to be allocated by the State and the amount to be contributed by the local agency under Section 54157. It shall not be required that the funds to be provided from federal sources shall be paid into the State Treasury, but the Department of Water Resources or the Department of Public Works may proceed with the work when the department concerned has received assurance, adequate in the opinion of the Department of Finance, that the federal matching funds will be made available for expenditure for the work, or for reimbursement to the State for performance thereof.

Replacement of damaged facilities

54159. Whenever the local agency and the Department of Water Resources or the Department of Public Works determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility, the Department of Finance may authorize such replacement, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency, and such excess cost shall be excluded in determining the amount to be allocated by the State.

Local agency contributions

54160. If the Department of Finance determines that the local agency is financially unable to meet the matching re-

quirements set forth in Section 54157, the department may, out of any state money made available to it for that purpose, authorize the completion of the project or projects. The local agency shall be required by the department to make its contribution by means of deferred payments, such payments to be made in such amounts and at such times as may be provided by the agreement executed in connection with the application but in any event providing full repayment within 10 years, such repayment to include a charge to be fixed by the department in an amount estimated by it to equal the revenue which the State would have derived by investing the total deferred payment at the interest rate prevailing for legal state investments.

Same

54161. If the Department of Finance determines that the local agency is financially unable to provide funds for replacing a facility pursuant to Section 54159, the department may, out of any state money made available to it for that purpose, authorize the completion of the project or projects. The local agency shall be required by the department to make its contribution by means of deferred payments, such payments to be made in such amounts and at such times as may be provided by the agreement executed in connection with the application but in any event providing full repayment within 10 years, such repayment to include a charge to be fixed by the department in an amount estimated by it to equal the revenue which the State would have derived by investing the total deferred payment at the interest rate prevailing for legal state investments.

Deferred payments

54162. Deferred payments made by a local agency pursuant to Section 54160 or 54161 shall be made by the agency:

(1) Out of the current revenues of the agency.

(2) If the current revenues of a city, county, or city and county, prove insufficient to enable the agency to meet such payments, the Department of Finance may order the Controller to withhold from the agency funds which the agency would be entitled to under the Alcoholic Beverage Control Law or, as to street, highway, or bridge projects, from the Motor Vehicle License Fee Fund to the extent necessary to meet the deficiency.

Such sums shall be credited to the funds in the State Treasury from which advances of the amounts required to be furnished by the local agency were made.

Applicable law

54163. Any work performed by the Department of Water Resources or the Department of Public Works pursuant to an agreement with a local agency shall be subject to the State Contract Act. Work performed by a local agency shall be subject to the law governing the performance of such work by the local agency. Neither the State nor any officer or employee thereof shall have any responsibility in connection with any work performed by a local agency.

Reimbursement of local agencies

54164. When certified by the Department of Water Resources or the Department of Public Works, claims of local

agencies for state reimbursement shall be presented to the State Controller for payment out of funds made available therefor. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that such reimbursement is for expenditures made for the purposes and under the conditions authorized under this article.

CHAPTER 1512

An act making an appropriation for the Water Rights Board Revolving Fund for the use of the State Water Rights Board in making reimbursable determinations of water rights and to amend Sections 2862 and 2863 of, and to add Section 2866 to, the Water Code, relating to said fund.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

Appropriation

SECTION 1. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund in the State Treasury to be transferred by the State Controller to the Water Rights Board Revolving Fund for use by the State Water Rights Board in accordance with Sections 2863 and 2864 of the Water Code.

SEC. 2. Section 2862 of the Water Code is amended to read:

Water Rights Board Revolving Fund: Deposits

2862. All money paid to or collected by the board, as provided in this article, shall be paid, at least once each month, accompanied by a detailed statement thereof, into the Water Rights Board Revolving Fund, which fund is continued in existence.

SEC. 3. Section 2863 of said code is amended to read:

Use

2863. All or any part of the money in the Water Rights Board Revolving Fund may be drawn from the State Treasury upon the approval of the Department of Finance without the submission of receipts, vouchers, or itemized statements, and used by the board in paying costs of making determinations of water rights as provided in this part.

SEC. 4. Section 2866 is added to said code, to read:

Excess amounts

2866. The Department of Finance shall, from time to time, review the status of the Water Rights Board Revolving Fund to determine whether there are excess amounts of money therein not needed to carry out the provisions of this chapter. If the Department of Finance determines there are such excess amounts of money in the fund, it shall notify the State Controller and the State Controller shall transfer such excess amounts of money to the General Fund.

CHAPTER 1513

An act to amend Sections 22162 and 23196 of the Water Code, relating to irrigation districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 22162 of the Water Code is amended to read:

22162. The provisions of Section 22160 apply only to districts containing 200,000 acres or more.

Application of Sec 22160

SEC. 2. Section 23196 of said code is amended to read:

23196. The co-operation and contract may be for any or all of the following purposes:

Purposes of co-operation and contract

(a) Acquisition, extension, or operation of works for irrigation or drainage or development and distribution of electric power or any or all of these purposes.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the United States on account of district land.

(d) Borrowing or procuring money from the United States to finance any of the operations of the district.

(e) Financing or refinancing obligations of the district, including outstanding warrants or other indebtedness.

(f) Purchasing or refunding bonds of the district.

(g) Accomplishing any of the purposes of the district.

(h) Maintenance and operation of works and facilities within or without its boundaries for the protection of land and property from damage by flood or overflow.

CHAPTER 1514

An act to amend Section 3606 of the Public Resources Code, relating to oil and gas wells.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3606 of the Public Resources Code is amended to read:

3606. Notwithstanding any other provisions of this chapter, where a parcel of land contains one acre or more and where all or substantially all of the surface of such parcel of land is unavailable for the surface location of oil or gas wells, there may be drilled or produced not more than one well into each acre of such parcel of land, and the surface location of such well may be located upon property which may or may not contain one acre or more of surface area, and the property upon

the surface of which the surface location of such well may be located may or may not be contiguous to such parcel of land; provided:

1. No operator shall construct or maintain any derrick within 150 feet of any other derrick, then standing, of such operator unless approved in advance by the supervisor who may, in granting such approval, attach such conditions as are reasonably necessary to carry out the purposes of this chapter.

2. The surface location of such well, as measured from the center of the hole, shall be not less than 25 feet from an outer boundary of the surface of the property upon which such well is located, and shall be not less than 25 feet from any dedicated public street, road or highway which is so dedicated and in such public use at the time of the commencement of drilling of such well.

3. The producing interval of such well shall be not less than 75 feet from an outer boundary of the parcel of land into which such producing interval is drilled, and the producing interval of such well shall be not less than 150 feet, as measured horizontally in the same zone, from the producing interval of any other well which is producing or capable of producing oil or gas. If the parcel of land qualified to be drilled under this section is less than 150 feet in width, the producing interval of such well shall be as far from the lateral boundary lines of the property as is practicable.

To enforce the provisions of this section, the supervisor may require, at the time supervisor gives approval of notice of intention to drill, redrill or deepen, that a subsurface directional survey be made for such well, and that a plat of said directional survey be filed with the supervisor within fifteen (15) days of completion.

CHAPTER 1515

An act to add Section 29390 to the Government Code, relating to shortages in county funds.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 29390 is added to the Government Code, to read:

29390. The board of supervisors may, by a resolution incorporating such limitations and safeguards as may be deemed in the best interests of the county, provide that county officers and employees who are responsible for receiving and paying out money may be relieved of shortages in their accounts, where there is no proof of fraud or gross negligence in connection with the shortage and where the loss is not covered by insurance. If the board of supervisors after an

investigation and report concurred in by the district attorney and the county auditor approves the coverage of such shortage, it shall be entered in its minutes and shall be a charge against the general fund of the county.

CHAPTER 1516

An act to add Section 1621 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to changes in school district boundaries.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1621 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

1621. Whenever it is proposed to change the boundaries of a school district, the county superintendent of schools shall submit the proposal to the county committee on school district organization established under Section 3101, which shall study the proposal and present a report of its findings and recommendations to the county board of supervisors and to the governing boards of all school districts which would be affected by the change of boundaries. The report of the county committee shall be advisory only.

If the school district whose boundaries are proposed to be changed includes territory in more than one county the proposal shall be submitted to the county committee of each county in which territory of the district is situated.

CHAPTER 1517

An act to amend Section 20542 of the Education Code, and Section 24502 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to state colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect immediately

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

SECTION 1. Section 20542 of the Education Code is amended to read:

20542. The following terms wherever used or referred to in this act, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

Definitions

(a) "Board" means the State Board of Education of the State of California.

(b) "State college" means a state college maintained under the authority of this code.

(c) The term "project" means any one or more dormitories or other housing facilities, boarding facilities, student union or activity facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more state colleges, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the board with the approval of the State Board of Control, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article, in order to obtain funds with which to carry out the purposes of this article, irrespective of the form of such obligations.

(e) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the State Treasury created by this article for the security of any revenue bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(f) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(g) The term "indenture" means an agreement entered into by the board pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument.

(h) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, political subdivision, city, county, district or any agency thereof or of this State.

(i) (a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

SEC. 2. Section 24502 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

24502. The following terms wherever used or referred to in this article (commencing at Section 24501), or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context: Same

(a) "Board" means the State Board of Education of the State of California.

(b) "State college" means a state college maintained under the authority of this code.

(c) The term "project" means any one or more dormitories or other housing facilities, boarding facilities, student union or activity facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more state colleges, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the board with the approval of the State Board of Control, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article (commencing at Section 24501), in order to obtain funds with which to carry out the purposes of this article (commencing at Section 24501), irrespective of the form of such obligations.

(e) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the State Treasury created by this article for the security of any revenue bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(f) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(g) The term "indenture" means an agreement entered into by the board pursuant to which revenue bonds are issued,

regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument.

(h) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, political subdivision, city, county, district or any agency thereof or of this State.

(i) (a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

Effect. Stats. 1957, Ch. 2

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code as enacted by the Legislature at its 1959 Regular Session, at which time Section 20542 of the Education Code as amended by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists a shortage of parking and student activity facilities on the campuses of the various state colleges. The Federal Government is offering to guarantee the purchase of revenue bonds for such purposes at a favorable rate of interest. The State is currently constructing residence halls partially financed from this source. To insure that these presently financed facilities can be kept completely filled so as to insure repayment of the loans, parking facilities are needed and can be financed within the amount of the original loan. These parking facilities for dormitory residents should be available as close to the time the residence halls are completed as possible. The estimated completion date of most of the residence halls is September 1, 1959. Therefore it is necessary to commence work on the parking facilities by July 1, 1959.

CHAPTER 1518

An act to amend Section 5782.10 of the Public Resources Code, relating to recreation and park districts.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 5782.10 of the Public Resources Code is amended to read:

5782.10. The district board may enter into group hospital service contracts with hospitals, hospital districts, and nonprofit corporations formed under Section 9201 of the Corporations Code for hospital service, or into contracts for group disability insurance with insurers, for the members of the district board and the employees relating to injuries or illnesses suffered by such persons, either in the performance of duty or at other times; and for such purpose the recreation and park district is construed to be a district within the meaning and effect of Sections 10270.5 and 11512.2 of the Insurance Code and other laws related thereto.

CHAPTER 1519

An act to amend Section 631 of the Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 3, 1959 Filed with Secretary of State July 6, 1959]

In effect September 18, 1959

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

SECTION 1. Section 631 of the Agricultural Code is amended to read:

631. Nonfat dry milk is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins and milk minerals in the same relative proportions as in the fresh milk from which made, and shall otherwise conform to the standards and requirements established by the director, which shall conform as nearly as possible to those established for this product by the United States Department of Agriculture.

CHAPTER 1520

An act to amend Section 333 of the Fish and Game Code, relating to antelope.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 333 of the Fish and Game Code is amended to read:

333. Before the commission permits the taking of elk or antelope in any area, a public hearing shall be held in the county seat of the county in which the area to be affected by the order lies or, if such area lies in more than one county, the county seat of the county in which the greater portion of the area lies, at which at least one member of the commission and such officers and employees of the department as are deemed

necessary or are requested by interested parties shall be in attendance.

Notice of the hearing shall be published at least once, and at least thirty (30) days prior to the hearing, in a newspaper of general circulation which is printed and published in the county, or in one of the counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area, and such determination shall be final and conclusive.

CHAPTER 1521

An act to add Section 438 to the Government Code, relating to United States Flags.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 438 is added to the Government Code, to read:

438. All United States Flags now in the possession of state, county, city, and district agencies, or hereafter acquired by such agencies under contracts awarded prior to March 18, 1959, may be utilized until unserviceable.

CHAPTER 1522

An act to add Section 30700.7 to the Water Code, relating to county water districts.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 30700.7 is added to the Water Code, to read:

30700.7. (a) District elections in the Kings County Water District shall be conducted pursuant to the provisions of subdivision (b) of this section, rather than in accordance with Section 30700, with respect to the qualifications of voters and the number of votes to be cast by each voter.

(b) Qualified voters shall be only those persons whose names appear in the last Great Register of the county or counties in which the district is located and who own real property within the district. Every qualified voter shall be entitled to one vote for the first acre, or fraction thereof,

that he owns, and an additional vote for each additional acre, or fraction thereof.

(c) The special provisions of this section are necessary because in the Kings County Water District a substantial portion of the parcels of land therein in separate ownership are less than one acre in size, thereby creating a disproportionate number of votes per acre as compared to the benefit received by each acre of land. This problem is not common to all districts formed under the County Water District Law (Division 12 (commencing at Section 30000) of the Water Code). It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems existing in the Kings County Water District.

CHAPTER 1523

An act to amend Section 104.5 of the Welfare and Institutions Code, relating to proceedings before the State Social Welfare Board.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959]

In effect September 18, 1959

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

SECTION 1. Section 104.5 of the Welfare and Institutions Code is amended to read:

104.5. (a) Whenever any appeal to, or hearing before, the board is otherwise authorized by law, the appeal shall be made, or the hearing applied for, within six months after the order or other action complained of. Within six months after the board's original order or decision, any interested party may apply for a rehearing or the board may on its own motion order a rehearing. Any such appeal, hearing, or rehearing may be heard by the board, or a referee designated by the board.

(b) The board or referee conducting an appeal, hearing, or rehearing shall have all the powers and authority conferred upon the head of a department in Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

(c) If an appeal, hearing, or rehearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. The department shall mail a copy of the final decision promptly to each party. Only the board may make such final decision.

(d) The department shall set the appeal for a hearing to be commenced within 45 days after the appeal is filed. The referee or the board may, upon good cause shown, continue the hearing for a period not to exceed 30 days. If heard by a

referee his report shall be filed promptly. Within 90 days after the conclusion of the hearing or the filing of the report by the referee the board shall render its decision. Failure to meet such time limits shall not invalidate such decision.

(e) This section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 1524

An act to add Section 11612.5 to the Business and Professions Code, relating to subdivision maps.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 11612.5 is added to the Business and Professions Code, to read:

11612.5. Any city or county may, by ordinance, provide that the subdivider may elect to install the improvements required under this chapter, from time to time, in a portion or portions of the premises covered by the subdivision map and in so doing the following procedure shall be followed:

(a) At the time the subdivision map is accepted by the governing body for recording, the subdivider shall deliver to the clerk of the governing body written instructions addressed to the escrow holder referred to in this section together with a deed to all of the premises except that portion thereof in which the improvements have been or are to be immediately installed in accordance with the contract simultaneously delivered to the governing body, covering the entire subdivision.

(b) The deed shall name as grantee, a corporation which is in the practice of handling escrows, approved by the governing body.

(c) Immediately following acceptance of the subdivision map by the governing body, the instructions and deed shall be immediately delivered by the clerk to the grantee, and which instructions shall authorize and instruct the escrow title holder to: (1) record the deed immediately following the recording of the subdivision map, (2) convey from time to time to the subdivider any portion or all of the remainder of the subdivision premises, when the governing body has approved by resolution the delivery of any such conveyance or conveyances and (3) institute proceedings to rescind any portion of the subdivision map as provided for in subdivision (i) of this section.

(d) The governing body shall, as a condition precedent to the approval, require an additional bond or deposit of funds to cover the installation of the improvements provided for in the original contract for improvements on that portion of the

premises so conveyed to the subdivider, in like manner as provided for in this chapter.

(e) The governing body in accepting the final map for recording, shall require the bond or deposit of money or securities on only that portion of the subdivision premises which the subdivider has elected to immediately improve, as that portion is described in a declaration of immediate improvement which the subdivider shall submit to the governing body. At the time the final map is accepted by the governing body, the plans and specifications for the contracted improvements shall cover the whole subdivision as designated on the final map.

(f) The original contract between the subdivider and the governing body may, on demand of the governing body, set a limit on the time that the contracted improvements shall be installed and completed on portions or all of the subdivision. The time limit so set for improvement completion shall be not less than two years for each portion of the premises selected for that purpose following acceptance of the declaration of improvement by the governing body; provided, that the governing body may require the improvements contracted for to be completed on the whole subdivision or that the improvements are started on the last portion of the subdivision, with bond thereon on file with the governing body, in not less than four years from the date of acceptance by the governing body of the subdivision map.

(g) The written instructions under subdivision (c) of this section, may, on demand of the governing body, provide that on written notice of a resolution by the governing body directed to the escrow holder of title, the escrow holder shall immediately proceed to rescind that portion of the subdivision map which designates that portion of the subdivision in which the improvements have not been installed in compliance with the terms of the contract, plans and specifications on file with the governing body.

(h) The holder of title to the premises on which the improvements have not been completed, shall, on the demand of the governing body, institute the rescission proceedings to completion.

(i) In the event the necessary rescission proceedings are not completed within the time limit set by the governing body order, the attorney for the governing body shall, on the order of the governing body and under the name of the record owner, institute the proceedings for rescission.

The map rescission proceedings provided for in this section may follow subdivision (b) of Section 11537 of this chapter or Chapter 4 (commencing at Section 11700) of Part 2 of Division 4 of this code, to effect vacation of any portion of the final recorded map, causing the portions of the premises so effected to revert to acreage.

(j) Reasonable attorneys fees and costs in the institution of the rescission proceedings, including the cost of recording any document of rescission, shall be a lien on the premises covered

by the rescission when a verified claim of lien is recorded by the attorney for the governing body or by the escrow titleholder.

(k) Nothing in this section shall prevent the subdivider or his successors from instituting legal proceedings for the map rescission on that portion of the subdivision in which the improvements contracted for have not been completed.

(*l*) Following the rescission the escrow titleholder shall convey title to the premises covered by the decree to the party entitled thereto.

CHAPTER 1525

An act to amend Section 1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Section 1. A district is hereby created to be known and designated as "Orange County Water District," located entirely within Orange County, California, including and comprising all of the land within the exterior boundaries of the district, which said boundaries are described as follows:

Beginning at the intersection of the boundary line between Los Angeles and Orange Counties, as officially established by the California Legislature in 1919, see Chapter 470 of the 1919 Statutes and Amendments to the codes, or Sections 3927 and 3938 of the Political Code as enacted in 1919, with the high-tide line of the Pacific Ocean; thence northerly along said boundary line the following courses and distances: north 33° 00′ 00″ east to Station 1. (Los Angeles-Orange County); thence north 57° 10′ 40″ east 8238.78 feet; thence north 2° 48′ 35″ west 2207.94 feet; thence north 16° 46′ 45″ west 1444.82 feet; thence north 27° 12′ 00″ west 2106.10 feet; thence north 31° 22′ 50″ west 1296.25 feet; thence north 27° 55′ 55″ east 8375.40 feet; thence north 11° 36′ 55″ east 2241.41 feet; thence north 39° 48′ 20″ east 5650.97 feet; thence north 59° 07′ 40″ east 3391.48 feet; thence north 0° 11′ 50″ west 4330.76 feet; thence north 44° 34′ 00″ east 1873.54 feet; thence north 0° 11′ 10″ west 3996.39 feet; thence north 89° 37′ 10″ east 1320.92 feet; thence north 0° 23′ 25″ west 1318.92 feet; thence north 89° 34′ 55″ east 1320.00 feet; thence north 0° 25′ 25″ west 1341.64 feet; thence north 89° 21′ 35″ east 1303.75 feet; thence north 0° 47′ 15″ west 1850.84 feet; thence north 89° 35′ 45″ east 1320.65 feet; thence north 0° 23′ 45″ west 1316.40 feet; thence north 89° 26′ 40″ east 1318.50 feet; thence north 1° 04′ 00″ west

1323.56 feet; thence north 89° 39′ 30″ east 2706.72 feet; thence north 0° 26′ 30″ west 2642.38 feet; thence north 89° 35′ 50″ east 5282.00 feet; thence north 0° 34′ 20″ west 2700.56 feet; thence north 89° 36′ 50″ east 2639.57 feet; thence north 0° 33′ 05″ west 2640.34 feet; thence north 89° 37′ 10″ east 2674.26 feet; thence north 0° 31′ 50″ west 2639.37 feet; thence north 89° 35′ 50″ east 2665.05 feet; thence north 0° 33′ 05″ west 2637.57 feet; thence north 89° 37′ 10″ east 2671.99 feet to the southwest corner of Section 18, Township 3 South, Range 10 West, San Bernardino Base and Meridian; thence leaving said boundary line between Los Angeles and Orange Counties easterly six miles along the south line of Sections 18, 17, 16, 15, 14 and 13 in Township 3 South, Range 10 West, San Bernardino Base and Meridian, to the southeast corner of said Section 13, said southeast corner being also the northwest corner of Lot 4, Tuffree's Subdivision, as recorded in Book 3, pages 1 and 2 of Miscellaneous Maps, Records of Orange County, California; thence continuing easterly one-quarter mile along the north line of said Lot 4, lot lines of said Tuffree's Subdivision being considered as in the center line of adjacent streets, to the northwest corner of Lot Three (3) of said Tuffree's Subdivision; thence southeasterly and northeasterly along the southerly line of that certain parcel of land described as Parcel 2 in deed recorded in Book 180, page 97 of Deeds, Records of Orange County, California to a point in the north line of said Lot Three (3); thence east to the northeast corner of said Lot Three (3); thence northerly one-quarter mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of Section Eighteen (18), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian; thence east one-quarter mile to the northeast corner of the southwest one-quarter of the southeast one-quarter of said Section Eighteen (18); thence south one-quarter mile to the southeast corner of said southwest one-quarter of the southeast one-quarter; thence east one-eighth mile to the southwest corner of the east one-half of the southeast one-quarter of the southeast one-quarter of said Section Eighteen (18); thence north one-quarter mile to the northwest corner of said east one-half; thence east one-eighth mile to the northeast corner of said east one-half; thence south one-eighth mile to the northwest corner of the south one-half of the south one-half of the south one-half of fractional Section Seventeen (17), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian; thence east along the north line of the said south one-half of the south one-half of the south one-half of said fractional Section Seventeen (17) to the east line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said east rancho line to the northwest corner of Block One (1) of Yorba Linda Tract as per map recorded in Book 5, pages 17 and 18 of Miscellaneous Maps, Records of Orange County, California; thence easterly along the northerly boundary of said Yorba Linda Tract to the northeast

corner of Lot One (1) in Block Two (2) of said tract; thence southerly along the east line of said Block 2 to an intersection with the westerly prolongation of the north line of Block 25, as shown on a map of Carlton, recorded in Book 29, pages 9 and 10, Miscellaneous Records of Los Angeles County, California, said intersection being on the southerly line of Wabash Avenue as shown on said map of Carlton; thence easterly along the southerly line of said Wabash Avenue to an intersection with the westerly line of First Street, 60 feet in width as now laid out; thence southerly along the westerly line of said First Street to an intersection with the westerly prolongation of the northerly line of Block 6 of said Yorba Linda Tract; thence easterly along said westerly prolongation and along the northerly line of Blocks 6 and 7 of said Yorba Linda Tract to the northeast corner of said Block 7; thence southerly, easterly, southerly and easterly along the exterior boundary lines of said Yorba Linda Tract to the northeast corner of Block 8 of said Yorba Linda Tract; thence southerly along the easterly line of said Block 8 and its southerly prolongation to the south line of Yorba Linda Boulevard, 60 feet wide as now laid out; thence easterly along the easterly prolongation of said southerly line of Yorba Linda Boulevard to an intersection with the east line of the M. Yorba allotment of second class land, as shown on a map showing the subdivision of the Rancho Cajon de Santa Ana, by order of the Seventeenth Judicial District; thence southerly along the easterly line of said M. Yorba allotment to the southeast corner thereof; thence continuing southerly 247.50 feet (3.75 chains) along the southerly prolongation of the easterly line of said M. Yorba allotment to a point in the northerly line of the Scully allotment of land as shown on said map of Rancho Canon de Santa Ana on file in the office of the County Recorder of Orange County, California; thence easterly along the northerly line of said Scully allotment of land to the northeast corner thereof; thence southerly along the easterly line of said Scully allotment to the northwest corner of that certain 1.26 acre parcel as described in deed recorded in Book 357, page 102 of Deeds, Records of Orange County, California; thence following the northerly and easterly line of said 1.26 acre parcel to a point in the north line of allotment of first class land to Kalisher and Wartenberg in partition of said Rancho Canon de Santa Ana; thence following said northerly line of said allotment to its intersection with the southerly line of right-of-way of the Atchison, Topeka and Santa Fe Railway Company; thence following said southerly right-of-way line to its intersection with the west line of the allotment of second class land to V. Yorba in partition of said Rancho Canon de Santa Ana; thence northerly, westerly and northerly along said allotment line to the center of Anaheim Union Water Company's Canon Canal; thence easterly following the center line of said Canon Canal to the east line of said allotment to V. Yorba; thence northerly along said east line of

allotment to V. Yorba, to a point 2800 feet northerly measured along said east line from its intersection with the center line of the Atchison, Topeka and Santa Fe Railway Company's main track; thence easterly to a point in the east line of the allotment of second class land to W. McKee in partition of said Rancho Canon de Santa Ana, said point being 2400 feet northerly measured along said east line of allotment to W. McKee, from its intersection with the center line of the Atchison, Topeka and Santa Fe Railway Company's main track; thence southerly along the said east line of allotment to W. McKee and its southerly extension to an intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the center line of said canal westerly to its intersection by the northerly extension of the east line of Tract 117 as per map recorded in Book 11, page 15 of Miscellaneous Maps, Records of Orange County, California; thence southerly 660 feet measured along the said easterly line to a point; thence southwesterly in a direct line to a point in the west line of Lot Twenty-two (22) of said Tract 117, said point being 500 feet southeasterly measured along said west line from the intersection of said west line of Lot Twenty-two (22) with the center line of the Santa Ana Valley Irrigation Company's main canal; thence northwesterly along said west line of Lot Twenty-two (22) to the center line of Santa Ana Valley Irrigation Company's main canal; thence westerly along said center line of canal to its intersection with the center line of the state highway known as the Santa Ana Canyon Road; thence southwesterly along center line of said highway to its intersection with the north line of Lot Twenty (20) of said Tract 117; thence along the northerly and easterly lines of Lots Twenty (20) and Nineteen (19) of said Tract 117, to the southeast corner of said Lot Nineteen (19); thence in a direct line to a point in the south line of said Tract 117, said point being 600 feet westerly measured along said south line from the southeast corner of said Tract 117 and also being in the north line of Section Six (6), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian; thence easterly along said north line of Section Six (6) to a point, said point being easterly 2,828.59 feet from the northwest corner of said Section Six (6); thence continuing easterly along the north line of said Section Six (6) and the north line of Section Five (5), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian a distance of 4,461.00 feet to the southwesterly boundary line of the Peralta Yorba Tract as shown on map of Rancho Santiago De Santa Ana on file in the office of the County Recorder of Orange County, California; thence south 27° 08′ 00″ east along said southwesterly line of the Peralta Yorba Tract, 7,099.25 feet to a point in the northwesterly line of the allotment to Benjamin and Thomas Flint and Llewellyn Bixby in partition of the Rancho Santiago De Santa Ana; thence south 35° 10′ 00″ west along said last mentioned northwesterly line,

8,185.62 feet to a point, said point being the northeast corner of the land described in deed to Santiago Farmers Association recorded in Book 98, page 544 of Deeds, Records of Los Angeles County, California; thence westerly along the northerly boundary line of said land 5,750.76 feet to a point in the westerly line of Section Eighteen (18), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian, said point also being the northwest corner of said land described in Book 98, page 544 of Deeds, Records of Los Angeles County, California; thence southerly along the westerly line of said Section Eighteen (18), 1,865.34 feet to a point, said point being northerly 571.90 feet from the southwest corner of said Section Eighteen (18); thence north 48° 05′ 20″ west 754.60 feet; thence north 56° 27′ 50″ west, 414.94 feet to a point distant south 52° 44′ 00″ west, 230.49 feet from the easterly corner of the parcel indicated "Reservoir No. 2" on map of record of surveys filed in Book 8, page 3 of Record of Surveys in the office of the County Recorder of Orange County, California; thence north 52° 44′ 00″ east, 230.49 feet to the most easterly corner of said "Reservoir No. 2"; thence north 42° 18′ 00″ west, 155.61 feet; thence south 50° 25′ 00″ west, 267.27 feet; thence north 56° 27′ 50″ west, 788.89 feet; thence north 51° 38′ 50″ west, 768.86 feet; thence north 74° 58′ 40″ west, 630.33 feet; thence south 49° 25′ 20″ west, 608.63 feet to an angle point in the boundary line of the land described in the deed to Graham Brothers, Incorporated, recorded January 29, 1938, in Book 923, page 248 of official records of Orange County, California, said angle point being at the northeasterly end of a course described in said deed as "south 40° 51′ 30″ west, 43.66 feet"; thence from said angle point south 40° 51′ 30″ west, 43.66 feet to a point, said point being the most northerly corner of the Carpenter Irrigation District as described in Book 74, page 223 of official records of Orange County, California, said point also being north 86° 03′ 10″ east more or less and 719.62 feet more or less from station 27 as said station is shown on a map of record of surveys filed in Book 3, page 54 of Record of Surveys in the office of the County Recorder of Orange County, California; thence southeasterly, southerly and easterly following the boundary line of said Carpenter Irrigation District to its intersection with the north line of Tract 944 as per map recorded in Book 29, page 41, of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly and westerly following the northerly, easterly and southerly boundaries of said Tract 944 to the northeast corner of Tract 918 as per map recorded in Book 28, pages 41, 42, and 43 of Miscellaneous Maps, Records of Orange County, California; thence southerly, westerly, southerly and easterly following the boundary of said Tract 918 to the northwest corner of Tract 931 as per map recorded in Book 29, page 27 of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly, and westerly following the northerly, easterly and

southerly boundary of said Tract 931, to the southwest corner of Lot Eleven (11) of said Tract 931; thence southerly parallel to the east line of said Tract 918 one-half mile more or less to an intersection with the center line of the County Park Road; thence westerly along said center line of County Park Road to the said east line of said Tract 918; thence southerly, southwesterly, northwesterly, northerly, westerly, northwesterly and northeasterly, following the exterior boundary of said Tract 918, to an intersection with the exterior boundary of the said Carpenter Irrigation District, said point being 90 feet southeasterly of the northwest corner of Lot Seventy (70) of said Tract 918; thence following the exterior boundary of said Carpenter Irrigation District southwesterly and southerly, to the west corner of Lot One (1) of El Modena Citrus Lands, as per map thereof recorded in Book 6, page 32 of Miscellaneous Maps, Records of Orange County, California, said point being northeast corner of Lot Two (2) of said El Modena Citrus Lands; thence along the east line of said Lot Two (2) and Lots Four (4) and Five (5), the center line of adjacent road being considered as lot line, to the most northerly corner of Lot Six (6) of said El Modena Citrus Lands; thence southeasterly along the northeasterly line of Lots Six (6), Seven (7), Eight (8) and Nine (9) of said El Modena Citrus Lands, to the most westerly corner of that certain 2.75 acres parcel as described in deed recorded in Book 209, Page 184 of Official Records of Orange County, California; thence northeasterly and southeasterly along the boundary of said 2.75 acre parcel to the most easterly corner of said parcel; thence northeasterly along the northwesterly line of Lot Eleven (11) of said El Modena Citrus Lands, to the most northerly corner of said Lot Eleven (11); thence southeasterly along the northeasterly line of Lots Eleven (11) and Twelve (12) of said El Modena Citrus Lands, to the most easterly corner of said Lot Twelve (12); thence northeasterly along the northwesterly boundary of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago and Flint and Bixby's allotment in Rancho Santiago de Santa Ana, as per map recorded in Book 1, page 88 of Miscellaneous Maps, Records of Orange County, State of California, to a point on said boundary line and located southwesterly a distance of one and one-half miles from the westerly corner of Block Twenty (20) of said Irvine's Subdivision; thence within said Irvine's Subdivision southeasterly to the most easterly corner of the northerly one-quarter of the westerly one-quarter of Block Sixteen (16) of said Irvine's Subdivision; thence southwesterly along the southeasterly line of said northerly one-quarter of the westerly one-quarter of said Block Sixteen (16) to the most southerly corner thereof; thence southeasterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of said Block Sixteen (16) to the southeasterly line of said block; thence southwesterly to the most southerly corner of said Block Sixteen (16); thence south-

easterly along the northeasterly line of Block Forty-one (41) a distance of one-quarter mile, thence southwesterly one and one-half miles to the southerly corner of the northwesterly one-half of the northerly one-quarter of Block Forty-two (42); thence southeasterly one-half mile to the westerly corner of the southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence northeasterly one-quarter mile to the northerly corner of said southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence southeasterly three-fourths of a mile to the easterly corner of the southwesterly one-half of the northerly one-quarter of Block Sixty-six (66); thence southwesterly one-half mile to the northerly corner of the southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southeasterly one-half mile to the easterly corner of said southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southwesterly one-quarter mile to the southerly corner of said Block Sixty-six (66); thence southeasterly two miles to the easterly corner of Block One Hundred Six (106); thence southwesterly one-half mile to the southerly corner of the easterly one-quarter of said Block One Hundred Six (106); thence southeasterly one and one-quarter mile to the westerly corner of southeasterly one-half of the northerly one-quarter of Block One Hundred Forty-two (142); thence northeasterly three-fourths mile to the northerly corner of the southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of said southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southwesterly one-quarter mile to the southerly corner of said southerly one-quarter of westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one-half mile to the southerly corner of said northwesterly one-half of the easterly one-quarter of Block One Hundred Forty-two (142); thence southeasterly one-quarter mile to the easterly corner of the southerly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one mile to the southerly corner of the easterly one-quarter of Block One Hundred Forty-one (141); thence southeasterly one-half mile to the center of Block One Hundred Fifty-four (154); thence southwesterly three miles to the center of Block One Hundred Fifty-seven (157); thence northwesterly one-half mile to the westerly corner of the northerly one-quarter of said Block One Hundred Fifty-seven (157); thence northeasterly one-quarter mile to the southerly corner of the easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence northwesterly one-quarter mile to the westerly corner of said easterly one-quarter of the easterly one-quarter

of Block One Hundred Thirty-eight (138); thence southwesterly one-half mile to the southerly corner of the northerly one-quarter of the southerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the easterly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northeasterly one-eighth mile to the southerly corner of the northeasterly one-half of the northerly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the northeasterly one-half of the easterly one-quarter of the southerly one-quarter of Block One Hundred Twenty-four (124); thence southwesterly three-eighths mile to the southerly corner of the northwesterly one-half of the said southerly one-quarter of Block One Hundred Twenty-four (124); thence northwesterly one and one-quarter mile to the westerly corner of the southerly one-quarter of Block One Hundred Two (102); thence southwesterly three-fourths mile to the southerly corner of the northeasterly one-half of the westerly one-quarter of Block One Hundred One (101); thence northwesterly one-half mile to the westerly corner of said northeasterly one-half of the westerly one-quarter of Block One Hundred One (101); thence southwesterly one-quarter mile to the southerly corner of Block Eighty-eight (88), thence northwesterly one-quarter mile to the easterly corner of the northerly one-quarter of the easterly one-quarter of block Eighty-nine (89); thence southwesterly one-quarter mile to the southerly corner of the said northerly one-quarter of the easterly one-quarter of Block Eighty-nine (89); thence northwesterly one mile to the center of the easterly one-quarter of Block Fifty-nine (59); thence northeasterly one-quarter mile to the northerly corner of the easterly one-quarter of said easterly one-quarter of Block Fifty-nine (59); thence northwesterly one mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of Block Forty-nine (49); thence southwesterly three-fourths of a mile to the easterly corner of the westerly quarter of the southerly quarter of said Block Forty-nine (49); thence northwesterly three-fourths of a mile in a direct line to the northerly corner of the southwesterly half of Lot 136 in Block Forty-nine (49) of said Irvine's Subdivision; thence northwesterly one-quarter mile in a direct line to the southerly corner of the northerly quarter of Lot 135 in Block Seven (7), of said Irvine's Subdivision; thence northeasterly one-quarter mile to the easterly corner of the northerly quarter of said Lot 135; thence northwesterly one-half mile to the southerly corner of the northwesterly half of Lot 133 in Block Seven (7) of said Irvine's Subdivision; thence northeasterly one-half mile to the easterly corner of the northwesterly half of said Lot 133; thence northwesterly one-quarter mile to the northerly corner of said Block Seven (7) on the northwesterly boundary of said Irvine's Subdivision; thence southwesterly and following the

boundary of Coastal Municipal Water District, one mile to the westerly corner of said Block Seven (7); thence southwesterly along said northwesterly boundary to a point 1259.6 feet northeasterly from the westerly corner of Block Six (6) of said Irvine's Subdivision; thence southeasterly to the most northerly corner of Tract 456 as shown on a map recorded in Book 17, page 9 of Miscellaneous Maps, Records of Orange County, California; thence following the courses by distances and bearing along the easterly exterior boundary of said Tract 456 to an intersection with the center line of Santa Ana Avenue as shown on said map; thence northeasterly to the westerly corner of the southerly one-quarter of said Block Six (6); thence three-fourths mile southeasterly to the easterly corner of the northwesterly one-half of the northerly one-quarter of Block Fifty-one (51) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of the northwesterly one-half of the northwesterly half of said Block Fifty-one (51) to the northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51); thence northwesterly following the boundary of Coastal Municipal Water District along the said northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51) to the easterly corner of the southerly quarter of Lot 151 in Block Five (5) of said Irvine's Subdivision; thence following the boundary of Coastal Municipal Water District, southwesterly along the southeasterly line of said Lot 151 to the mean high-tide line as established by decree of the Superior Court of Orange County in Case No. 20436 as recorded in Book of Judgments No. 19, page 309; thence westerly and southwesterly following the courses by distances and bearings along said mean high-tide line to an intersection with the southeasterly boundary line of Block Four (4) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of said Block Four (4) to the intersection of the center line of Irvine Avenue with the center line of Twenty-third Street as shown on a map of Newport Heights recorded in Book Four (4), page 83 of Miscellaneous Maps, Records of Orange County, California; thence north 50° west one mile, along the center line of said Twenty-third Street to the northerly corner of Lot 155, in Block Four (4) of said Irvine's Subdivision, said corner being the intersection of the center line of Newport Avenue and Twenty-third Street, as shown on said map of said Newport Heights; thence north 40° east along the northwesterly line of said Irvine's Subdivision to an intersection of the center line of Newport Avenue, 60.00 feet in width lying southeasterly of and adjacent to the Southern Pacific Company right of way as shown on a map of Fairview Farms, recorded in Book 8, Page 71 of Miscellaneous Maps, Records of Orange County, California, with the easterly prolongation of the north line of said Fairview Farms; thence westerly along the north line of said Fairview Farms to the center

line of Harbor Boulevard, formerly known as Fairview Avenue, as shown on said map of Fairview Farms; thence northerly along the center line of said Harbor Boulevard to the north line of Lot A of the Banning Tract as shown on a map attached to the report of the referee's filed April 14, 1890, in the action of Hancock Banning et al. vs. Mary H. Banning, Case No. 6385 on the Register of Actions of the Superior Court of the State of California in and for the County of Los Angeles; thence westerly along the North line of Lot A of said Banning Tract to the east boundary line of the Talbert Drainage District; thence southerly along said east boundary line of the Talbert Drainage District to the north line of said Fairview Farms; thence westerly along the north line of said Fairview Farms to the northwest corner of Lot 75 of said Fairview Farms; thence southwesterly along the Northwesterly line of said Lot 75 to the southwest corner thereof; thence easterly along the south line of said Fairview Farms to the northwest corner of land deeded to Edna Race Capron recorded in Book 1281, page 199 of Official Records, said corner being in the south line of said Fairview Farms and distant thereon 264.00 feet easterly from the intersection of said south line with the center line of Valley Road as shown on a map of Tract No. 653, recorded in Book 19, page 42 of Miscellaneous Maps, Records of Orange County, California; thence southerly along the west line of the last aforesaid land of Edna Race Capron to the southwest corner thereof; thence easterly along the westerly prolongation of the center line of Nineteenth Street, as shown on a map of First Addition to Newport Mesa Tract, recorded in Book 8, page 6, of Miscellaneous Maps, Records of Orange County, California (said center line being the north line of said First Addition of Newport Mesa Tract) to the northwest corner of said First Addition to Newport Mesa Tract; thence south 19° 16′ 00″ west along the northwesterly line of said First Addition to Newport Mesa Tract to the most westerly corner of Lot 1304 of said First Addition to Newport Mesa Tract; thence south 29° 09′ 00″ east along the southwesterly line of said First Addition to Newport Mesa Tract and along the southeasterly extension of the southwesterly lines of Lot 919 of said First Addition to Newport Mesa Tract to the northwesterly line of said Irvine's Subdivision; thence south 40° 00′ 00″ west along the northwesterly line of said Irvine's Subdivision and along the southwesterly prolongation thereof to the ordinary high-tide line of the Pacific Ocean in Newport Bay and designated "North Line" and North Bank of the Santa Ana River, as established by a decree in court case No. 23686 of the Superior Court in and for Orange County, California, a certified copy of which decree was recorded September 19, 1928 in Book 201, page 253, of Official Records; thence along the said northbank of the Santa Ana River the following courses and distances: North 74° 17′ 11″ west to an angle point therein; thence north 58° 28′ 28″ west 1,085.28 feet; thence north

66° 44′ 18″ west 584.64 feet; thence north 60° 19′ 50″ west 577.07 feet to the former southerly line of the California state highway having a width of 80.00 feet, said point bears south 5° 55′ 18″ east 1,113.01 feet from the northwest corner of the northeast quarter of Section 29, Township 6, South, Range 10, West, S. B. B. & M.; said point of intersection also being 40.00 feet southerly of Engineer's Station 683 + 40.95 on the center of said highway; thence northwesterly in a straight line to the southerly end of that certain course in the boundary line of the Coastal Municipal Water District described as "South 4° 31′ 33″ east 439.77"; thence following the boundary line of said Coastal Municipal Water District the following courses and distances: north 4° 31′ 33″ west 439.77 feet; thence north 1° 35′ 57″ east 857.80 feet; thence north 21° 30′ 03″ west 544.00 feet; thence north 27° 46′ 03″ west 319.00 feet; thence north 44° 46′ 33″ west 337.15 feet; thence south 74° 07′ 27″ west 296.60 feet; thence south 51° 48′ 28″ west 194.20 feet; thence south 20° 07′ 27″ west 511.05 feet; thence south 44° 22′ 57″ west 241.88 feet; thence south 81° 50′ 57″ west 233.05 feet; thence north 76° 50′ 03″ west 225.30 feet; thence north 68° 22′ 03″ west 756.00 feet; thence south 84° 43′ 27″ west 258.27 feet to the intersection of the northeasterly prolongation of the southeasterly line of Summit Street as said street is laid out and shown on a map of Seashore Colony Tract, as recorded in Map Book 7, page 25 of Miscellaneous Maps, Records of Orange County, California with the north bank of the Santa Ana River; thence southwesterly along the northeasterly prolongation of the southeasterly line of said Summit Street and along said Summit Street and along the southwesterly prolongation of the southeasterly line of said Summit Street to the ordinary high-tide line of the Pacific Ocean; thence northwesterly along the ordinary high-tide line of the Pacific Ocean to the intersection of said line of ordinary high-tide with the northwesterly line of the Santa Ana Outfall Sewer right of way, said northwesterly line of the Santa Ana Outfall Sewer right of way being described as the northwesterly line of the strip of land 30.00 feet in width described in "Parcel-e" in the complaint in that certain action in the Superior Court of the State of California in and for the County of Orange, entitled "The City of Santa Ana vs. J. N. Hearn et al.," being Case No. 13753 in said court, said strip of land 30.00 feet in width being shown on the map attached to said complaint, and said northwesterly line of the Santa Ana Outfall Sewer right of way also being described in the order of possession entitled "Order," made and entered in said action on November 21, 1922, said "Order" being recorded in Book 1836, Page 429 of Official Records of Orange County, California; thence South 40° 00′ 00″ west three miles more or less to a point in the Pacific Ocean, said point being three miles from the said line of ordinary high-tide; thence northwesterly and parallel with the said line of ordinary high-tide and distant three miles therefrom to a point

on the southwesterly extension of the northwesterly line of Rancho La Bolsa Chica, as shown on licensed surveyor's map filed in Book 3, Page 45 of Records of Survey in the Office of the County Recorder of Orange County, California; thence northeasterly along the said extension of the northwesterly line of said Rancho La Bolsa Chica to the line of ordinary high-tide of the Pacific Ocean; thence northwesterly along said ordinary high-tide line of the Pacific Ocean to the point of beginning.

Said district is hereby divided into 10 divisions which shall be numbered first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, and one director shall be elected or appointed as hereinafter provided from each division. Said 10 divisions are more particularly bounded and described as follows, to wit:

First Division: Division No. 1 shall comprise all the area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949; Loara, Katella and Garden Grove School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Second Division: Division No. 2 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Olive, Villa Park, Orange, El Modena and that portion of Tustin School District lying northwesterly of Newport Boulevard or any extension thereof.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Third Division: Division No. 3 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Yorba Linda, Placentia, Fullerton and Anaheim School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fourth Division: Division No. 4 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Buena Park, Orange-

thorpe, Centralia, Magnolia, Savanna, Cypress, Laurel, Alamitos, Westminster and Seal Beach School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fifth Division: Division No. 5 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: San Joaquin School District and that portion of the Tustin School District lying southeasterly of Newport Boulevard or any extension thereof.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Sixth Division: Division No. 6 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Ocean View, Fountain Valley and Huntington Beach School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Seventh Division: Division No. 7 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Costa Mesa, Paularino, Santa Ana, Diamond and Greenville School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Eighth Division: Division No. 8 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Santa Ana as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Ninth Division: Division No. 9 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Anaheim as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Tenth Division: Division No. 10 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the

boundaries of the municipal corporation known as the City of Fullerton as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Annexations to or enlargements of municipal corporations which constitute Divisions 8, 9 and 10 shall become part of the division which said municipal corporation constitutes without further act of said district; provided, however, that if said annexations or enlargements include land which is not already a part of said district, such land may be included within said district and said division only by inclusion proceedings as provided in this act.

CHAPTER 1526

An act to amend the heading of Chapter 3 (commencing at Section 37650) of, and to add Chapter 4 (commencing at Section 37700) to Part 8 of Division 13 of the Water Code, relating to California water districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. The heading of Chapter 3 (commencing at Section 37650) of Part 8 of Division 13 of the Water Code is amended to read:

Chapter heading

CHAPTER 3. INVOLUNTARY DISSOLUTION

SEC. 2. Chapter 4 (commencing at Section 37700) is added to Part 8 of Division 13 of said code, to read:

CHAPTER 4. VOLUNTARY DISSOLUTION

37700. A district may be dissolved pursuant to this chapter.

District dissolution

37701. Upon the filing of a petition with the board signed by the holders of title to at least one-third of the land within the district, the board shall submit the question of dissolution of the district to the district electors.

Petition for election

37702. The question may be submitted at the general district election or at a special election for that purpose.

Elections

37703. The question of dissolution shall be submitted not later than the ninetieth day after filing of the petition with the secretary of the board.

Date of election

37704. If two-thirds of the votes cast at such election favor dissolution, the board shall by resolution dissolve the district.

Favorable vote

37705. The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder of each of the counties in which any part of the district is situated. Thereupon the district is dissolved for all purposes.

Resolution

Title

37706. Upon dissolution the right, title, and interest to property owned or controlled by the district situate within the limits of any city vests absolutely in the city. If such property is situated outside the limits of a city, it vests in the county in which it is situated.

Governing body

37707. The board of supervisors of the principal county is, ex officio, the governing body of any dissolved district. It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness.

Assessment

37708. Upon dissolution of a district, the lands within the district shall continue to be subject to assessment for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness and for all other obligations of the district outstanding at the time of adoption of the order ordering dissolution as fully as though the district has not been dissolved; and all provisions which could have been used to compel the payment by the lands within the district of said indebtedness and interest thereon and other obligations had the dissolution not occurred can be used to compel the payment on the part of the territory of the dissolved district.

CHAPTER 1527

An act to add Part 10 5 (commencing at Section 8740) to Division 10 of the Streets and Highways Code, relating to the Improvement Bond Act of 1915.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Part 10.5 (commencing at Section 8740) is added to Division 10 of the Streets and Highways Code, to read:

PART 10.5. ALTERNATIVE PROCEDURE FOR DIVISION OF LAND AND BOND

Alternative procedures

8740 The procedures of this part are alternative to Part 10 of this division, relating to division of land and bond.

Application for apportionment

8740 1. If any lot or parcel of land upon which there is an unpaid assessment represented by bonds issued under this division is subdivided, or the ownership of a portion of such lot or parcel of land is transferred to another person, the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided shall file an application in writing with the street superintendent. The application shall indicate how the original lot or parcel has been divided or transferred, request the street superintendent to

apportion the amount remaining unpaid on the assessment in accordance with the division, and be accompanied by a fee in an amount to be fixed by the legislative body for each separate part or parcel of land into which the original lot or parcel has been divided or transferred. The street superintendent shall deposit all such fees in the treasury.

Apportionment

8740.2. Upon receipt of the application and fee the street superintendent shall apportion to each separate part of the original lot or parcel of land the proportionate part of the amount remaining unpaid on the assessment that would have been levied thereon had the lot or parcel of land been so divided at the time the original assessment was made.

Recordation, etc.

8740.3. When the apportionment has been made an application signed by all persons owning an interest in the original lot or parcel of land may be filed with the street superintendent requesting that the assessment as apportioned be recorded.

The street superintendent shall send to the original purchaser of any bonds which may be outstanding a notice by certified or registered mail that an apportionment of an assessment has been made and the numbers and amounts thereof and stating that, unless a request for a hearing is received within 14 days from the date of mailing of the notice, such apportioned assessments shall be recorded. In the event that a request for hearing shall be received, a report shall be filed and hearing shall be fixed, noticed and held, all in accordance with Part 10 (commencing at Section 8730) of this division.

Amendment of recorded diagram and assessment

8740.4. When the street superintendent has ascertained that the application is signed by all the necessary persons, and that no request for a hearing has been received, he shall thereupon amend the recorded diagram and assessment to conform to such division and apportionment and assign new assessment numbers to each separate part of the original lot or parcel of land.

Filing

8740.5. The street superintendent shall file the amended assessment with the auditor, who shall annually thereafter enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels so assessed.

When a city is conducting the proceedings and collections upon the assessments are made by county officials, the street superintendent shall transmit a copy of the amended assessment to the county auditor.

CHAPTER 1528

An act to amend Sections 18, 43, 90, 105, of, and to add Article 9.5 (commencing at Section 185) to, the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951), relating to the Solvang Municipal Improvement District.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 18 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951) is amended to read:

Sec. 18. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City council," "council," and "legislative body" mean board.

(b) "City," "municipality," and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district or any other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the Tax Collector of the County of Santa Barbara.

(f) "Treasurer" and "city treasurer" mean the finance officer of the district or the County Treasurer of the County of Santa Barbara.

(g) "Auditor" and "city auditor" mean the County Auditor of the County of Santa Barbara.

(h) "Budget law" means Chapter 1, Division 3, Title 3 of the Government Code.

SEC. 2. Section 43 of said act is amended to read:

Sec. 43. The district may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate facilities and works used or useful for the following purposes:

(a) The production, storage, treatment and distribution of water for public and private purposes.

(b) The collection, treatment and disposal of sewage, waste and storm waters.

(c) The collection and disposal of garbage and refuse.

(d) Protection against fire.

(e) Public recreation by means of parks, playgrounds, swimming pools and recreation buildings and other facilities.

(f) Street and highway lighting.

(g) The establishment, maintenance, laying out, extension and widening of streets, sidewalks, alleys, offstreet motor vehicle parking lots and other public places and ways, including the establishment of grades and the construction of gutters, curbs and culverts.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property and the establishment of regulations necessary therefore.

SEC. 3. Section 90 of said act is amended to read:

Sec. 90. The bonds shall be payable in lawful money of the United States and bear interest at a rate not exceeding six percent (6%) per annum, payable semiannually in like lawful money. The interest for the first year may be payable in one installment at the end of such year, or the interest for the period from the date of the bonds to a date not later than 30 days after the date of the second installment of the first district taxes levied after the date of said bonds will become delinquent may be payable in one installment at the end of such period.

SEC. 4. Section 105 of said act is amended to read:

Sec. 105. Proceedings for the authorization, issuance, sale, security, and payment of revenue bonds for revenue-producing facilities of the district shall be conducted, either separately or as a joint single bond issue, for any one or all or any combination of said facilities, in substantial accordance with and with like legal effect as is now or hereafter provided in the Revenue Bond Law of 1941.

SEC. 5. Article 9.5 (commencing at Section 185) is added to said act to read:

Article 9.5. Alternative Depositary of District Money

185. The provisions of this article are alternative to the provisions of this act which provide for district funds to be held and administered by the county treasurer.

186. The board may by resolution designate a bank as depositary of any or all of its funds. If such depositary is not designated for all of its funds, it shall designate what funds are to be deposited with such depositary. The county treasurer shall be the depositary for all funds not so designated.

187. The charges of any depositary selected shall be a proper expense of the district.

188. The board shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond. He may be a member of the board or his office may be consolidated with that of the secretary.

189. Bond principal and interest and salaries shall be paid when due. All other claims and demands shall be ap-

proved in writing or in open meeting by a majority of the members of the board.

190. Warrants shall be drawn by the finance officer and signed by the president and secretary, or one of them and one member of the board.

191. The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

192. The finance officer shall make annual or more frequent written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

193. Notwithstanding the provisions of any other law, a bank may act as a depositary, paying agent, or fiscal agent for the holding or handling of district funds, notwithstanding the fact that a member of the board of directors of the district whose funds are on deposit in said bank is an officer, employee, or stockholder of such bank, or of a holding company that owns any of the stock of such bank.

CHAPTER 1529

An act to amend Section 24046 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 24046 of the Business and Professions Code is amended to read:

24046. Upon receipt of any license, the licensee shall post it in a conspicuous place upon the licensed premises. Licenses issued for trains, boats or airplanes may, in lieu of being posted upon the train, boat, or airplane for which issued, be posted in such other place in this State as the department shall designate.

CHAPTER 1530

An act to add Section 2125 to the Revenue and Taxation Code, relating to the assessed valuation of property.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 2125 is added to the Revenue and Taxation Code, to read:

2125. In any county in which tax receipts derived from the assessment of water rights have been impounded by reason of court litigation, whenever any state department, board or agency allocates funds to the county or any district lying wholly or partly within the county upon the basis of the assessed valuation of property, the value of all land, improvements and tangible personal property entered upon the local roll of the county after equalization, shall be adjusted for purposes of such allocation to eliminate the assessed valuation as to which the taxes were impounded.

CHAPTER 1531

An act to add Sections 12816.5 and 12817 to the Public Utilities Code, relating to municipal utility districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect immediately

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

SECTION 1. Section 12816.5 is added to the Public Utilities Code, to read:

12816.5. A district may, through contract or otherwise, construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir owned or operated by the district. Recreational facilities

SEC. 2. Section 12817 is added to the Public Utilities Code, to read:

12817. A district may expend funds on public recreational facilities pursuant to Section 12816.5 if it anticipates that such facilities will be self-supporting. Same: Expenditures

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Certain districts now are constructing large water and power projects including reservoirs, many of which can be developed for recreational uses. In co-operation with federal, state and local agencies, these districts wish to invest substantial sums on land, roads, sanitary and camping facilities, water supply and similar items and to expend funds necessary to the proper maintenance and operation of recreation areas. In order that these reservoirs will be ready to accommodate the public upon their completion, certain facilities must be planned and installed immediately. Urgency

CHAPTER 1532

An act to amend Sections 3, 4, 5, 10, 12, 13, 14, 15, 17, 18, 20, and 29 of, and to add Sections 13.1 and 20.1 to, the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 3 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is amended to read:

Sec. 3. The board of supervisors of the district created by this act, acting in the manner and within the terms provided in Section 12 of this act, may establish zones within the district without reference to boundaries of other zones, and may institute, operate, and maintain projects for the specific benefit of such zones.

Before acquiring authority to proceed with the establishment of any zone the exterior boundaries of which will include any land lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors of the district shall first obtain the concurrence of such city to conduct such proceeding; and such concurrence shall be evidenced by a resolution or ordinance adopted by a majority of the members of the city council of such city or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in said zone, voting at any regular or special election on said proposition; and said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost of such election shall be a city charge.

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

Sec. 4. The objects and purposes of this act are to provide for the control and impounding of the flood and storm waters of said district, the conservation of all waters within said district, and the control of flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to protect from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and to develop all waters within said district for all beneficial uses, including domestic, irrigation, industrial and recreational uses.

SEC. 3. Section 5 of said act is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, water and water rights, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To conserve all waters within said district, and to control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the water courses outside of the district of streams flowing into the district, and to develop waters within or without said district for domestic, irrigation, industrial and recreational uses, and to construct works therefor, including works for the storage and delivery of water; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.
6. To co-operate and to act in conjunction with the Federal Government, the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Lake or adjacent counties, or with any other agencies, in the construction of any work for the storage or delivery of all waters within or without the district for domestic, irrigation, industrial and recreational uses and for the conservation of waters within said district, for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein.
7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to the beneficial use of waters within or without the district, including domestic, irri-

gation, industrial and recreational uses and to the conservation of water and to the control of floods both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along

streams flowing into said district now or hereafter used to control flood or storm waters, or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the State in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

The district shall not condemn property outside the County of Lake unless the consent of the governing board of the county, in which the property to be condemned is located, has first been obtained.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Lake County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

13. To provide for the operation and maintenance of any works of any kind or channelways, which may be built or operated by the State of California or the Federal Government without cost to the district, for the control or disposition of flood and storm waters within the district whether such waters originate within or without the district.

14. To contract with the County of Lake, because of the interest of the County of Lake in the general welfare and preservation and promotion of land values in the county and in the maintenance, construction and improvement of public roads, bridges and other county property within any zone which may be damaged or destroyed by such flood and storm waters and which will be protected by proper control and disposition of such waters, for the participation by such county,

on a percentage or other appropriate basis, in the amount or amounts that may be taxed or assessed from time to time against any lands in any zone by any taxing or assessing agency or authority, including the district, to provide funds for the operation and maintenance of any works of any kind or channelways which may be built, maintained or operated by the State of California or the Federal Government or the district for the benefit of such zone; and the County of Lake is hereby authorized to enter into any such contract with the Lake County Flood Control and Water Conservation District.

15. To levy assessments in any zone, on the basis of benefits as provided in Section 13.1 hereof, to raise funds for payment of expenses of operation and maintenance of works or channelways in any such zone and the cost of levying, calling and collecting such assessments.

SEC. 4. Section 10 of said act is amended to read:

Sec. 10. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans to carry out any of the purposes of this act, including a plan or plans to conserve the waters of said district and to control the flood and storm waters of the district, and the zones thereof, and the flood and storm waters of streams that have their sources outside of said district but which streams and the flood waters thereof flow into said district, and to protect the public highways, life and property within the district, and the watercourses, harbors, and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act; and such resolution may direct such engineer or engineers to make and file reports from time to time with the board, which shall show:

1. A general description of the work proposed to be done, together with general plans, profiles, cross sections, and general specifications relating thereto, on each project or work of improvement.

2. A general description of the lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work.

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights-of-way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses incurred or likely to be incurred in connection therewith, including legal,

clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

SEC. 5. Section 12 of said act is amended to read:

Sec. 12. The board may institute proceedings for the formation of single zones and also institute projects for single zones and joint projects for two or more zones that may involve the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. The board may also institute separate projects for operation and maintenance of works or improvements for any such zones whether such works or improvements have been constructed by the board or by the State of California or the Federal Government or by any agency or authority or either, or both of them. Any such zone shall include, as far as practicable, all lands which will be benefited by any project proposed for such zone. Proceedings for the formation of any zone and for the establishment of any project for such zone may be conducted jointly. For the purpose of establishing any such zone or participating zones or of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to establish such zone or zones or to undertake such project, or both thereof, together with the engineering and other estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution; and said resolution shall refer to a map or maps showing the boundaries of each such zone and the general location and general construction of said project. Said resolution shall also describe the boundaries of any zone proposed to be established; otherwise adequate reference to any established zone involving such project shall be sufficient. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Publication shall be completed at least seven days before the date of the hearing. Said notice shall contain a copy of said resolution. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of each proposed single zone and any project for a single zone or the joint project for participating zones may be seen by any interested person, and said map

must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed zone or project.

If it is shown that any land is improperly included in the boundaries proposed for the zone the board, in its order for formation of the zone, shall exclude such land therefrom. If the board shall conclude that lands that will be benefited by the zone are improperly omitted from the proposed zone and the owners thereof have not appeared at the hearing the board shall continue the hearing and direct that notice be given to the nonappearing landowners to appear before the board and show cause why their lands should not be included in the proposed zone. Such notice shall be given either by publication or posting in the same manner and for the same period as the original notice of hearing or by personal service on each such landowner. Any personal service shall be made at least three days prior to the date fixed for further hearing. Proof of the notice given must be filed with the clerk of the board on or before the day to which the hearing is continued.

The board may continue the hearing from time to time, by order entered upon its minutes, to the end that a full hearing may be had.

If an order for formation of the zone is made at the conclusion of the hearing such order shall describe the exterior boundaries of the zone as determined by the board, shall be be signed by the chairman of the board and attested by the clerk thereof and be recorded by the county recorder in his official records.

Upon the conclusion of the hearing the board may abandon the proposed zone or project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed zone or project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones, be filed with the board, in which event further proceedings relating to such zone or project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Lake next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and numbers of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, that the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county. Any joint owner or partner or tenant in common may sign and thus be counted independently for his proportionate share of the assessed valuation of any such real property as shall be determined by division of such valuation by the number of jointly interested owners thereof.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

In its resolution of intention on the institution of any project for operation and maintenance of works or improvements for any zone and in the order of adoption of such project the board shall fix a total sum that it will raise annually thereafter by assessments under Section 13.1 to pay the expenses of such operation and maintenance and the County of Lake shall pay any expenses incurred for such purposes which are in excess of said sum; and where any zone has already been formed prior to this enactment, the board, after notice of hearing therefor in the manner provided in this section, may likewise fix a total sum that it will raise annually for the same purposes for such zone, and thereafter in respect of such zone, the County of Lake shall pay any expenses incurred for such purposes which are in excess of said sum.

After any zone has been established the board may include additional lands therein or exclude lands therefrom through and by the procedures which are prescribed in Sections 53620 to 53678, inclusive, of the Water Code, insofar as they are consistent with this act, and said sections are hereby incorporated in and made a part of this act and shall be applicable and be adjusted and applied under this act to the full possible extent thereof as though expressly enacted, originally, as part of this act.

SEC. 6. Section 13 of said act is amended to read:

Sec. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all real property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessments shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation; and

2. To levy ad valorem taxes or assessments upon all real property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones. It is declared that for the purposes of any tax or assessment levied under this subdivision, all property within a given zone is equally benefited.

3. To levy assessments upon all real property in each or any of said zones, according to the special benefits derived or to be derived by such properties, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such properties, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project co-operation with any of the governmental bodies as authorized in subdivision 6 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 6 by the terms of which work other than operation and maintenance is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 12 of this act, levy and collect either an ad valorem tax or assessment or a special benefit assessment upon the real property in such zone, or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said ad valorem taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said ad valorem taxes or assessments shall be paid into the county treasury to the credit of said district, or the proper zone or zones thereof.

Said special benefit assessments may be levied and collected as provided in Sections 51230 to 51260, inclusive, 51500 to 51522, inclusive, 51600 to 51654, inclusive, and 51660 to 51894, inclusive, of the Water Code; and said sections of the Water Code, insofar as they are consistent with this act, are hereby incorporated in and made a part of this act and in the proper case shall be applicable and be adjusted and applied under this act to the full possible extent thereof as though expressly enacted, originally, as part of this act.

The board shall have the power to control and order the expenditure for said purposes of all funds so raised; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone , except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as,

participating zones. The total amount that may be taxed or assessed against any zone annually for operation and maintenance expenses shall not exceed the amount established in the order prescribed in Section 12 hereof and any expenses in excess of such limitation shall be borne by the County of Lake; but this provision shall not prevent the County of Lake from agreeing to carry a larger share of such expenses.

SEC. 7. Section 13 1 is added to said act, to read:

Sec. 13.1. Where, pursuant to Section 12, a zone has been established and the project adopted therefor is that of operation and maintenance of works or improvements for such zone which have been constructed by the State of California or the Federal Government or any agency or authority of either or both of them other than the board and the board has been requested in writing to provide such operation and maintenance of such works or improvements by said zone, funds for such purpose shall be raised by assessment in the manner, and only in the manner, herein provided, namely:

(1) The board shall appoint three valuation assessment commissioners who have no interest in any real property within the zone and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real property within the zone, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. At least one of the commissioners shall be a civil engineer who has had experience in the establishment of valuation assessments in reclamation districts.

(2) The commissioners shall view and fix upon the real property in the zone an assessment valuation at a per acre rate for each parcel which is in proportion to the benefits to be derived from the continuance in operation and maintenance of such works or improvements.

(3) The commissioners shall prepare an operation and maintenance assessment roll in duplicate containing the following information in separate columns:

(a) A description of each parcel assessed by legal subdivisions, swampland surveys, or other boundaries sufficient to identify the same.

(b) The number of acres, or part of an acre, in each parcel.

(c) The names of the owners of each parcel, if known, and if unknown, that fact.

(d) The assessment valuation per acre rate of each parcel assessed.

(e) The total assessment valuation of each parcel.

(f) A blank column for rate to be fixed as shown hereinafter.

(g) A blank column for amount of assessment to be computed as shown hereinafter.

The board, by resolution, may direct the assessment commissioners, in the preparation of the valuation assessment roll, to divide the zone into numbered subzones which shall be described in such resolution. In such case the assessment valua-

tions on the lands in each subzone shall be separately grouped on such assessment roll under the proper number for each such zone. Before assessment valuations are placed by the assessment commissioner on any real property within any subzone they shall first ascertain and fix the comparative shares of any operation and maintenance assessment on the entire zone which shall be borne by each subzone and only thereafter shall establish the assessment valuations upon the real property in each zone.

(4) No error in the name of the owner or supposed owner of any parcel assessed, and no error in any other particular, shall render the assessment thereof invalid.

(5) Such assessment valuations shall be used as a basis for levying assessments against the parcels described in such assessment roll for the purpose of raising such funds, including expenses of levying, calling and collecting such assessments.

(6) The assessment roll shall be filed with the clerk of the board. Thereupon the board shall appoint a time when it will meet for the purpose of hearing objections thereto.

(7) No objection to any assessment valuations on such roll shall be considered by the board, or allowed in any other action or proceeding, unless the objection is made in writing to the board either before or on the hearing.

(8) Notice of the hearing shall be given by publication once a week for two successive weeks in some newspaper of general circulation published in the principal county and having circulation within such zone.

(9) At the hearing, the board shall hear any evidence offered in support of the written objections and may modify or amend the assessment valuations.

(10) The board shall then make an order approving the assessment valuation or any modification thereof and shall endorse the order on the assessment roll. The endorsement shall be signed by the chairman of the board and attested by the clerk thereof.

(11) The decision of the board in approving the assessment roll is final, and thereafter the endorsed assessment roll is conclusive evidence that the assessment valuations were determined and fixed according to law, except in an action commenced pursuant to subdivision (12) of this section.

(12) Within 30 days after an operation and maintenance assessment roll is approved by the board any person aggrieved by the decision may commence an action in the superior court of the principal county to have the assessment valuations corrected, modified or annulled.

(13) If the action is not commenced within 30 days after approval of the operation and maintenance assessment roll, no action or defense shall thereafter be maintained attacking the legality of the assessment valuations therein.

(14) When the board determines that it is necessary to raise any sum for a purpose specified in subdivision (5) of this section it shall, by order entered in its minutes, state the

total amount necessary to be raised and fix a rate designating the number of cents to be levied on each one hundred dollars ($100) of assessment valuation shown on the operation and maintenance assessment roll.

(15) In lieu of completing the operation and maintenance assessment roll, the board may, following each levy of assessment, cause a supplement to be prepared and filed with the county treasurer setting forth the rate and total assessment as determined by the board, and when so filed it shall be deemed a part of the original operation and maintenance assessment roll to the same extent and purpose as if said rate and total assessment had actually been inserted in said original operation and maintenance assessment roll.

(16) The board, by order entered upon its minutes and endorsed on or made a part of the operation and maintenance assessment roll or supplement, may direct that the payment of the assessment be made in one installment or in more than one annual or semiannual installment over a period not to exceed five years.

(17) If the board orders payment of the total assessment inserted in column (g) in installments over a period of years, the due date and the amount of each installment shall be endorsed by, or under the direction of, the board, on the operation and maintenance assessment roll or supplement.

(18) When the operation and maintenance assessment roll or supplement has been completed by inserting the rate and assessment in columns (f) and (g), and an order has been entered providing for the payment of all or any part thereof, it shall be filed forthwith in the office of the county treasurer.

(19) An assessment levy is a lien upon the parcels against which it is levied from the date the completed operation and maintenance assessment roll or supplement is filed in the office of the county treasurer until paid, and bears interest until paid from a date 60 days from the date of such filing.

(20) The rate of interest on unpaid operation and maintenance assessments is 7 percent per year unless the board, by resolution, adopts a lesser rate and files a certified copy of the resolution with the county treasurer for insertion in the operation and maintenance assessment roll.

(21) Additional operation and maintenance assessment levies may be made by the board, as required, so long as the operation and maintenance assessment roll remains in effect.

(22) The operation and maintenance assessment roll shall be returned to and held by the board except during such periods as it is filed in the office of the county treasurer during the period of assessment or installment collections or while any warrants of the district payable from such assessment levy are outstanding and unpaid. Such operation and maintenance assessment roll shall be the original roll, or a copy thereof, certified by the secretary of the board as correctly setting forth the subject matter of the original roll, together with all

reapportioned assessment valuations of all subdivisions of any original assessment parcel.

(23) The operation and maintenance assessment roll shall be used for the purposes specified in subdivision (5) of this section until the board, on its own motion or on petition by landowners representing at least 15 percent of the zone lands, makes an order directing the valuation assessment commissioners who made the original operation and maintenance assessment roll or new valuation assessment commissioners, to be named in the order, to prepare a new operation and maintenance assessment roll.

(24) Valuation assessment commissioners appointed to prepare a new operation and maintenance assessment roll shall have the same qualifications and take the same oath as the original assessment commissioners.

(25) The new operation and maintenance assessment roll when prepared by the valuation assessment commissioners shall be filed with the clerk of the board and shall be subject to the same provisions as an original operation and maintenance assessment roll.

(26) No bonds shall be issued for funds for the payment of the principal or interest of any bonded indebtedness of the zone raised on the basis of operation and maintenance assessments.

(27) When the board has ordered an operation and maintenance assessment levy and has fixed the installments, the secretary shall enter in the minutes of the board a notice in substantially the following form:

(Name of zone, location of principal place of business.)

Notice is hereby given that at a meeting of the Board of the Lake County Flood Control and Water Conservation District held on the (date) an installment of (amount) was ordered paid within 60 days from (date assessment levy will be filed in the office of county treasurer) to _____, at _____. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with accrued interest (if any be due) and 10 percent will be added thereto and collected for the use of the zone.

(28) The notice shall be personally served upon each owner of land in the zone, or in lieu of personal service, shall be mailed to the owner at his place of residence, if known or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the zone is situated, or be published once a week for two weeks successively in some newspaper having circulation within the zone and, if no such newspaper has circulation within the zone, then published in a newspaper of general circulation which is published in the county seat of the county.

(29) The county treasurer shall, immediately following the expiration of the period of 60 days from the date of the order, report all payments of assessments on each parcel and shall

also report all parcels which are delinquent, and the amount of delinquencies thereon.

(30) All money collected on such assessment, including interest and penalties derived by sale or otherwise, from original and additional assessments shall be placed by the county treasurer to the credit of the zone in a special fund designated "maintenance fund" of the zone.

(31) When the operation and maintenance assessment levy is to be paid in more than one installment the secretary shall give notice for 60 days immediately preceding the due date of each installment in substantially the form prescribed in subdivision (27) of this section.

(32) The maintenance fund shall be disbursed only upon warrants of the board drawn in payment of the cost or expense of maintenance and operation of the works or improvements of the zone and of levying, calling and collecting assessments.

(33) In other matters appertaining to the levy, call and enforcement of such assessments and the dispositions of funds collected thereby and of any real property acquired thereunder the following sections of the Water Code, namely Sections 51600 to 51618, inclusive, Sections 51660 to 51757, inclusive, and Sections 51890 to 51894, inclusive, are, insofar as they are consistent with this act, hereby incorporated herein and made a part of this act and shall be applicable and be adjusted and applied under this act to the full, possible extent thereof as though expressly enacted, originally, as part of this act.

(34) In any assessment under this section the board, to provide a reserve fund for use in emergencies, may include not more than an additional 10 percent of the amount which the board shall establish under subparagraph (14) of this section.

(35) The total amount of all assessments levied in any year for operation and maintenance charges and a reserve fund on the basis of benefits received shall not exceed an amount equal to the sum which can be produced by a rate of one dollar and fifty cents ($1.50) per one hundred dollars ($100) on the total of the assessed valuations of the lands in the zone as such valuations appear on the last equalized county assessment roll of the County of Lake.

(36) Operation and maintenance assessments under this section of the act shall be known and designated as special benefit assessments to distinguish them from ad valorem taxes or assessments.

(37) All expenses in levying, calling and collecting assessments under this section shall be charged to the zone.

SEC. 8. Section 14 of said act is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds.

The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Lake County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. To the extent the legally available revenues are, or in the judgment of the board are likely to be, inadequate to pay the principal of and interest on any of such bonds as they become due, then said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the real property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of debt to be incurred therefor, the maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years from the date thereof or any series thereof, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 9. Section 15 of said act is amended to read:

Sec. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, the form of the interest coupons attached thereto, and fix the date of the bonds. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The board may provide for redemption of bonds before maturity at prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect. Said bonds and the interest thereon shall be payable annually or semiannually at the discretion of the board on a day and date, and at a place to be fixed by said board.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six percent (6%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said

bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 10. Section 17 of said act is amended to read:

Sec. 17. To the extent the legally available revenues are inadequate, said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all real property within said zone, and all real property in said zone shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone nor the real property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

SEC. 11. Section 18 of said act is amended to read:

Sec. 18. The board shall levy a tax or assessment each year upon all real property in the zone of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Lake County to the credit of the zone of issuance and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be payable at the office of the County Treasurer of Lake County and such other places as may be designated by the board.

SEC. 13. Section 20 of said act is amended to read:

Sec. 20. The total amount of taxes and assessments levied on real property within any zone, exclusive of taxes levied to pay the principal of and interest on bonded indebtedness, shall not exceed one dollar and fifty cents ($1.50) on each one hundred dollars ($100) of the assessed values of real property within the zone.

SEC. 14. Section 20.1 is added to said act, to read:

Sec. 20.1. The district may issue bonds pursuant to the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5, Government Code) for any of the purposes hereinabove set forth. Such bonds may be certified as legal investments in accordance with the provisions of Division 10 (commencing at Section 20000) of the Water Code.

SEC. 15. Section 29 of said act is amended to read:

Sec. 29. The board may, by resolution entered in its minutes, order the funding or refunding of such bonds at, after, or before maturity. The bonds shall be issued in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) each, have not more than forty (40) years to run, and bear a rate of interest not to exceed six percent (6%) a year, payable semiannually; provided, that all bonds issued to fund or refund outstanding bonds shall bear a lower average interest rate, computed from their date to their respective maturity dates, than the average interest rate so computed, of the bonds to be funded or refunded. The bonds shall be serial bonds, shall mature not more than 40 years from their date and shall be payable at such places as the board may designate in the bonds. The bonds may be sold in the manner provided by the board, to the highest bidder, at not less than par and accrued interest, or may be exchanged for outstanding bonds as hereinafter provided. The proceeds of any sale for cash shall be credited to the funding fund and applied only to refunding the indebtedness for which the bonds are issued. Any proceeds of the refunding bonds remaining after the indebtedness has been paid shall be deposited in the fund established for the payment of principal and interest on the refunding bonds and used only for the purpose of paying such principal or interest as it matures. The refunding bonds and the interest thereon shall be payable from taxes levied therefor as provided in Section 18. The proceeds from the sale of the refunding bonds shall be applied to the refunding of the indebtedness for which the bonds were issued or the bonds may be exchanged at their par value for the evidences of indebtedness to be refunded at their par value. When any bonds are funded or refunded as provided herein, the treasurer shall cancel them by endorsing on their faces the amount for which they are received, "canceled" and the date of cancellation. The resolution shall also fix the form of the interest coupons attached to said refunding bonds.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Each refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that

in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 22.

SEC. 16. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Federal Government has undertaken the construction of flood control and water conservation projects and works within the Lake County Flood Control and Water Conservation District which are necessary for flood control and water conservation therein. The construction of such projects and works will be interrupted or halted unless the Lake County Flood Control and Water Conservation District is enabled under the provisions of this act to participate in the construction of such projects and works and in the operation and maintenance thereof. Unless said projects and works are completed at the earliest possible time and thereafter maintained and operated, large areas of said district will be in danger of disastrous floods and the resulting loss of property. It is therefore essential that this act go into immediate effect.

CHAPTER 1533

An act to amend Section 4009 of the Public Resources Code, relating to the appointment of voluntary firewardens, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect immediately

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

SECTION 1. Section 4009 of the Public Resources Code is amended to read:

4009. The State Forester shall appoint, in such number and localities as he deems wise, public spirited citizens to act as voluntary firewardens, who may receive payment for their services from the counties or from private sources. They shall promptly report all fires and take immediate and active steps toward their extinguishment, report any violation of forest fire laws, assist in apprehending and convicting offenders, and perform such other duties as the State Forester may direct. Any United States Forest Service employee within the State of California, whenever he accepts the duties and responsi-

bilities of a firewarden, may be appointed a voluntary firewarden, and shall have all the powers given to firewardens by this article.

Such firewardens shall not have authority to obligate the State for the payment of any money unless specifically so authorized by the State Forester.

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

It is essential, in order to maintain the public peace and safety and to protect forest-covered lands of this State that the State Forester be free to designate any or all United States Forest Service employees to act as peace officers. This act is designed to accomplish this purpose by allowing the State Forester to duly appoint United States Forest Service employees as voluntary firewardens thus making them eligible for designation as peace officers pursuant to Section 4011 of the Public Resources Code. In order that the State Forester have the power to make the appointments and designations at the earliest moment, it is necessary that this act go into immediate effect.

CHAPTER 1534

An act to amend Section 14883 of the Health and Safety Code, relating to the abatement of hazardous weeds.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 14883 of the Health and Safety Code is amended to read:

14883. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property by reference to the tract, block, lot, code area and parcel number as used in the records of the county assessor or in accordance with the map used in describing property for taxation purposes. No other description is necessary.

CHAPTER 1535

An act to amend Sections 20016 and 20334 of, and to add Section 21363.3 to, the Government Code, relating to the State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 20016 of the Government Code is amended to read:

20016. "Prison member" includes the Director of Corrections and all state employees appointed by the Governor or by the Director of Corrections or the Adult Authority and employed in the state prisons or facilities of the Department of Corrections, or employed in the Division of Adult Paroles as chief, deputy chief, agents, or officers, and all parole agents or officers appointed by the Adult Authority under the State Civil Service Act, any parole agents or officers appointed by the Board of Trustees of the California Institution for Women, the members of the Adult Authority, and the members of the Board of Trustees of the California Institution for Women. "Prison member"

Except as expressly otherwise provided, the provisions of this part applicable to state miscellaneous members apply to prison members.

SEC. 2. Section 20334 of said code is amended to read:

20334. An employee serving on a part-time basis is excluded from this system unless: Exclusion of part-time employees

(a) He became a member prior to the time this part becomes effective and continues to be a member by reason of Section 20301;

(b) His employment is regular and continuous and in the opinion of the board will extend for more than one year, and requires service for at least one-half the time required of employees in the same group or class, serving on a full-time basis;

(c) He is a member at the time he commences to serve on a part-time basis;

(d) He commences to serve, without a break in employment, on a less than half-time basis following the completion of six months of employment by the State or by a contracting agency uninterrupted by a break of more than one month;

(e) He holds or is on retirement in this system after having held a state office having a term in excess of four years and a salary not less than three hundred dollars ($300) a month and elects to become a member of this system under Section 20360 or Section 20361; or

(f) He is a member of the Board of Trustees of the California Institution for Women and elects to become a member of this system under Section 20360.

SEC. 3. Section 21363.3 is added to the Government Code, to read:

21363.3. The special death benefit is also payable if the deceased was a state member appointed by the Governor, the Director of Corrections, or the Adult Authority, if his death occurred as a result of injury or disease arising out of and in the course of his official duties within a state prison or facility of the Department of Corrections, as determined by the Industrial Accident Commission, using the same procedure as in workmen's compensation hearings; and if there is a child or wife who qualifies under subdivision (b) of Section 21364. Special death benefit

CHAPTER 1536

An act to repeal Sections 19430, 19431, 19432, 19433, 19434, 19601, 19602, 19603, 19604, 19606, and 19607 of, to add Sections 19430, 19431, 19432, 19433, 19601, 19602, 19603 and 19604 to, and to amend Sections 19438, 19613, and 19663 of, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to state school building aid.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

Repeal

SECTION 1. Section 19430 of the Education Code as enacted by the Legislature at its 1959 Regular Session is hereby repealed:

Same

SEC. 2. Section 19431 of said code is hereby repealed:

Same

SEC. 3. Section 19432 of said code is hereby repealed:

Same

SEC. 4. Section 19433 of said code is hereby repealed:

Same

SEC. 5. Section 19434 of said code is hereby repealed:

SEC. 6. Section 19430 is added to said code, to read:

Definitions

19430. The following definitions apply to the computations and determinations required to be made under Sections 19431, 19432, and 19433, and they apply with respect to each grade level of a district for which grade level an apportionment has become final during any preceding fiscal year.

(a) "Forty cent tax amount" means the amount that would be produced by a tax of forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation, excluding the assessed valuation of solvent credits and other intangible property, for the current fiscal year within the district;

(b) "Thirty cent tax amount" means the amount that would be produced by a tax of thirty cents ($0.30) on each one hundred dollars ($100) of such assessed valuation; and

(c) "Ten cent tax amount" means the amount that would be produced by a tax of ten cents ($0.10) on each one hundred dollars ($100) of such assessed valuation.

(d) "Eligible bonded debt service" means the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on the portion of the bonded indebtedness of the district that was incurred for each such grade level prior to the date of the first final apportionment for such grade level to said district under the provisions of this chapter, computed as provided in Section 19431.

SEC. 7. Section 19431 is added to said code, to read:

Eligible bonded debt service

19431. On or before the first day of December of each fiscal year, the Director of Finance shall determine for each grade level and certify to the State Controller the eligible bonded debt service for the district, as follows:

(a) He shall determine the amount of the bonded indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district, the Director of Finance shall determine and include in the eligible bonded debt service and in his certificate the amount raised and to be raised by the district during the current fiscal year for the payment of principal and interest on that portion of the additional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment.

(b) If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is more than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19430 and subdivision (a) of this section, then the Director of Finance shall subtract from the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

(c) If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19430 and subdivision (a) of this section, then the Director of Finance shall add to the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

SEC. 8. Section 19432 is added to said code, to read:

40 cent tax amount, etc

19432. On or before the first day of January of each fiscal year, the State Controller shall compute for each grade level of a district for which grade level an apportionment has become final during any preceding fiscal year the 40 cent tax amount, the 30 cent tax amount and the 10 cent tax amount.

SEC. 9. Section 19433 is added to said code, to read:

Annual repayment

19433. On or before the first day of January of each fiscal year the State Controller shall determine the annual repayment, if any, to be due from each district during the next succeeding fiscal year, as follows:

(a) If, for any grade level of a district, the amount of the eligible bonded debt service exceeds the 40 cent tax amount, no annual repayment shall be due the State from such district

with respect to such grade level during the next succeeding fiscal year.

(b) If, for any grade level of a district, the 40 cent tax amount is greater than the eligible bonded debt service, the amount of such excess shall constitute the annual repayment due the State with respect to such grade level during the next succeeding fiscal year; except that if the eligible bonded debt service is less than the 10 cent tax amount, the annual repayment shall equal the 30 cent tax amount.

(c) The total repayment from each district is the sum of the annual repayments determined for each grade level of the district under this section.

SEC. 10. Section 19438 of said code is amended to read:

Adjustment for impounded tax receipts

19438. (a) Upon request of the district, the Controller shall use in computing the "40-cent, 30-cent, and 10-cent tax amounts" under Section 19432 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the current fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the current fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 20901. If such a request is received prior to August 1, 1955, with respect to the impounding of revenues of taxes levied during the 1954-1955 Fiscal Year, the Controller shall recompute the annual repayment of the district due during the 1955-1956 Fiscal Year on the basis of such reduced assessed valuation, and, on or before September 1, 1955, notify the officers and board referred to in Section 19442 of such recomputed annual repayment for the 1955-1956 Fiscal Year, and of the recomputed amount to be deducted from the State School Fund apportionment to such district during the 1955-1956 Fiscal Year.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Controller shall add to the annual repayment of the district, for the first fiscal year or second fiscal year next succeeding that in which such notification of release was made, that amount by which the annual repayment of the district for a previous fiscal year was reduced by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) The amount of annual repayment and deduction, increased or reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 19436, 19442, and 19443 for the fiscal year in which such increase or reduction occurs.

(d) If a request is received from a school district and an annual repayment reduced pursuant to subdivision (a) hereof,

Section 19437 shall not apply with respect to any tax revenues to which subdivision (a) applies.

SEC. 11. Section 19601 of said code is hereby repealed: Repeal

SEC. 12. Section 19602 of said code is hereby repealed: Same

SEC. 13. Section 19603 of said code is hereby repealed: Same

SEC. 14. Section 19604 of said code is hereby repealed: Same

SEC. 15. Section 19606 of said code is hereby repealed: Same

SEC. 16. Section 19607 of said code is hereby repealed: Same

SEC. 17. Section 19601 is added to said code, to read:

19601. The following definitions apply to the computation and determinations required to be made under Sections 19602, 19603, and 19604 of this code, and they apply with respect to each grade level of a district for which grade level an apportionment has become final during any preceding fiscal year. Definitions

(a) "Forty cent tax amount" means the amount that would be produced by a tax of forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation, excluding the assessed valuation of solvent credits and other intangible property, for the current fiscal year within the district;

(b) "Thirty cent tax amount" means the amount that would be produced by a tax of thirty cents ($0.30) on each one hundred dollars ($100) of such assessed valuation; and

(c) "Ten cent tax amount" means the amount that would be produced by a tax of ten cents ($0.10) on each one hundred dollars ($100) of such assessed valuation.

(d) "Eligible bonded debt service" means the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on the portion of the bonded indebtedness of the district that was incurred for each such grade level prior to the making of the first apportionment for such grade level to said district under the provisions of this chapter computed as provided in Section 19602 plus the amount of the annual repayment under Chapter 8 (Section 19401 to 19486, inclusive).

SEC. 18. Section 19602 is added to said code, to read:

19602. On or before the first day of December of each fiscal year, the Director of Finance shall determine for each grade level and certify to the State Controller the eligible bonded debt service for the district, as follows: Eligible bonded debt service

(a) He shall determine the amount of the bonded indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district or upon the requirement that the proceeds of bonds issued and sold be contributed for the purposes of the application for which the apportionment is made, the Director of Finance shall determine and include in the eligible bonded debt service and in his certificate the amount raised and to be raised by the district during the current fiscal year for the payment of principal and interest on that portion of the addi-

tional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment or which was incurred for bonds issued and sold, the proceeds of which were required to be contributed for purposes for which the apportionment was made.

(b) If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is more than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19601 and subdivision (a) of this section, then the Director of Finance shall subtract from the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

(c) If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19601 and subdivision (a) of this section, then the Director of Finance shall add to the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

(d) If an apportionment has been made to a district for a grade level for which the district also received an apportionment pursuant to Chapter 8 (Sections 19401 to 19486, inclusive), the Controller shall determine the amount of the annual repayment, if any, due from the district during the next succeeding fiscal year for such grade level as required by Chapter 8 (Sections 19401 to 19486, inclusive) and such amount shall be included by the Controller in the eligible bonded debt service of the district for that grade level.

SEC. 19. Section 19603 is added to said code, to read:

40 cent tax amount, etc.

19603. On or before the first day of January of each fiscal year, the State Controller shall compute for each grade level of a district for which grade level an apportionment has become final during any preceding fiscal year the 40 cent tax amount, the 30 cent tax amount and the 10 cent tax amount.

SEC. 20. Section 19604 is added to said code, to read:

Annual repayment

19604. On or before the first day of January of each fiscal year the State Controller shall determine the annual repayment, if any, to be due from each district during the next succeeding fiscal year, as follows:

(a) If, for any grade level of a district, the amount of the eligible bonded debt service exceeds the 40 cent tax amount, no annual repayment shall be due the State from such district with respect to such grade level during the next succeeding fiscal year.

(b) If, for any grade level of a district, the 40 cent tax amount is greater than the eligible bonded debt service, the amount of such excess shall constitute the annual repayment due the State with respect to such grade level during the next succeeding fiscal year; except that if the eligible bonded debt service is less than the 10 cent tax amount, the annual repayment shall equal the 30 cent tax amount.

(c) The total repayment for each district is the sum of the annual repayments determined for each grade level of the district under this section.

SEC. 21. Section 19613 of said code is amended to read:

Adjustment for impounded tax receipts

19613. (a) Upon request of the district, the Controller shall use in computing the "forty-cent, thirty-cent, and ten-cent tax amounts" under Section 19601 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the current fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the current fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 20901. If such a request is received prior to August 1, 1955, with respect to the impounding of revenues of taxes levied during the 1954-1955 Fiscal Year, the Controller shall recompute the annual repayment of the district due during the 1955-1956 Fiscal Year on the basis of such reduced assessed valuation, and, on or before September 1, 1955, notify the officers and board referred to in Section 19618 of such recomputed annual repayment for the 1955-1956 Fiscal Year, and of the recomputed amount to be deducted from the State School Fund apportionment to such district during the 1955-1956 Fiscal Year.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Controller shall add to the annual repayment of the district for the first fiscal year or second fiscal year next succeeding that in which such notification of release was made, that amount by which the annual repayment of the district for a previous fiscal year was reduced by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) The amount of annual repayment and deduction, increased or reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sec-

tions 19611, 19618, and 19619 for the fiscal year in which such increase or reduction occurs.

(d) If a request is received from a school district and an annual repayment reduced pursuant to subdivision (a) hereof, Section 7733.1 shall not apply with respect to any tax revenues to which subdivision (a) applies.

SEC. 22. Section 19663 of said code is amended to read:

Continuation of districts

19663. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in, another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 19601, 19602, 19603, 19604, and 19615; and all the computations required to be made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexation, or inclusion, except as otherwise provided in Sections 19664 and 19665.

CHAPTER 1537

An act to add Section 27491.1 to the Government Code, relating to coroners' investigations.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 27491.1 is added to the Government Code, to read:

27491.1. In all cases in which a person has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means the coroner is required to immediately upon receiving notification of the death report it both by telephone and written report to the chief of police, or other head of the police department of the city or city and county in which the death occurred, or to the sheriff of the county if the death occurred outside the incorporated limits of a city. The report shall state the name of the deceased person, if known, the location of the remains, and all other information received by the coroner relating to the death.

CHAPTER 1538

An act to amend Section 23384 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 23384 of the Business and Professions Code is amended to read:

23384. Any licensed beer manufacturer, wine grower, brandy manufacturer, rectifier, or wholesaler may, in addition to the other privileges exercised under his license and in accordance with rules prescribed by the department, sell tax-paid alcoholic beverages mentioned in the license of the licensee to nonlicensees having a fixed place of business or residence upon territory within this State which is maintained by the United States Government as a military or naval reservation or national park or veterans homes, and veterans homes maintained by the State of California.

CHAPTER 1539

An act to amend Sections 14400, 14501, 14504, and 14540 of and add Section 14400.5 to the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect September 18, 1959

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

SECTION 1. Section 14400 of the Health and Safety Code is amended to read:

Area that may be organized

14400. Any portion of a county composed of unincorporated territory, incorporated territory, or any combinations thereof may be formed into a county fire protection district pursuant to this chapter, but not including any commercial forest land which is timbered land declared to be the responsibility of the State for fire protection by Article 1 (commencing at Section 4000), Chapter 1, Division 4 of the Public Resources Code.

SEC. 2. Section 14501 of said code is amended to read:

Dissolution upon annexation, etc.

14501. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the district and declaring such district dissolved; provided, that if the district is not dissolved within

one year after the effective date of the inclusion, the district may be dissolved thereafter only pursuant to the provisions of Article 13 (commencing at Section 14580). Upon the dissolution of the district, the property of the district becomes the property of the city.

SEC. 3. Section 14504 of said code is amended to read:

Same

14504. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities, the district may be dissolved in the manner set forth in Section 14501, and the board shall apportion the property of the district and its unexpended funds between the cities in proportion to the respective assessed valuations of the property annexed to each city.

SEC. 4. Section 14540 of said code is amended to read:

Withdrawal upon annexation

14540. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the thirtieth day of June of the fiscal year next succeeding.

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, or before January 1, 1960 whichever is later, it may be withdrawn thereafter only pursuant to provisions of Article 12 (commencing at Section 14560), Chapter 2, Part 3, Division 12 of the Health and Safety Code, or by the adoption of a measure authorizing such withdrawal by a majority of the voters at a city election held pursuant to the provisions of Part 2 (commencing at Section 9480), Division 11 of the Elections Code.

SEC. 5. Section 14400.5 is added to said code, to read:

State fire protection responsibility

14400.5. Upon the inclusion within a fire protection district of lands declared. pursuant to Article 1 (commencing at Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the primary responsibility of the State for fire protection, the primary fire protection responsibility for such lands shall remain with the State.

CHAPTER 1540

An act to amend Section 12900 of the Corporations Code, relating to co-operative corporations.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 12900 of the Corporations Code is amended to read:

12900. Any co-operative corporation organized or existing under this part may amend its articles of incorporation in the manner prescribed by the General Corporation Law.

CHAPTER 1541

An act to amend Section 2710 of, and to add Section 2801.1 to, the Unemployment Insurance Code, relating to the payment of hospital benefits to persons confined in mental institutions.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2710 of the Unemployment Insurance Code is amended to read:

Certificate by physician

2710. Claims for the benefits provided in Section 2801 shall be made in accordance with authorized regulations and shall be supported by a certificate signed by the physician of the claimant stating the date the physician ordered the confinement and the duration of such confinement. With respect to any eligible claimant who is hospitalized in a county hospital in this State or is hospitalized by said county hospital in another hospital, a certificate stating the date that the physician ordered the confinement of the claimant and the duration of such confinement signed by the registrar of the hospital shall satisfy the requirements of this section. With respect to any eligible claimant who is hospitalized pursuant to court order or physician's or health officer's certificate, a statement from the superintendent or registrar of the hospital stating the dates of such confinement shall satisfy the requirements of this section.

SEC. 2. Section 2801.1 is added to said code, to read:

Confinement pursuant to court order

2801.1 Except as to individuals disqualified from receiving benefits under Section 2678, confinement in a hospital pursuant to court order or physician's or health officer's certificate shall be equivalent to orders of the individual's physician as required by Section 2801.

Operative dates

SEC. 3. The amendment to Section 2710 of, and the addition of Section 2801.1 to the Unemployment Insurance Code

made by this act shall become operative with respect to periods of disability commencing on and after Jaunary 1, 1960, and the provisions of Sections 2710 and 2801 of said code in effect prior to such amendment and addition shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1960.

CHAPTER 1542

An act to add Article 5 (commencing with Section 33955) to Chapter 5, Part 1, Division 24 of the Health and Safety Code, relating to community redevelopment and urban renewal plans and bonds.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Article 5 (commencing with Section 33955) is added to Chapter 5 of Part 1 of Division 24 of the Health and Safety Code, to read:

Article 5. Action to Determine Validity of Redevelopment or Renewal Plan and Bonds

Special proceeding: Authorization and validation

33955. An agency which proposes to issue and sell bonds to finance or refinance, in whole or in part, a redevelopment or renewal project under and pursuant to the provisions of Article 3 of this chapter (including, without limitation, bonds, the principal and interest of which are to be payable, in whole or in part, from taxes allocated to, and paid into a special fund of the agency pursuant to the provisions of Article 4 of this chapter) may, at any time after the effective date of the ordinance approving such plan and after the adoption of a resolution authorizing the issuance of bonds, bring a special proceeding in the superior court in and for the county in which the agency exists to determine its authority to issue such bonds, the validity of said bonds, and the validity of such redevelopment or renewal plan, including, without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the agency, its authority to transact business and exercise its powers, the designation of the redevelopment or renewal area, the designation of the project area, the formulation of the preliminary plan, and the adoption of the redevelopment or renewal plan, and also including the legality and validity of the redevelopment or renewal plan finally adopted and the legality and validity of all proceedings theretofore taken, and (as provided in said resolution) proposed to be taken, for the authorization,

issuance, sale and delivery of said bonds and for the payment of the principal thereof and interest thereon.

Nature, title and petition

33956. Such special proceeding shall be in rem, shall be entitled "In the matter of the redevelopment (or renewal) plan for _____ of the Redevelopment (or Renewal) Agency _____ and of bonds therefor" and shall be commenced by the filing of a petition therefor. The petition shall briefly set forth by proper allegations, references or exhibits:

(a) The establishment of the agency;

(b) The principal steps taken leading to the final adoption of the redevelopment or renewal plan;

(c) The redevelopment or renewal plan and the ordinance approving such plan;

(d) The resolution authorizing the issuance of the bonds;

(e) Other pertinent matters.

Judgment, jurisdiction, etc.

33957. Such special proceeding shall be one in which the judgment shall be binding upon all persons interested in or affected by the redevelopment or renewal plan or the issuance of the bonds, including, without limiting the generality of the foregoing, the State of California, all cities, counties, cities and counties, districts and other public corporations and all property owners, taxpayers and residents thereof, all persons having any interest in property within the area affected by the redevelopment or renewal plan, all residents and taxpayers therein, and all other persons, individual or corporate and wheresoever situated, having any interest in or affected in any manner by the redevelopment or renewal plan or the issuance of the bonds. Jurisdiction may be had by publication of an order of the court in which the special proceeding is pending, naming the special proceeding, briefly stating the nature thereof, and requiring all such persons so interested or affected to appear at a time and place fixed in said order and show cause why the prayer of said petition should not be granted and the proceedings, plans and bonds declared valid as prayed therein. A copy of said order shall be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation published in the county in which the action is pending and designated by the court. Jurisdiction is complete 10 days after the date of the last publication.

Notice

33957.1. Not less than 20 days before the date jurisdiction is complete as provided in Section 33957, a copy of said order shall be mailed, postage prepaid, to each person to whom land within the project area affected by the redevelopment or renewal plan is assessed as shown on the last equalized county assessment roll, at his address as shown upon such roll.

Appearances, etc.

33958. Any person claiming to be interested in or affected by the redevelopment or renewal plan or the issuance of the bonds may appear in said special proceeding by filing a demurrer or answer or demurrer and answer to the petition on or before the time fixed in said order. At the time and place fixed in said order, whether or not anyone other than petitioner has appeared in said proceeding, the court shall hear, consider,

and determine the matters raised by the petition. Upon motion of the petitioner, or of any person who has appeared in said special proceeding, the court may enjoin the commencement of similar proceedings or actions or proceedings of any nature raising similar or related issues, and may also order any such action or proceeding theretofore commenced and undetermined to be consolidated for trial, hearing or other purposes, with the special proceedings brought under this chapter, and may make such other orders as may be necessary to avoid unnecessary costs or delays or multiplicity of suits. Such orders shall not be appealable.

Rules of pleading and practice

33959. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this chapter are applicable to all special proceedings provided for by this chapter. The trial of such special proceedings and the hearing and disposition of any motion for new trial and appeal from any judgment therein shall have precedence over all other civil actions or special proceedings and it shall be the duty of the courts to hear and determine the same at the earliest possible moment. In a special proceeding under this chapter the court shall disregard any error, irregularity or omission which did not affect the substantial rights of the parties. If the special proceeding under this chapter is commenced after the expiration of 60 days after the date of adoption of the ordinance approving the redevelopment or renewal plan, the restrictions of Section 33746 shall apply and in the special proceeding under this chapter no person shall be permitted to contest the legality or validity of the findings and determinations of the agency or of the legislative body or of either of them in the adoption and approval of the redevelopment or renewal plan unless such issue has been raised in an action or proceeding commenced before the expiration of said 60-day period and such action or proceeding has been consolidated with the special proceeding under this chapter pursuant to Section 33958.

Judgment

33960. The judgment shall determine the validity or invalidity respectively of the matters specified in Section 33955. The judgment shall be subject to being reopened under the provisions of Section 473 or Section 473a of the Code of Civil Procedure or otherwise only within 90 days after the entry of the judgment and petitioner and any person who has appeared in said special proceeding as provided by Section 33958 of this chapter shall have the right to move for a new trial under proper circumstances and upon appropriate grounds and to appeal from said judgment.

Same

33961. The judgment, if no appeal is taken, or if taken and the judgment is affirmed shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and if the judgment determines that the agency is lawfully established, that the redevelopment or renewal plan is valid and effective, that the agency is

authorized to issue such bonds and that such bonds when issued will be valid, said judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which said judgment is binding and conclusive.

CHAPTER 1543

An act to add Section 14377 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to deductions of group insurance premiums from teachers' retirement allowances.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14377 is added to the Education Code, to read:

14377. Persons entitled to receive allowances under this system may authorize deductions to be made from such allowances, in accordance with regulations established by the board, for the payment of group insurance premiums or dues or other charges of any plan of health and welfare benefits, as defined in Section 53200 of the Government Code; provided, that no deductions shall be made for the payment of such premiums, dues or other charges under any such policy or plan, unless the active and retired persons enrolled under such policy or plan, total not less than one thousand (1,000) in number.

CHAPTER 1544

An act to amend Section 26361 of the Government Code, relating to revenue bonds for county improvements, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect immediately

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

SECTION 1. Section 26361 of the Government Code is amended to read:

26361. The board may lease all or any portion or portions of the project, or of any of the lands, improvements, concessions, facilities or other property comprising a part of the project. In the event that the project consists of any of the public improvements authorized by subdivisions b and c of Section 26301 of the Government Code, the term of any lease shall not exceed 60 years and for projects consisting of other public improvements authorized by said Section 26301 the term

of any lease shall not exceed 10 years. Such leases shall be made only after advertising for and accepting bids in the manner provided for the leasing of real property belonging to the county by Article 8 (commencing with Section 25520), Chapter 5, Part 2, Division 2, Title 3, of the Government Code.

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

The acquisition and construction of public small boat harbors is essential to provide havens and places of safety for small boats and the occupants thereof when operating upon the seas and inland waters of the State of California. In order for counties to finance the construction of public small boat harbors, they must issue revenue bonds therefor. The successful issuance and sale of such revenue bonds necessitate that the term of revenue-producing leases be in excess of the authorized term of the bonds.

CHAPTER 1545

An act to amend Section 14345 of the Revenue and Taxation Code, relating to inheritance taxation.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 14345 of the Revenue and Taxation Code is amended to read:

14345. No safe deposit company, trust company, corporation, bank, other institution, or person in possession, control, custody, partial control, or partial custody of any securities, deposits, or other property, including shares of the capital stock of or other interest in any such organization or institution, belonging to or standing in the name of a decedent, whether resident or nonresident, shall deliver or transfer any such property to or upon the order or request of any executor of the will, administrator of the estate, legatee or heir of the decedent; nor deliver or transfer any such property to or upon the order of any agent, deputy, attorney, trustee or successor in interest of the decedent after receipt of actual notice of the death of the decedent; nor deliver or transfer any securities or other property, including any shares of the capital stock or other interest in any such organization or institution, standing in the joint names of the decedent and one or more other persons, to or upon the order or request of such other person or persons after receipt of actual notice of the death of the decedent; and no bank or other institution having custody of any deposit standing in the joint names of a decedent and any other

person or persons or standing in the name of the decedent subject to the right of any other person or persons to draw upon or withdraw the same shall pay or deliver such deposit to or upon the order of such other person or persons after receipt of actual notice of the death of the decedent by the officer or manager in charge of the office or branch of such bank or other institution at which such deposit is carried or by the employee thereof who pays or delivers said deposit:

(a) Without retaining a sufficient portion or amount of the property to pay any tax and interest which may thereafter be assessed pursuant to this part; and

(b) Without first giving notice of the time and place of the delivery or transfer to the Controller and county treasurer at least 10 days prior to the delivery or transfer.

The Controller, or any person authorized in writing by the Controller, may consent in writing to the delivery or transfer, and the Controller may give a general consent to a bank permitting payment or delivery of deposits or to a savings and loan association permitting withdrawals from share and certificate accounts from time to time upon such conditions as he determines, in which event compliance with this section is not required.

The Controller or county treasurer may examine any property specified in this section at the time of its delivery or at any other time.

CHAPTER 1546

An act to add Chapter 13 (commencing at Section 22200) to Division 8 of the Business and Professions Code, relating to containers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.] In effect immediately

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

SECTION 1. Chapter 13 (commencing at Section 22200) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 13. POLYETHYLENE PLASTIC MATERIALS

22200. No bag made of polyethylene plastic material thinner than 0.001 inch which is large enough to fit over a child's head shall be used, after the effective date of this chapter, by any retail store as a container for products, other than for food products weighing not more than five pounds, delivered to purchasers, or by any other retail business establishment to package articles delivered to customers, unless there is printed upon such bag, or upon a gummed label which is securely attached to such bag, in clear legible type the following: "CAUTION—KEEP AWAY FROM SMALL CHILDREN. THE THIN FILM MAY CLING TO NOSE AND MOUTH

Plastic bags: Labels

AND PREVENT BREATHING," or a similar warning that the bag is dangerous to small children.

"A bag large enough to fit over a child's head"

22201. As used in this chapter, "a bag large enough to fit over a child's head" means any bag which, when open, has an opening larger than 25 square inches or a capacity of more than 125 cubic inches.

Misdemeanor

22202. Any violation of this chapter is a misdemeanor.

Urgency

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

During recent months many small children in California and other states have been suffocated by polyethylene plastic bags used by retail stores and establishments as containers and packages for products and articles delivered to purchasers and customers. In order that protection may be provided at the earliest possible time against further loss of life from these causes, it is necessary that this act go into immediate effect.

CHAPTER 1547

An act to amend Section 4234 of the Business and Professions Code, relating to dangerous drugs.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 4234 of the Business and Professions Code is amended to read:

4234. Every person who violates any provision of this article by use of a minor as an agent or by unlawfully furnishing any hypnotic or dangerous drug to a minor is guilty of a felony.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

CHAPTER 1548

An act to amend Sections 16651, 16652, and 16653 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, and to add Section 25208.5 to the Government Code, relating to community recreation.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 16652 of the Education Code is amended to read:

16652. The following terms, wherever used or referred to in this chapter (commencing at Section 16651) have the following meanings, respectively, unless a different meaning clearly appears from the context: Definitions

(a) "Public authority" means any city of any class, city and county, county of any class, public corporation or district having powers to provide recreation, or school district in the State.

(b) "Governing body" means, in the case of a city, the city council, municipal council, or common council; in the case of a county or city and county, the board of supervisors; in the case of a public corporation or district, the governing board of the public corporation or district; and in the case of a school district, the governing board of the school district.

(c) "Recreation" means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

(d) "Community recreation" and "public recreation" mean such recreation as may be engaged in under direct control of a public authority.

(e) "Recreation center" means a place, structure, area, or other facility under the jurisdiction of a governing body of a public authority used for community recreation whether or not it may be used primarily for other purposes, playgrounds, playing fields or courts, beaches, lakes, rivers, swimming pools, gymnasiums, auditoriums, rooms for arts and crafts, camps, and meeting places.

Playgrounds, outdoor playing fields or courts, swimming pools, and camps, with necessary equipment and appurtenances for their operation, under the jurisdiction of a governing board of a public authority used for community recreation shall be considered recreation centers within the meaning of this chapter (commencing at Section 16651) whether or not they may be used primarily for other purposes.

SEC. 2. Section 16653 of said code is amended to read:

16653. The governing body of every public authority may (a) organize, promote, and conduct programs of community recreation, (b) establish systems of playgrounds and recreation, and (c) acquire, construct, improve, maintain, and operate recreation centers within or without the territorial limits of the public authority. Recreation programs, etc.

No events for which an admission price is charged shall be held pursuant to this chapter (commencing at Section 16651), except amateur athletic contests, demonstrations, or exhibits and other educational and noncommercial events

SEC. 3. Section 16651 of said code is amended to read:

16651. The purposes of this chapter (commencing at Section 16651) are: Purposes

(a) To promote and preserve the health and general welfare of the people of the State and to cultivate the development of good citizenship by provision for adequate programs of community recreation.

(b) To authorize public corporations or districts having powers to provide recreation, cities, counties, cities and counties, and public school districts to organize, promote, and conduct such programs of community recreation as will contribute to the attainment of general educational and recreational objectives for children and adults of the State.

SEC. 4. Section 25208.5 is added to the Government Code, to read:

Powers of boards of supervisors

25208.5. The board of supervisors of a county has all of the powers to provide for community recreation which are granted to the governing board of a public authority by Chapter 6 (commencing with Section 16651), Division 12 of the Education Code.

Declaratory of existing law

SEC. 5. It is hereby declared by the Legislature that the addition of Government Code Section 25208.5 and the amendment of Section 16651 of the Education Code made by this act does not constitute a change in, but is a restatement of existing, law without substantive change.

CHAPTER 1549

An act to amend Section 1193.1 of the Code of Civil Procedure, relating to mechanics' liens.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 1193.1 of the Code of Civil Procedure is amended to read:

1193.1. (a) Every original contractor claiming the benefit of this chapter, after the completion of his contract and within the periods of time as provided in this section, and every person, other than an original contractor, claiming the benefit of this chapter, after he has ceased to perform labor or furnish material, or both, for any work of improvement and before the expiration of the periods of time as provided in this section, may file for record with the county recorder of the county in which the property is situated a claim of lien as provided in subdivision (j) of this section.

(b) Where the work of improvement is not made pursuant to one original contract for the work of improvement but is made in whole or in part pursuant to two or more original contracts each covering a particular portion of the work of improvement, the owner may within 10 days after completion of any such contract for a particular portion of the work of improvement file for record a notice of completion thereof as

provided in subdivision (f) of this section. If such notice be so filed, then the original contractor under the contract covered by such notice must within 60 days after the date of filing for record such notice, and all other persons claiming the benefit of this chapter for work done or materials furnished under such contract, must within 30 days after the date of filing for record such notice, file for record his claim of lien. If such notice be not so filed, then the period for filing claims of lien shall be as provided in subdivision (c) of this section.

(c) The owner shall within 10 days after the completion of the work of improvement file for record a notice of completion as provided in subdivision (f) of this section. If such notice be so filed, then, except as to any persons who were required to file a claim of lien as provided in subdivision (b) of this section, every original contractor must within 60 days after the date of filing for record such notice, and every person, other than an original contractor, claiming the benefit of this chapter must within 30 days after the date of filing for record such notice, file for record his claim of lien. If such notice be not so filed, then, except as to any persons who were required to file for record claims of lien as provided in subdivision (b) of this section, all persons claiming the benefit of this chapter shall have 90 days after the completion of such work of improvement within which to file their claims of lien.

(d) In all cases, except as provided in subdivision (e) of this section, any of the following shall be deemed equivalent to a completion: (1) the occupation or use of a work of improvement by the owner, or his agent, accompanied by cessation from labor thereon; (2) the acceptance by the owner, or his agent, of the work of improvement; or (3) after the commencement of a work of improvement, a cessation of labor thereon for a continuous period of 60 days, or a cessation of labor thereon for a continuous period of 30 days or more if the owner files for record a notice of cessation as provided for in subdivision (h) of this section, except that the time for and manner of filing claims of lien where there has been such a cessation of labor shall be as provided in subdivisions (g) and (h) of this section.

(e) If a work of improvement is of the character referred to in Section 1184.1 of this code and is subject to acceptance by any public or governmental authority, the completion of such work of improvement shall be deemed to be the date of such acceptance.

(f) The notice of completion provided for in this section shall be filed in the office of the county recorder of the county in which the property is situated, shall be signed and verified by the owner or his agent and shall set forth the following: (1) the date of completion of such work of improvement or of such particular portion of the work of improvement; provided, that the recital of an erroneous date of completion shall not affect the validity of the notice if the true date of completion is within 10 days preceding the date of filing for record such

notice; (2) the name and address of such owner; (3) the nature of the interest or estate of such owner; (4) a description of the property sufficient for identification, which description shall contain the street address of such property if any such street address shall have been given to such property by any competent public or governmental authority; provided, that if a sufficient legal description of the property is given the validity of the notice shall not be affected by the fact that the street address recited is erroneous or that such street address is omitted; (5) the name of the original contractor, if any, for the work of improvement, or if the notice is given only of completion of a contract for a particular portion of such work of improvement as provided in subdivision (b) of this section, then the name of the original contractor under such contract, and a general statement of the kind of work done or materials furnished pursuant to such contract.

(g) If, after the commencement of a work of improvement, there shall be a cessation of labor thereon for a continuous period of 60 days, then all persons claiming the benefit of this chapter shall within 90 days from the expiration of such 60-day period file for record their claims of lien; provided, that if, after there shall be a cessation of labor thereon for a continuous period of 30 days or more, the owner files for record a notice of cessation as provided in subdivision (h) of this section, every original contractor must within 60 days after the date of filing for record such notice, and every other person claiming the benefit of this chapter must within 30 days after the date of filing for record such notice, file for record his claim of lien. Nothing contained in this subdivision shall, however, extend the time for the filing for record of a claim of lien required to be filed for record by reason of the filing for record prior to cessation of a notice of completion as provided in subdivision (b).

(h) The notice of cessation provided for in subdivision (g) of this section shall be filed for record in the office of the county recorder of the county in which the property is situated, shall be signed and verified by the owner or his agent and shall set forth the following: (1) the date on or about when the cessation from labor commenced; (2) a statement that such cessation continued until the giving of such notice of cessation; (3) the name and address of the owner; (4) the nature of the interest or estate of such owner; (5) a description of the property sufficient for identification, which description shall contain the street address of such property if any such street address shall have been given to such property by any competent public or governmental authority; provided, that if a sufficient legal description of the property is given the validity of the notice shall not be affected by the fact that the street address recited is erroneous or that such street address is omitted; (6) the name of the original contractor, if any, for the work of improvement as a whole.

(i) The word "owner" as used in subdivisions (f) and (h) of this section is hereby defined to mean the owner who caused the building, improvement, or structure, to be constructed, altered, or repaired (or his successor in interest at the date a notice of completion or cessation from labor is filed for record) whether the interest or estate of such owner be in fee, as vendee under a contract of purchase, as lessee, or other interest or estate less than the fee; and where such interest or estate is held by two or more persons as joint tenants or tenants in common, any one or more of the cotenants may be deemed to be the "owner" within the meaning of this section; provided, that any notice of completion or cessation from labor signed by less than all of such co-owners shall recite the names and addresses of all of such co-owners; and provided further, that any notice of completion signed by a successor in interest shall recite the names and addresses of his transferor or transferors.

(j) A claim of lien filed for record by any person claiming the benefit of this chapter shall be signed and verified by the claimant or by some person on his behalf and shall contain the following: (1) a statement of his demand after deducting all just credits and offsets; (2) the name of the owner or reputed owner, if known; (3) a general statement of the kind of work done or materials furnished by him, or both; (4) the name of the person by whom he was employed or to whom he furnished the materials; (5) a description of the property sought to be charged with the lien sufficient for identification.

(k) Any person who shall willfully include in his claim of lien filed for record pursuant to this chapter work not performed upon, or materials, appliances or power not furnished for, the property described in such claim, shall thereby forfeit his lien.

CHAPTER 1550

An act to amend Section 637.5 of the Agricultural Code, relating to milk and milk products.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 637.5 of the Agricultural Code is amended to read:

637.5. Market milk or market milk combined with nonfat milk from market milk, with or without added milk solids, flavoring or seasoning, which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus (including yogurt strains), Streptococcus thermophilus and Lactobacillus acidophilus may be sold as yogurt, dietetic yogurt, mazun, or such names as may be characteristic for the product and approved by the director. Such product

shall be free of molds, yeasts and other fungi, as well as coliform, and other objectional bacteria which may impair the quality of the product.

When offered for sale it shall be labeled with its name and with the name and address of the manufacturer or distributor and shall contain not less than 3.5 percent of milk fat, except dietetic yogurt shall contain not less than 2 percent of milk fat. Dietetic yogurt shall be labeled "Dietetic yogurt" in lettering at least as large as any other lettering on the label.

CHAPTER 1551

An act relating to certain lands located within the subsidence area of a portion of the Long Beach Harbor District and providing for the extension, amendment and modification of existing contracts, royalty arrangements and other agreements, for the production of oil, gas and other hydrocarbon substances from such lands, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. The State has asserted as against the City of Long Beach claims that certain lands, easements, or well sites lying within the boundaries of the Long Beach Harbor District (as such boundaries were defined on April 1, 1956), and the revenues or the other things of value derived by the City of Long Beach therefrom, are or may be subject to the terms, provisions, conditions, trusts or rights declared by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, Chapter 915, Statutes of 1951, or Chapter 29, Statutes of 1956 (First Extraordinary Session) (hereinafter referred to as the Acts of 1911, 1925, 1935, 1951, and 1956), which claims are denied by the city. Such lands or portions thereof are located within that segment of the Wilmington Oil Field designated as Fault Block IV, as said Fault Block IV descriptive boundaries are set forth in the officially published Findings of Fact and Orders of the State Oil and Gas Supervisor, dated February 26, 1959, and are the subject of presently existing contracts or royalty arrangements between the City of Long Beach and the following oil operators: The Termo Company-Oakes-Combs Group, General American Oil Company of Texas, Signal Oil and Gas Company, Hancock Oil Company, D. D. Dunlap Oil Company and Royalty Service Corporation, Ltd., hereinafter called "enumerated oil operators." Said contracts or royalty arrangements provide for the production of oil and gas therefrom, which contracts or royalty arrangements will expire by their terms within the next five years or thereafter. Such lands are

located within a subsidence area, as fixed and established pursuant to Section 3336 of the Public Resources Code, and it is necessary in aid of the legislative declarations contained in Article 5.5 (commencing at Section 3315), Chapter 1, Division 3 of the Public Resources Code, that the City of Long Beach be empowered and authorized to extend, amend, and modify such contracts or royalty arrangements in order to make it feasible for the city and the enumerated oil operators, their successors or assigns, to enter into unit or co-operative agreements providing for the repressuring of a portion or all of such lands in order to arrest or ameliorate subsidence. The repressuring of such lands and adjacent lands cannot be delayed pending determination of the claims of the State.

SEC. 2. To the extent, if at all, that said lands, or portions thereof, located within said Fault Block IV, are or may be subject to the provisions of the aforesaid Acts of 1911, 1925, 1935, 1951, and 1956, or any of them, the City of Long Beach may extend the presently existing contracts or royalty arrangements between the City of Long Beach and any or all of the enumerated oil operators, their successors or assigns (together with any presently existing agreements providing for the use of surface drill sites or drill-through easements incidental thereto), without competitive bidding, for a period or periods not to exceed 25 years, and may negotiate and agree to, without competitive bidding, such other changes, amendments, or modifications in terms and conditions thereof, including but not limited to such changes in financial terms thereof, as may be necessary or appropriate to enter into unit or co-operative agreements in order to achieve the repressuring of the lands; provided, that no such extension, amendment, or modification shall be effective unless and until approved by the State Lands Commission on behalf of the State; and provided, further, that nothing herein shall authorize the extension, without competitive bidding, of the terms of those certain tideland drilling and operating contracts covering those portions of the Long Beach tidelands designated, known, and described as Parcel "A," recorded August 15, 1947, in Book 24847 at page 252, Parcels "W," "X," "Y," and "Z," recorded March 29, 1939, in Book 16537 at page 8, in Book 16526 at page 38, in Book 16446 at page 343 and in Book 16512 at page 109, respectively; as Parcel "Z-1," recorded January 9, 1942, in Book 19076 at page 50; and as Parcel "J," recorded December 18, 1944, in Book 21499 at page 196, all in the Official Records in the office of the County Recorder of Los Angeles County.

SEC. 3. Nothing in this act, or any action by the city, the enumerated oil operators, their successors or assigns, or the State Lands Commission pursuant to this act, shall be construed as an express or implied declaration or admission that the lands, easements, well sites, things of value, or any portion thereof, or the revenues therefrom are or are not subject to the terms, provisions, conditions, trusts, or rights declared in the Acts of 1911, 1925, 1935, 1951, and 1956, or any of them.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act is designed to facilitate the making of unit and co-operative agreements providing for the repressuring of all or a portion of the lands within the boundaries of the Long Beach Harbor District where there has been subsidence endangering life, property, and health and thereby alleviate the dangerous subsidence problem. It is therefore essential that this act go into immediate effect.

CHAPTER 1552

An act to add Section 1230 to the Government Code, relating to leaves of absence.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 1230 is added to the Government Code, to read:

1230. The governing body of a city, county, city and county, or political subdivision of the State may grant leaves of absence to employees to appear as a witness in court other than as a litigant, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. The governing body may grant such leaves of absence with pay up to the amount of the difference between the employee's regular earnings and any amount he receives for jury or witness fees.

CHAPTER 1553

An act to add Section 6017.5 to the Insurance Code, relating to county mutual insurers.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 6017.5 is added to the Insurance Code, to read:

6017.5. Insurers authorized to eliminate their assessment liability in accordance with the terms of this chapter may use the California standard form insurance policy in lieu of the standard form prescribed in this chapter.

CHAPTER 1554

An act to amend Section 17153 of, and to add Section 17154 to, the Education Code as enacted at the 1959 Regular Session, relating to deposit and control of school district funds.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 17153 of the Education Code as enacted at the 1959 Regular Session is amended to read:

Deposit of funds

17153. All moneys received by any school district or paid into the county or city and county treasury to the credit of the district from state apportionments, county, district or municipal taxes, other than moneys required to be placed in a special reserve fund, a building fund or bond interest and sinking fund, and moneys authorized to be paid into a cafeteria fund or account, or school farm account, or moneys received for the rental or lease of real property which by resolution of the governing board may be deposited in any authorized fund of the district, shall be deposited in the general fund of the district, which fund is continued in existence in each county and city and county treasury.

Nothing in this section shall be construed as discontinuing, nor as affecting the disposition of moneys in emergency cash funds, in revolving funds for warehouse stock, in cafeteria funds or accounts, or school farm account, in special reserve funds, in building funds, or in bond interest and sinking funds created or established under this code.

SEC. 2. Section 17154 is added to said code, to read:

Receipts from leases

17154. The governing board of a school district may, by resolution, specify the particular fund or funds maintained for the district into which shall be deposited moneys received for the rental or lease of real property.

CHAPTER 1555

An act to add Article 1.1 (commencing at Section 26620) to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, relating to additional duties of sheriff as ex officio director of civil defense and disaster.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 1.1 (commencing at Section 26620) is added to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, to read:

Article 1.1. Sheriff as Ex Officio Director of Civil Defense and Disaster

County director of civil defense and disaster

26620. The office of county director of civil defense and disaster shall be held ex officio by the county sheriff.

Duties

26621. The county director of civil defense and disaster shall have the duties prescribed by state law and executive order, the California Disaster and Civil Defense Master Mutual Aid Agreement, mutual aid operational plans adopted pursuant thereto, and by county ordinances and resolutions.

Operative upon resolution

26622. The provisions of this article shall become operative in any county only upon their adoption by a resolution passed by unanimous vote of the board of supervisors thereof at a regular meeting at which all members are present. Such resolution may be repealed by the board of supervisors at any time by a three-fifths vote.

Personnel, equipment, etc

26623. In the event the board of supervisors elects to require that the sheriff perform the additional services authorized by this article it shall have the authority and it shall be its duty to provide by proper appropriations for any additional personnel, equipment, supplies or expenses made necessary thereby.

Compensation

26624. In the event the board of supervisors elects to make the provisions of this chapter operative, it may provide for the payment to the county director of civil defense and disaster of such compensation as it may deem proper. The board of supervisors may elect to provide such compensation upon consolidation of such offices or at any time thereafter. Such compensation may be increased or reduced by action of the board of supervisors and is in addition to any other compensation provided by law.

Limitation

26625. This article shall apply only to counties with a population of 700,000 or more.

CHAPTER 1556

An act to amend Section 54309 of, and to add Sections 54309.1 and 54516.3 to, the Government Code, relating to the issuance of revenue bonds by local agencies.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 54309 of the Government Code is amended to read:

"Enterprise"

54309. "Enterprise" means a revenue-producing improvement, building, system, plant, works, facilities, or undertaking used for or useful in any of the following:

(a) The obtaining, conserving, treating and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private uses.

(b) The collection, treatment or disposal of garbage or refuse matter.

(c) The collection, treatment or disposal of sewage, waste or storm water, including drainage.

(d) The providing of public parking lots, garages, or other automotive or vehicular parking facilities, including any and all public offstreet vehicular parking facilities.

(e) The providing of public transportation by means of a ferry or ferry system.

(f) The providing of public airports and facilities appurtenant thereto.

(g) The acquisition, construction, maintenance, operation, improvement and development of harbors, including without limitation public small boat harbors, and such facilities and improvements in connection therewith as in the opinion of the local agency may be reasonably necessary to provide for the full, complete and convenient public use of such harbors.

(h) The acquisition, construction, administration, maintenance, operation, improvement and equipping of hospitals and facilities appurtenant thereto.

SEC. 2. Section 54309.1 is added to said code, to read:

Same

54309.1. "Enterprise" includes, but is not limited to, all parts of the enterprise, all appurtenances to it, and:

(a) Lands, easements, rights in land, water rights, contract rights and franchises;

(b) Approaches, dams, reservoirs, trunk, connecting and other water mains, filtration works, pumping stations, water supply, storage and distribution facilities and equipment;

(c) Garbage trucks, equipment, dumps, garbage disposal plants and incinerators or other disposal facilities;

(d) Sewage treatment plants, sewage disposal plants, intercepting and collecting sewers, outfall sewers, trunk, connecting and other sewer mains;

(e) The franchises or licenses to operate a ferry or ferry system, all boats and vessels, all land and interest in land, all slips, wharves, piers, landing places, approaches and all facilities and equipment used in the maintenance and operation of a ferry or ferry system, or harbor including small boat harbors, marinas, aquatic playgrounds and similar recreational facilities;

(f) Ambulances, both inpatient and outpatient facilities, laboratories, pharmacies, surgical instruments and equipment of such nature as may be reasonably necessary for the treatment of patients; and

(g) All buildings, structures, improvements, equipment, ditches, canals, and facilities whatsoever appurtenant or relating to the enterprise.

SEC. 3. Section 54516.3 is added to said code, to read:

Hospitals

54516.3. If the enterprise is a hospital, the local agency may provide for the administration, operation and maintenance of the whole or any part of the enterprise and for such purpose may enter into any lease agreement or contract which

it believes will best serve the interest of the local agency by publication of notice inviting bids pursuant to Section 54516.2. Before entering into any such lease or contract, the local agency must first hold a public hearing on the question after publication or posting of notice thereof given in the same manner and for the same time as a notice inviting bids is required to be given by Section 54516.2.

CHAPTER 1557

An act to amend Section 13275 of, to add Section 12915 to, and to repeal Sections 917, 13276, 13584, and 13585 of, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to public school employees.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

Repeal

SECTION 1. Section 917 of the Education Code is repealed.

SEC. 2. Section 12915 is added to said code, to read:

Tuberculosis examinations

12915. No person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past two years to determine that he is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code.

Thereafter all employees shall be required to undergo the foregoing examination at least once in each two years, or oftener if the governing board so determines by rule.

After such examination, each employee shall cause to be on file with the district superintendent of schools a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The county board of education may require, by rule, that all such certificates be filed in the office of the county superintendent of schools or shall require such files be maintained in the office of the county superintendent of schools if a majority of the governing boards of the districts within such county so petition the county board of education, except that in either case a district or districts with a common board having an average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district. "Certificate" as used herein means a certificate signed by the examining physi-

cian and surgeon or a notice from a public health agency or unit of the Tuberculosis Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section. Nothing in this section shall prevent the governing board from establishing a rule requiring a more extensive physical examination than required by this section but such rule shall provide for reimbursement on the same basis as hereinafter required.

This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse such person in a like manner hereinafter prescribed for employees.

The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for such examination that is reimbursable to employees of the district complying with the provisions of this section.

At the discretion of the governing board this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

The governing board may, however, require such examination and may as a contract condition require the examination of persons employed for construction or repair work if the board believes the presence of such persons in and around school premises would constitute a health hazard to pupils.

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

SEC. 3. Section 13275 of said code is amended to read:

Registration of certification

13275. Each person employed by the governing board of a school district for a position requiring certification qualifications must, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, register in the manner prescribed by Section 13157 a valid certification document, issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, register the renewed certification document in the manner prescribed by Section 13157. If any person so em-

ployed is the holder of a California state college, or state teachers college, diploma accompanied by the certificate of the State Board of Education, or of an educational or life diploma of this State, and has presented the same to, and has had his name recorded by, the county superintendent of schools of the county as heretofore provided by this code, such person shall be deemed to have registered such diploma under Section 13157.

Repeal

SEC. 4. Sections 13276, 13584, and 13585 of said code are repealed.

CHAPTER 1558

An act to add Chapter 5C (commencing with Section 853.6) to Title 3, Part 2, of the Penal Code, relating to citations for misdemeanors under state law.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Chapter 5C (commencing with Section 853.6) is added to Title 3, Part 2, of the Penal Code, to read:

CHAPTER 5C. CITATIONS FOR MISDEMEANORS UNDER STATE LAW

Procedure

853.6. (a) In any case in which a person is arrested for an offense declared by state law to be a misdemeanor, and does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by this chapter. The arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after arrest.

(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment,

in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

Misdemeanor

853.7. Any person who willfully violates his written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested.

Warrant for arrest

853.8. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.6, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised.

CHAPTER 1559

An act to amend Sections 10 and 28½h of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923), relating to the Palo Verde Irrigation District.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 10. The board of trustees of the district, in addition to all other powers and duties prescribed by this act, shall have the following powers and duties:

1. To keep a record of all its proceedings and minutes of its meetings, which meetings shall be public, and all records of the district shall be open to the public for inspection during reasonable business hours.

2. To manage and conduct the business and affairs of the district; make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required, and prescribe their duties, and to discharge all employees. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation, protection, reclamation or other works or improvements, and the line of canals or conduits, and their incidental branches and laterals; also for the location of levees, dikes or other structures which may be deemed proper.

3. Said board shall also have the right to acquire, by purchase, lease or condemnation, or other lawful means, all lands and waters or water rights and other property necessary for construction, use, supply, maintenance, repair and improvements of any and all irrigation plants or systems under its control, or to be acquired or controlled by the district, or for the construction, use, supply, maintenance, repair or improvement of any and all levees, protection works, drainage or reclamation work under its control or to be acquired and controlled by the district, whether any such properties be in this or other states and also where necessary or convenient in carrying out the purposes of this act, to acquire and hold the stock of other corporations, domestic or foreign, owning waters, canals, water works, franchises, concessions or rights, levees or drainage works. Said board may enter into and do all acts necessary or proper for the performance of any agreements with the United States or any state, county or district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any levees, works or other property of any kind which might lawfully be acquired or owned by the district, and may acquire the right to store water in any reservoir or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee, the right to the use of any water, the right to store such water in any reservoir of the district, or to carry such water through any canal, ditch or conduit of the district. And may likewise enter upon any acts necessary or proper for the performance of any agreements with the United States or any state, county, or district, corporation, firm or individual or any number of them, for the joint acquisition, construction, maintenance or repair of any levees or other protection works or drainage or other reclamation works.

4. To construct dams, reservoirs and works for the collection of water for the district, and to do any and every lawful act necessary to be done that sufficient water may be furnished to each landowner or inhabitant in the district for irrigation and domestic purposes, and may contract to supply water to any mutual water company within the district which is or may be organized to furnish water to certain specified lands within the district; provided, the lands so supplied by any such

mutual water company are within this district, and may contract for supplying such lands with water through such mutual water companies.

The board is authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of this district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, and to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof, and may appear and defend in person or by attorneys in the name of such irrigation district.

5. The legal title to all property acquired under the provisions of this act shall immediately, by operation of law, vest in the district, and shall be held by the district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. And said board is hereby authorized and directed to hold, use, manage, keep and possess, said property as herein provided. The board may determine by resolution duly entered upon its minutes, that any property, real or personal, held by such irrigation district, is no longer necessary to be held for the uses and purposes thereof, and may thereafter sell such property, and a conveyance of any property held by this district, executed by the president and secretary thereof, in accordance with the resolution of the board of trustees of such district, when sold for a valuable consideration, shall convey a good title to the property so conveyed.

6. It shall be the duty of the board of trustees to establish suitable bylaws, rules and regulations for the distribution and use of water among the owners of lands, which must be printed in convenient form for the use of the district. Said board may fix and collect rates of tolls and charges, for the purposes, and in the manner in this act provided.

Said board may provide, by uniform rules and regulations, that water shall not be furnished to persons against whom, or for use upon land on which, there are delinquent water tolls or charges or delinquent district taxes.

7. When the board of trustees deems it advisable for the best interests of the district and the convenience of the electors thereof, it may at any time, but not less than 60 days before an election is to be held in the district, divide the district into divisions or precincts for election purposes, but such divisions shall be made as nearly equal in area or population as may be practicable. The boundaries of the divisions and precincts or any subsequent changes therein must be shown on the minutes of the board Should the district be divided into divisions or precincts by the board of trustees for the purpose of holding elections thereafter, any property owner owning property in one or more precincts or divisions, must cast the ballots represented by his respective parcels in each precinct where such

parcels are situate respectively, and if any such parcel lies partly in one precinct and partly in another, he may cast the ballots represented thereby in either, but before doing so he must notify the election board in the other precinct of his intention to do so, in order that the election board may note the ballots represented by said land as having been voted.

8. After the first election of trustees held in pursuance of the provisions of this act, all subsequent regular elections shall be called annually at the times fixed for the holding of the annual election, and the trustees shall cause notice of such election to be given for the period and in the manner hereinbefore prescribed in reference to the first election, and the trustees shall perform all the duties in respect to giving notice of the election, establishing election boards, providing the ballots and assessment roll records necessary for conducting the election, designating voting places, causing the returns to be canvassed, and the results declared, which have been imposed upon the supervisors in respect to the first election.

Likewise, the board of trustees shall perform all the acts necessary for calling and conducting special elections provided for in this act.

In all elections for trustees the persons receiving the highest number of votes shall be deemed elected for the office to be filled; provided, that if among the persons receiving the highest number of votes there shall be so many persons who are not resident in said district that the aggregate number of trustees whose terms have not expired who are not resident in said district added to such number of nonresident persons voted for shall exceed three, then the nonresident or nonresidents having the lowest number of votes shall be deemed not elected and the person or persons receiving the next highest number of votes who are resident in said district shall be deemed elected, so that not less than a majority of the trustees shall be residents of the district. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of trustees, signed by property owners owning real property assessed upon the last preceding equalized assessment roll at not less than the aggregate of five thousand dollars ($5,000), requesting that a special election be called for the election of officers, the trustees of such district shall thereupon call a special election for the election of such officers, such election to be held within not less than 40 days after the filing of such petition.

Each member of the board of trustees shall qualify by executing an official bond in the sum of ten thousand dollars ($10,000) on or before noon of the twentieth day following his election, which bond shall thereafter be approved by a judge of the Superior Court of Riverside County, and be recorded in the office of the county recorder thereof, and filed with the secretary of the board. All official bonds herein provided for shall be in the form prescribed by law for the

official bonds of the county officers, and premium thereof may be paid by the district.

9. Said board of trustees shall have the power at any time that, in its judgment, as declared by order entered in its minutes, the expenditure of money is absolutely necessary to the welfare of the district and the accomplishment of the purposes of this act, and there is no money in the fund of said district to make such necessary expenditures or the money in said funds is insufficient to make such necessary expenditure, to borrow for any period of time, not exceeding one year, such sum, not exceeding one hundred thousand dollars ($100,000) as may be necessary to make such expenditure, and may evidence such indebtedness by the note or notes of said district, executed by its president and secretary, and bearing interest at not more than 7 percent per annum.

10. The board of trustees shall also have power generally to perform all other such acts as shall be necessary to fully carry out the purpose of this act.

SEC. 2. Section 28½h of said act is amended to read:

Sec. 28½h. At any time after taxes are due and prior to the date when the last installment of taxes becomes delinquent, any person, firm or corporation claiming an interest in any lot, piece or parcel or fractional part of land, which lot, piece, parcel or fractional part does not have a separate valuation on the assessment roll, may have such lot, piece, parcel or fractional part segregated and separately valued on said roll in the manner hereinafter set out.

Each applicant for segregation shall file with the officer then having custody of the assessment roll an application for segregation. Such officer shall forthwith submit a description of said lot, piece, parcel or fractional part of land, together with the proposed segregation, to the assessor who must place a separate valuation on each of the proposed segregations. The aggregate amount of assessed valuation of the parcels so segregated shall remain the same as before such segregation. The assessor must transmit such valuations to the officer then having custody of the assessment roll who shall cause a description of the property, together with separate valuations, to be entered on the assessment roll and compute and extend the tax and penalties, if any, and cancel the original description, valuation and tax and penalties, if any. Thereafter taxes, including proportionate accrued penalties, if any, on each segregated lot, piece, parcel or fractional part may be paid separately from the whole assessment. The officer to whom application for segregation is made shall collect a fee of two dollars ($2) for each lot, piece, parcel or fractional part separately valued and pay such fees over to the district.

CHAPTER 1560

An act relating to the further use and development of certain tide and submerged lands heretofore conveyed in trust to the City of Long Beach, and providing for the government, management and control thereof.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. As used in this act, "tide and submerged lands" means those certain tide and submerged lands heretofore conveyed to the City of Long Beach upon certain trusts and conditions by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925 and Chapter 158, Statutes of 1935.

SEC. 2. Without limiting in any way the scope or generality of the uses and purposes heretofore authorized and prescribed in paragraph (a) of Section 1 of each of the respective acts hereinabove referred to, but in addition thereto, said city, or its successors, may devote so much of said tide and submerged lands as it finds is not required for and will not interfere with the uses and purposes so authorized and prescribed in each of said paragraphs (a), to such further use and development as will, in its finding, yield maximum profits to be used by said city in the furtherance of the trust uses and purposes. The city may, in devoting such property to any such additional use or development, as provided in this section, enter into agreements, contracts or leases with respect thereto; provided, (1) that no such agreement, contract or lease shall be for a term exceeding 50 years, subject, however, to the right of renewal thereof by the city for a further term not to exceed 25 years; and (2) that all such agreements, contracts or leases shall be made upon competitive bids after such public advertising, inviting proposals or bids therefor, as said city, or its successors, deem sufficient. Any such agreement, contract or lease shall be awarded to the person whose bid will yield the aforesaid maximum profits, taking into consideration the proposed term.

SEC. 3. This act shall not apply to any present or future contracts, royalty arrangements, or other agreements between the city (or any department, board or agency thereof) and any other person, firm, corporation or association, relating to the drilling for, developing, extracting, processing, taking or removing, or disposition of oil, gas, or other hydrocarbons derived from said tide and submerged lands, or to any revenues from any such contracts, royalty arrangements, or other agreements, or to any agreements which are authorized by Article 5.5 (commencing at Section 3315) of Chapter 1, Division 3, of the Public Resources Code or by Section 6879 or Section 7058 of said code, as said statutes now exist or may be hereafter amended. Notwithstanding anything in this act,

the obligations of the City of Long Beach with respect to the accounting and disposition of revenues received by it from the extraction or sale of oil, gas and other hydrocarbon substances derived from said tide and submerged lands, or from the unit or cooperative development of said lands with other lands, shall be as defined by Chapter 29, Statutes First Extraordinary Session 1956, and the Decree and Judgment of the Superior Court of the State of California in and for the County of Los Angeles filed September 7, 1956, and entered September 11, 1956, in the case of People of the State of California, et al. v. City of Long Beach, et al., No. 649466.

CHAPTER 1561

An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any authority incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each public agency, the area of which shall lie within the authority. Such representatives shall be designated and appointed by the chief executive officers of said public agencies, respectively, with the consent and approval of the legislative bodies of the said public agencies, respectively.

Members of the board of directors shall hold office for a term of six years, and until their successors are appointed and qualified; provided, that the terms of the members of the first board shall be determined by lot so that the terms of not less than one-half of the members shall be for three years and the terms of the remainder shall be six years; provided further, that every member shall be subject to recall by the voters of the public agency from which such member is appointed, in accordance with the recall provisions of the freeholders' charter or other law applicable to such public agency; and provided further, that any member may be recalled by the unanimous vote of the governing body of the public agency from which such member is appointed.

As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each five million dollars ($5,000,000), or major fractional part thereof, of assessed valuation of property taxable for authority purposes in the public agency represented by him as shown by the last equalized assessment roll of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no public agency shall have votes exceeding in number the total number of votes of all the other public agencies whose corporate areas are included in such authority. In lieu of one representative, any public agency may at its option designate and appoint several representatives not exceeding one additional representative for each ninety million dollars ($90,000,000) of assessed valuation, but such representatives shall cast the vote to which such public agency would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary, and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors; provided, however, any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half.

Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors in the meeting room of the board of supervisors at the county seat of said county, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

CHAPTER 1562

An act to amend Section 268 of the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 268 of the Revenue and Taxation Code is amended to read:

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955, 1956, 1957, 1958 or 1959 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some persons and organizations have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 1563

An act to add Section 11332 to the Health and Safety Code, relating to narcotics.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 11332 is added to the Health and Safety Code, to read:

11332. Persons registered and taxed under Section 4722 of Title 26, United States Code, and lawfully entitled to obtain and use in a laboratory needed narcotic drugs for the purpose of research, instruction or analysis, may lawfully obtain and use for such purposes lophophora substances as defined in Section 11001, upon registration with and written approval by the Chief of the Division of Narcotic Enforcement. Complete records of receipts, stocks at hand and use of these substances shall be kept. These records shall at all times be open to inspection by any authorized agent of the Division of Narcotic Enforcement.

CHAPTER 1564

An act to add Section 204b of the Labor Code, relating to weekly payment of wages.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 204b is added to the Labor Code, to read:

204b. Section 204 shall be inapplicable to employees paid on a weekly basis on a regular day designated by the employer in advance of the rendition of services as the regular payday.

Labor performed by a weekly-paid employee during any calendar week and prior to or on the regular payday shall be paid for not later than the regular payday of the employer for such weekly-paid employee falling during the following calendar week.

Labor performed by a weekly-paid employee during any calendar week and subsequent to the regular payday shall be paid for not later than seven days after the regular payday of the employer for such weekly-paid employee falling during the following calendar week.

CHAPTER 1565

An act to amend Section 21027 of the Government Code, relating to State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

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

SECTION 1. Section 21027 of the Government Code is amended to read:

21027. If it is not claimed that the disability is industrial or if such claim is made and the member so requests, the board shall proceed with retirement and with the payment of such benefits as are payable when disability is not industrial. If the Industrial Accident Commission subsequently determines that disability is industrial, an amount equal to the benefits paid shall be deducted from the benefits payable under this system because of such determination. No additional benefits shall be payable, however, because disability is determined to be industrial unless the application for such determination is filed with the Industrial Accident Commission or in the office of this system in Sacramento, for transmission to the Industrial Accident Commission, within two years after the effective date of the member's retirement.

CHAPTER 1566

An act to amend Section 3542 and Section 3666 of the Public Utilities Code, relating to highway carriers.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3542 of the Public Utilities Code is amended to read:

3542. No person or corporation shall engage or be permitted by the commission to engage in the transportation of property on any public highway, both as a highway common carrier and as a highway contract carrier or as a highway common carrier and a petroleum contract carrier of the same commodities between the same points.

Dual operation

SEC. 2. Section 3666 of said code is amended to read:

3666. If any highway carrier other than a highway common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate.

Authorization of lesser rate

CHAPTER 1567

An act to add Sections 55530, 55531, and 55532 to the Water Code, relating to county waterworks districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1959. Filed with Secretary of State July 6, 1959.]

In effect immediately

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

SECTION 1. Section 55530 is added to the Water Code, to read:

55530. Notwithstanding any other provision of the law, the board may determine that the public economy so requires, and order that less than one-fortieth of the whole amount of the indebtedness, or a series thereof, shall be payable annually.

Annual bond payment amount

SEC. 2. Section 55531 is added to said code, to read:

55531. District or zone bonds may be made payable on July 1st subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal or interest of the bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of the bonds of such issue or series to January 1st next prior thereto.

Bond payment date

SEC. 3. Section 55532 is added to said code, to read:

55532. The proceeds of such bonds may be used for the following purposes:

Use of bond proceeds

(a) All costs or estimated costs incidental to or connected with the acquisition, construction, improving and financing of the improvements for which they are issued.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of the bonds.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

That there is in process an unprecedented population growth in the State of California. Such growth produces an ever increasing demand for water and water facilities requiring the immediate providing of water which is made possible by this act.

It is also necessary that zones be created and the bonds thereof issued at once, in which the public economy will not support the payment of one-fortieth of the indebtedness or of a series thereof in each year, but such facilities will provide growth that will later be so able, as provided in this act. It is therefore necessary that this act become effective immediately.

CHAPTER 1568

An act to amend Section 221 of the Fish and Game Code, relating to powers of the Fish and Game Commission.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 221 of the Fish and Game Code is amended to read:

221. The provisions of this article are effective until the ninety-first day after the final adjournment of the 1961 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 1569

An act to amend Section 650 of the Streets and Highways Code, relating to the naming of state highway routes.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 650 of the Streets and Highways Code is amended to read:

650. State Highway Route 56 from Las Cruces to San Francisco shall be known and designated as the "Cabrillo Highway." "Cabrillo Highway," etc

State Highway Route 2 from San Francisco southerly to the international border shall be known and designated as "El Camino Real."

State Highway Route 60 shall be known and designated as the "Pacific Coast Highway."

SEC. 2. The Department of Public Works is directed to remove any signs which designate any portion of U. S. 101 as the "Cabrillo Highway." The Department of Public Works is also directed to erect and maintain suitable signs setting forth the names of the highways referred to in Section 650 of the Streets and Highways Code. Signs

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CHAPTER 1570

An act to add Section 69613 to the Government Code, relating to the number of judges of the superior court of the County of San Luis Obispo.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect September 18, 1959

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

SECTION 1. Section 69613 is added to the Government Code, to read:

69613. In the County of San Luis Obispo there shall be two judges of the superior court.

CHAPTER 1571

An act to add Article 5 (commencing with Section 34900) to Chapter 7, Part 1, Division 2, Title 4 of the Government Code, relating to cities.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect September 18, 1959

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

SECTION 1. Article 5 (commencing at Section 34900) is added to Chapter 7, Part 1, Division 2, Title 4 of the Government Code, to read:

Article 5. Elective Mayor

34900. At any general municipal election, or at a special election held for that purpose, the city council may submit to the electors the question of whether electors shall thereafter elect a mayor and four city councilmen. Elective mayor. Election

Ballots

34901. The question shall be printed on the ballots used at the election in substantially the following form:

"Shall the electors elect a mayor and four city councilmen?"

The words "yes" and "no" shall be so printed on the ballots that the voters may express their choice.

Favorable vote

34902. If a majority of the votes cast on the proposition is for it, the office of mayor shall thereafter be an elective office. At the next succeeding general municipal election held in the city one of the offices of city councilman, to be filled at such election, shall be designated as the office of mayor, to be filled at such election. The city clerk shall determine by lot which of the offices is to be so designated. The person elected at such election as mayor shall hold office for four years from the Tuesday succeeding his election, and until his successor is elected and qualifies.

Powers and duties

34903. The mayor is a member of the city council and has all of the powers and duties of a member of the city council.

Eligibility

34904. A person is not eligible to hold office as mayor unless he is at the time of assuming such office an elector of the city, and has resided in the city for the year preceding his election.

Mayor pro tempore

34905. A mayor pro tempore shall be chosen in the manner provided by Section 36801.

CHAPTER 1572

An act to add Section 27459 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the use of snow-tread tires on vehicles.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 27459 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

27459 In any case where a passenger vehicle may be required by the Department of Public Works to be equipped with tire chains the department may provide, in the alternative, that the vehicle may be equipped with four snow-tread tires. The snow-tread tires shall be of a type and design manufactured for use on ice and snow as a replacement for tire chains which is approved by the Department of the California Highway Patrol and shall be in good condition.

CHAPTER 1573

An act to add Section 1247b to the Code of Civil Procedure, relating to evidence in eminent domain proceedings.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1247b is added to the Code of Civil Procedure, to read:

1247b. Whenever in a condemnation proceeding only a portion of a parcel of property is sought to be taken and upon a request of a defendant to the plaintiff made at least 30 days prior to the time of trial, the plaintiff shall prepare a map showing the boundaries of the entire parcel, indicating thereon the part to be taken, the part remaining, and shall serve an exact copy of such map on the defendant or his attorney at least fifteen (15) days prior to the time of trial.

CHAPTER 1574

An act to amend Sections 26472 and 26516.7 of the Health and Safety Code, relating to the manufacturing, importation, and sale of foods.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 26472 of the Health and Safety Code is amended to read:

26472. A food shall be deemed to be adulterated:

Adulterated foods.

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use

of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

(c) If it bears or contains a coal tar other than one from a batch which has been certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration.

(d) If any mineral oil has been added thereto or mixed or packed therewith.

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoic acid, salts of benzoic acid or any other chemical preservative, or any substance which is not approved for use in fresh meat by the United States Department of Agriculture, Agricultural Research Service, or the Division of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the voluntary striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by ether extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar (cane or beet), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

(i) If it contains any saccharine or other non-nutritive sweetening agent.

(j) If it be pork sausage or breakfast sausage and the total fat content (determined by the ether extract method of analysis) is in excess of 50 percent.

SEC. 2. Section 26516.7 of the Health and Safety Code is amended to read:

26516.7. It shall be unlawful to keep or display any perishable canned meats, canned meat products, and packaged processed fresh foods which will support the growth of pathogenic micro-organisms at a temperature exceeding 50 degrees Fahrenheit. All such packaged foods shall be conspicuously labeled, "Perishable keep refrigerated." Refrigeration of canned meats

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CHAPTER 1575

An act to amend Sections 890, 891, 894 and 895 of, and to add Section 896.1 to the Military and Veterans Code, relating to educational assistance to veterans' dependents.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect September 18, 1959

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

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

890. As used in this article: Definitions

(a) "Veterans" means any person who served in the Army, Navy, or Marine Corps of the United States and was killed in action or died as a result of war service in the World War since April 6, 1917, or any member of the Army, Navy, Coast Guard or Marine Corps of the United States, or any of their auxiliaries who was killed in action in World War II on or after December 7, 1941, and prior to January 1, 1947, or who died at any time as a result of war service during such period, or any member of the Armed Forces of the United States who was killed in action during any period of hostilities in which the United States is engaged, or who died at any time as a result of active service during any such period.

"Veteran" also means any person who has been adjudicated by the United States Veterans Administration as totally disabled by reason of a war service connected disability and whose annual income excluding federal benefits for such war service connected disability does not exceed three thousand dollars ($3,000).

(b) "Dependent of a veteran" means the natural or adopted child of a veteran, or stepchild of a veteran who was actually supported by the veteran immediately preceding the war service connected disability which caused the veteran's death or total disability, or the unmarried widow of a veteran.

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

891. A dependent of a veteran, except a dependent widow of a veteran, applying for aid under the provisions of this article shall be over 14 or shall have entered the ninth grade, and not more than 21 years of age and shall have lived in this Eligibility requirements

State for five years immediately preceding the date upon which the application is filed. Any dependent of a veteran, except a dependent widow of a veteran, who has attained eligibility, pursuant to this article while under 21 years of age and has entered upon a course of training or education and arrives at the age of 21 before completing the course may continue the course and continue to receive the benefits of this article until the course is completed or until he attains the age of 27 years, whichever first occurs.

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

SEC. 3. Section 894 of said code is amended to read:

Limit of expenditure

894. For students of postgraduate, collegiate, junior college, business and trade school rank the amount expended by the board as an allowance for living expenses shall not exceed forty dollars ($40) per month. For students of high school rank the amount shall not exceed twenty dollars ($20) per month, during the time the student is in actual attendance at a day school. Absence during the month on account of illness shall be included as part of such attendance.

SEC. 4. Section 895 of said code is amended to read:

Same

895. The amount expended on account of any one applicant while pursuing a course of postgraduate college or professional school rank shall not exceed one thousand six hundred dollars ($1,600). The amount expended on account of any one applicant of undergraduate, collegiate, junior college, business, and trade school rank under the provisions of this article shall not exceed four hundred dollars ($400) a year for students pursuing a regular course and four hundred eighty dollars ($480) a year for students pursuing a trimester or full year course, and for students of high school rank the sum shall not exceed two hundred dollars ($200) a year for students pursuing a regular course and two hundred forty dollars ($240) a year for students pursuing a trimester or full year course.

SEC. 5. Section 896.1 of said code is added to read:

Limitation

896.1. No dependent of a veteran shall be eligible to receive the benefits of this article during the time that he is entitled to receive federal educational benefits under Public Law 634, Eighty-fourth Congress.

CHAPTER 1576

An act to repeal Sections 23102 and 23103 of, to add Section 23102 to, and to amend Section 23104.4, 24071 and 24075 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Sections 23102 and 23103 of the Business and Professions Code are repealed. Repeal

SEC. 2. Section 23102 is added to said code, to read:

23102. (a) On the death, insolvency or incompetency to act of a natural person who is a licensee, the privileges of the license may be exercised by a competent surviving colicensee for thirty (30) days or until an administrator, executor, guardian, conservator, receiver, trustee or assignee for the benefit of creditors of the estate of the deceased or incompetent licensee has been appointed, whichever first occurs. If there is no competent surviving colicensee, the privileges of the license may be exercised by any person acting on behalf of the deceased or incompetent licensee or his estate. License privileges subsequent to death, etc.

(b) At the end of the period permitted by subsection (a) of this section the privileges of the license may be exercised for sixty (60) days without transfer and thereafter upon transfer by the administrator, executor, guardian, conservator, receiver, trustee or assignee for the benefit of creditors of the estate of the deceased or incompetent licensee, acting jointly with any competent surviving colicensee if such joint action is required by law. The sixty (60) day period provided for in this subsection may be extended by the department for good cause.

(c) If prior to the expiration of the period permitted by subsection (b) and any extension thereof there has been filed and is pending an application to transfer the license pursuant to Section 24071 or otherwise, the persons exercising the privilege of the license under subsection (b) may continue to do so until such application is finally granted or denied.

(d) If the license was issued to a taxpayer as defined in Section 32005 of the Revenue and Taxation Code, the person exercising the privileges of the license hereunder shall be deemed to be a taxpayer and shall file an appropriate bond for the purposes of Part 14 (commencing at Section 32001) of Division 2 of the Revenue and Taxation Code.

SEC. 3. Section 23104.4 of said code is amended to read:

23104.4. An executor or administrator of the estate of a deceased person who was not a licensee at the time of his death but in whose estate there is included an inventory of alcoholic Liquor inventory in estate of nonlicensees

beverages, or the guardian or conservator of the estate of an incompetent person in whose estate there is included an inventory of alcoholic beverages, is authorized to sell such alcoholic beverages to a licensee authorized to sell the same in accordance with regulations prescribed by the department.

SEC. 4. Section 24071 of said code is amended to read:

Transfer of license

24071. The license of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license of a decedent, minor ward, incompetent person, conservatee, bankrupt person, person for whose estate a receiver is appointed, or assignor for the benefit of creditors may be transferred by or to the surviving partners of a deceased licensee, the executor, administrator, conservator or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or a license may be transferred between partners where no new partner is being licensed, or a license may be transferred between corporations whose outstanding shares of stock are owned by the same natural persons, or a licensee may transfer upon compliance with Section 24073 any license to a corporation whose entire stock is owned by the licensee, or his spouse, and the fee for transfer of each license is twenty-seven dollars and fifty cents ($27.50). The regular transfer fee provided in Section 24070 shall be due and payable upon the subsequent transfer of 25 percent of the stock in a corporation to which a license has been transferred by a licensee or his spouse pursuant to this section. In no case shall a fee be charged for the transfer of an importer's license. If the annual fee for a license is less than twenty-seven dollars and fifty cents ($27.50), the fee to be charged for the transfer thereof in any case shall be in the amount of the fee payable upon an original application as provided under Sections 23320 and 23322 of this division.

SEC. 5. Section 24075 of said code is amended to read:

Exceptions

24075. The provisions of Sections 24073 and 24074 do not apply to any transfer of a license made by an executor, administrator, guardian, conservator, trustee, receiver, or other person acting in the legal or proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors, nor to a surviving spouse or fiduciary or other person within the meaning of Section 24071.

CHAPTER 1577

An act to add Section 21292.25 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21292.25 is added to the Government Code, to read:

21292.25. Every disability retirement allowance payable for time commencing on the effective date of this section to any patrol member who was retired for industrial disability after June 30, 1952, and prior to October 1, 1952, is hereby increased in a monthly amount of fifteen dollars ($15) less the monthly amount of the increase received by such member under Section 21251.4.

Where a retired member to whom a retirement allowance is payable under this section has elected pursuant to Article 4 (commencing at Section 21330) of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, the increase provided by this section shall be modified under the optional settlement so elected, on the basis of age at the effective date of retirement, and current mortality tables and interest rate.

It is the intention of the Legislature, recognizing that other increases in retirement allowances may be provided at the 1959 Regular Session, that the increase in retirement allowances provided under this section shall be cumulative with such other increases notwithstanding any provision to the contrary in such other legislation.

This section does not authorize any decrease in disability retirement allowance, nor does it give any retired member or his successors in interest or his beneficiary any claim against the State for any increase in any disability retirement allowance paid or payable for time prior to its effective date.

CHAPTER 1578

An act to amend Section 2815 of the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2815 of the Business and Professions Code is amended to read:

2815. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for license by any person who is a graduate of an accredited school of nursing in the State of California, is ten dollars ($10).

(b) The fee to be paid upon the filing of an application for license by any other person is twenty dollars ($20).

(c) The fee to be paid upon the filing of an application for a temporary license is five dollars ($5).

(d) The biennial fee to be paid upon the filing of an application for renewal shall be set by the board at not more than six dollars ($6) nor less than two dollars ($2).

(e) The penalty fee for failure to renew a license within the prescribed time is two dollars ($2).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 1579

An act to amend Section 3300 of the Health and Safety Code, relating to the state tuberculosis subsidy.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 3300 of the Health and Safety Code is amended to read:

3300. The amount of the tuberculosis subsidy provided by the State to cities or counties separately providing care under this chapter for persons suffering from tuberculosis and the amount of the tuberculosis subsidy provided by the State to each county participating jointly with one or more other counties in the establishment and maintenance of a tuberculosis ward, hospital or sanatorium shall be based upon the patient-days of care provided to persons whose admission and care have been authorized by that county, as follows:

(a) For the first thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and sixty cents ($2.60) per patient-day.

(b) For the second thirty-six thousand five hundred (36,500) patient-days of care during a year, the amount shall be two dollars and thirty cents ($2.30) per patient-day.

(c) For all patient-days of care in excess of seventy-three thousand (73,000) patient-days during a year, the amount shall be one dollar and seventy-five cents ($1.75) per patient-day.

(d) In addition to the amounts specified in subsections (a), (b) and (c), there shall be provided any additional amounts specified in any appropriation made therefor.

As used in this section "patient-day" means the period of inpatient service rendered a patient between the census-taking hours on two consecutive days, and "a year" means a period of 12 months commencing on the first day of July.

A city or county receiving contributions from or on behalf of any person for whom subsidy has been or is claimed under this section, shall use such contributions as an offset from any state subventions for this purpose by the following percentage of such contributions:

(e) If in the year of collection the city or county claimed reimbursement for a total of thirty-six thousand five hundred (36,500) or less patient-days of care, thirty-eight percent (38%).

(f) If in the year of collection the city or county claimed reimbursement for a total of more than thirty-six thousand five hundred (36,500) patient-days, but not more than seventy-three thousand (73,000) patient-days, thirty-three percent (33%).

(g) If in the year of collection the city or county claimed reimbursement for a total of more than seventy-three thousand (73,000) patient-days of care, twenty-eight percent (28%).

Subsections (e), (f) and (g) shall apply to all contributions received by cities or counties on and after January 1, 1960.

CHAPTER 1580

An act to amend Sections 5324 and 5325 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 5324 of the Business and Professions Code is amended to read:

License fees

5324. The license fee is sixty-five dollars ($65) for an original license and for each annual renewal thereof, except where the applicant has engaged in the business of outdoor advertising without a valid, unrevoked and unexpired license, the fee for any issuance of the first license thereafter is one hundred thirty dollars ($130), one-half of which is the penalty.

SEC. 2. Section 5325 of said code is amended to read:

Permit fees

5325. (a) The permit fee for each advertising sign is fifty cents ($0.50) for an original permit and for each annual renewal thereof, except where the applicant has placed or maintained any such sign without a valid, unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is one dollar and fifty cents ($1.50), one dollar ($1) of which is the penalty.

(b) The permit fee for an advertising structure for the original permit and for each annual renewal thereof is two dollars ($2), except where the applicant has placed or maintained such structure without a valid, unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is three dollars ($3), one dollar ($1), of which is the penalty.

Operative dates

SEC. 3. Section 1 hereof shall become operative on July 1, 1960. Section 2 hereof shall become operative on January 1, 1960.

CHAPTER 1581

An act to add Section 14311.5 to the Government Code, relating to the State Contract Act.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 14311.5 is added to the Government Code, to read:

14311.5. In all projects for road, street and bridge work where federal funds are involved and where a bidder is required to be and has been prequalified pursuant to Sections 14310 and 14311, no bid submitted or contract thereafter awarded shall be invalidated by the failure of the bidder or contractor to be properly licensed in accordance with the laws of this State, nor shall any such contractor be denied payment under any such contract because of such failure; provided, however, that the first payment for work or material under such contract shall not be made by the State Controller unless and until the Registrar of Contractors certifies to him that the records of the Contractors State License Board indicate that such contractor was or became properly licensed between the time of bid opening and the making of the certification. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by such laws, including but not limited to any appropriate disciplinary action by the Contractors State License Board, and the department shall include a statement to that effect in the standard form of prequalification questionnaire and financial statement.

CHAPTER 1582

An act to amend Section 19031 of the Business and Professions Code, relating to the Bureau of Furniture and Bedding Inspection.

[Approved by Governor July 6, 1959 Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 19031 of the Business and Professions Code is amended to read:

19031. The chief shall be appointed by the Governor and shall serve at his pleasure. His compensation shall be fixed by the Director of Professional and Vocational Standards in accordance with law.

The duty of enforcing and administering this chapter is vested in the chief and he is responsible to the director therefor.

CHAPTER 1583

An act to amend Sections 2780, 6200, 6203, 6204, 6205, 6206, 6207, and 6208 and to repeal Section 6202 of, and to add Sections 5067, 6201 and 6202 to, the Penal Code, relating to institutions under the jurisdiction of the Department of Corrections.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2780 of the Penal Code is amended to read:

2780. Any department, division, bureau, commission or other agency of the State of California or the Federal Government may use or cause to be used convicts confined in the state prisons to perform work necessary and proper to be done by them at permanent, temporary, and mobile camps to be established under this article. The director may enter into contracts for the purposes of this article.

Use of convict labor

SEC. 2. Section 5067 is added to said code, to read:

5067. There is, in the Department of Corrections, a Division of Conservation, which shall be headed by a Deputy Director of Corrections, appointed by the Governor, on the recommendation of the Director of Corrections to serve at the pleasure of the Director. The Division of Conservation shall operate the California Conservation Center, branches thereof, and permanent, temporary and mobile camps operating therefrom, and shall have charge, subject to the general direction of the Director of Corrections, of all other institutions in the

Division of Conservation

department and activities of persons in the custody of the director relating to conservation work. The director shall appoint such personnel as are necessary to enable the division to carry out its functions.

SEC. 3. Section 6200 of said code is amended to read:

Conservation Center

6200. There is hereby established an institution under the jurisdiction of the Department of Corrections to be known as the California Conservation Center, hereafter referred to as the "Conservation Center."

SEC. 4. Section 6201 is added to said code, to read:

Purposes

6201. The primary purpose of the Conservation Center shall be the receiving, employment, care, custody and education of inmates in the custody of the Director of Corrections assigned thereto.

Repeal

SEC. 5. Section 6202 of said code is repealed.

SEC. 6. Section 6202 is added to said code, to read:

Work of inmates

6202. Work of inmates assigned to the Conservation Center may be performed at the Conservation Center or in or from permanent, temporary, and mobile camps established pursuant to this article or pursuant to Article 5 (commencing with Section 2780) of Chapter 5, Title 1, Part 3 of this code. The provisions of Sections 2780.1 to 2786, inclusive, and Sections 2788 to 2791, inclusive, are applicable to camps established pursuant to this article as well as those established pursuant to said Article 5. The department may by contract with political subdivisions of the State and with local public agencies, furnish the labor of such inmates for conservation and disaster relief work.

Inmates and wards may be assigned to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreational area development, fish and game management, soil conservation and forest watershed revegetation.

SEC. 7. Section 6203 of said code is amended to read:

Director of Corrections. Powers and duties

6203. The Director of Corrections shall, in accordance with law, construct and provide equipment for suitable buildings, structures, and facilities for the Conservation Center, branches thereof, and permanent, temporary, and mobile camps operated therefrom. The director may, as necessary, lease equipment needed for the operation of mobile camps. The Conservation Center shall be situated in the Lassen area. The director shall establish one branch of the Conservation Center in the Tuolumne area and shall establish another branch in the Mono-Inyo area. He may establish such additional branches as may be necessary.

SEC. 8. Section 6204 of said code is amended to read:

Same

6204. The Director of Corrections shall make rules and regulations for the government of the Conservation Center in the management of its affairs.

SEC. 9. Section 6205 of said code is amended to read:

Conservation Center Superintendent, etc.

6205. The Conservation Center shall be headed by a superintendent, appointed pursuant to Section 6050, and the Di-

rector of Corrections shall appoint, subject to civil service, such other officers and employees as may be necessary.

SEC. 10. Section 6206 of said code is amended to read:

6206. The supervision, management, and control of the Conservation Center and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein or in permanent, temporary, and mobile camps operating therefrom are vested in the Department of Corrections.

Same Supervision, etc.

SEC. 11. Section 6207 of said code is amended to read:

6207. The provisions of Part 3 of this code, insofar as applicable, apply to the Conservation Center and any permanent, temporary, and mobile camps operating therefrom and to the persons confined therein.

Application

SEC. 12. Section 6208 of said code is amended to read:

6208. Any persons under the custody of the Director of Corrections may be transferred to the Conservation Center in accordance with law.

Transfer of persons under custody

CHAPTER 1584

An act to add Sections 7307.5 and 7372.5 to the Business and Professions Code, relating to cosmetology.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 7307.5 is added to the Business and Professions Code, to read:

7307.5. The board shall mail to every person failing any examination provided for in this chapter the total grade which he receives on the examination.

Examination grade

SEC. 2. Section 7372.5 is added to said code, to read:

7372.5. An unsuccessful applicant for admission to practice, after he has taken an examination and within 90 days after the results thereof have been declared, shall have the right to inspect his examination paper in the city in which he wrote the examination at such place therein as the board designates.

Inspection of examination paper

CHAPTER 1585

An act to amend Section 6150 of, and to add Sections 6150.5 and 6159 to, the Elections Code, relating to the State Commission on Voting Machines and Vote Tabulating Devices.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6150 of the Elections Code is amended to read:

State Commission on Voting Machines and Vote Tabulating Devices

6150. The Governor, Secretary of State, and Attorney General, and their successors in office are the State Commission on Voting Machines and Vote Tabulating Devices. Any reference in the law to the State Commission on Voting Machines shall be construed to refer to the State Commission on Voting Machines and Vote Tabulating Devices. The Governor shall be chairman and the Secretary of State shall be secretary of the commission.

Two members of the commission constitute a quorum of the commission, and no action shall be taken by the commission with respect to the approval of a voting machine or vote tabulating device in the absence of a quorum.

The secretary shall have the authority to make all arrangements for the time and place to examine voting equipment proposed to be sold in this State. He shall furnish a complete report of the findings of the examining engineers to each member of the commission.

SEC. 1.5. Section 6150.5 is added to said code, to read:

Legislative participation

6150.5. The Chairman of the Senate Standing Committee on Elections and the Chairman of the Assembly Standing Committee on Elections and Reapportionment shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 2. Section 6159 is added to said code, to read:

Public hearings

6159. Prior to giving its decision approving or withholding approval of any voting machine or vote tabulating device, the commission shall hold a public hearing to give persons interested an opportunity to express their views for or against the machine or device.

The commission, through the Secretary of State, shall give notice of the hearing in the manner prescribed in Section 6064 of the Government Code in a newspaper of general circulation published in Sacramento County. The Secretary of State shall also transmit written notice of the hearing, at least 30 days prior to the hearing, to each county clerk or registrar of voters, to any person that the Secretary of State believes will be interested in the hearing, and to any person who requests, in writing, notice of any such hearing.

The decision of the commission, either approving or withholding approval of a voting machine or vote tabulating device, shall be in writing and shall state the findings of the commission. The decision shall be filed with the Secretary of State and shall be open to public inspection.

CHAPTER 1586

An act to add Article 11 (commencing at Section 428), to Chapter 2, Part 1, Division 1, of the Health and Safety Code, relating to the prevention of blindness.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 11 (commencing at Section 428) is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 11. Prevention of Blindness

Program for prevention of blindness

428. The State Department of Public Health shall maintain a program for the prevention of blindness, including, but not limited to:

(a) Studies to determine the number, distribution, and nature of conditions leading to blindness among the population of the State.

(b) Investigations into the causes of blindness for the purpose of developing control procedures.

(c) Consultations with, and assistance to, local agencies directed toward education for the prevention of blindness, the early identification of conditions leading to blindness, and the application of methods for reducing the amount of blindness resulting from preventable conditions.

Agreements

428.1. The department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to the prevention of blindness.

CHAPTER 1587

An act to amend Section 6214 of the Public Resources Code, and Section 127 of the Labor Code, relating to fees payable to the State Lands Commission and to the Industrial Accident Commission.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 6214 of the Public Resources Code is amended to read:

Fees

6214. Fees shall be charged and collected by the commission pursuant to its rules and regulations for the following:

(a) Certificates of purchase or duplicates thereof,

(b) Patents and certified copies of records thereof,

(c) For certifying a contested case to superior court,

(d) For certifying copies of papers,

(e) Such other fees as are allowed by law.

All fees received by the commission under this section shall be paid into the State Treasury monthly and placed to the credit of the State Lands Act Fund.

SEC. 2. Section 127 of the Labor Code is amended to read:

Powers of commission

127. The commission may:

(a) Charge and collect the following fees: For copies of papers and records, not required to be certified or otherwise authenticated by the commission, seventy-five cents ($0.75) for each page; for certified copies of official documents and orders filed in its office or of the evidence taken or proceedings had, seventy-five cents ($0.75) for each page in addition to any copy charge if copies are made by the commission; for transcripts of testimony, one dollar ($1) for each page for all copies. As used in this paragraph, "page" means a single page not exceeding standard legal size. For larger pages the commission may fix and collect a reasonable fee in addition.

(b) Publish and distribute from time to time, in addition to its reports to the Governor, further reports and pamphlets covering its operations, proceedings, and matters relative to its work.

(c) Prepare, publish, and distribute an office manual, for which a reasonable fee may be charged, and to which additions, deletions, amendments, and other changes from time to time may be adopted, published, and distributed, for which a reasonable fee may be charged for such revision, or for which a reasonable fee may be fixed on an annual subscription basis.

(d) Fix and collect reasonable charges for publications issued under its authority. Fees charged and collected under this section shall be paid monthly into the Treasury of the State and credited to the "General Fund."

CHAPTER 1588

An act to amend Section 23363 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 23363 of the Business and Professions Code is amended to read:

23363. Any licensed manufacturer of distilled spirits originally distilled in this State may sell them to any person holding a license authorizing the sale of distilled spirits.

This section shall not apply to distilled spirits manufacturer licenses issued after the effective date of the amendment of this section enacted at the 1959 Regular Session of the

Legislature, and this section shall not apply to manufacturers of distilled spirits who have not regularly and continuously exercised the privileges of this section by sales to retail licensees.

In addition to the rights and privileges granted by this section, any person holding a distilled spirits manufacturer license may sell brandy to any person holding a license authorizing the sale of brandy.

CHAPTER 1589

An act to add Section 94.5 to the Penal Code and to add Sections 69507 and 72006 to the Government Code, relating to fees and gratuities for performing marriage.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 94.5 is added to the Penal Code, to read:

94.5. Every judge or justice of a court of this State, except a judge of a justice court, who accepts any money or other thing of value for performing any marriage, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such judge or justice, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor. Misdemeanor

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of value be committed with intent to commit extortion or with other criminal intent.

This section does not apply to the request for or acceptance of a fee expressly imposed by law for performance of a marriage.

This section does not apply to an acceptance of a fee for performing a marriage on Saturday, Sunday or a legal holiday.

SEC. 2. Section 69507 is added to the Government Code, to read:

69507. The presiding judge of each superior court may designate a judge of the court to be available on days other than a Saturday, Sunday or legal holiday to perform a marriage without fee. Designation of judge

SEC. 3. Section 72006 is added to said code, to read:

72006. The presiding judge of each municipal court may designate a judge of the court to be available on days other than a Saturday, Sunday, or legal holiday to perform a marriage without fee. Same

CHAPTER 1590

An act to amend Sections 2016, 2019, 2020, 2021, 2024, 2025, 2026, 2030, 2032, 2033 and 2034 of, and to add Sections 1991.1, 1991.2 and 2023 to, the Code of Civil Procedure, relating to depositions and discovery.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 2016 of the Code of Civil Procedure is amended to read:

Depositions

2016. (a) Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. Such depositions may be taken in an action at any time after the service of the summons or the appearance of the defendant, and in a special proceeding after a question of fact has arisen therein. After commencement of the action, the deposition may be taken without leave of court, except that leave of court, granted with or without notice, and for good cause shown, must be obtained if the notice of the taking of the deposition is served by the plaintiff within 20 days after service of the summons on, or appearance of, the defendant. The attendance of witnesses may be compelled by the use of subpoena as provided in Chapter 2 (commencing with Section 1985), Title 3, Part 4 of this code.

(b) Unless otherwise ordered by the court as provided by subdivision (b) or (d) of Section 2019 of this code, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party, or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. All matters which are privileged against disclosure upon the trial under the law of this State are privileged against disclosure through any discovery procedure. This article shall not be construed to change the law of this State with respect to the existence of any privilege, whether provided for by statute or judicial decision, nor shall it be construed to incorporate by reference any judicial decisions on privilege of any other jurisdiction.

(c) Examination and cross-examination of deponents may proceed as permitted at the trial under the provisions of this code.

(d) At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party to the record of any civil action or proceeding or of a person for whose immediate benefit said action or proceeding is prosecuted or defended, or of anyone who at the time of taking the deposition was an officer, director, superintendent, member, agent, employee, or managing agent of any such party or person may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (i) that the witness is dead; or (ii) that the witness is at a greater distance than 150 miles from the place of trial or hearing, or is out of the State, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) Subject to the requirements of this section, a party may offer in evidence all or any part of a deposition, and if such party introduces only part of such deposition, any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any state has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

(e) Subject to the provisions of subdivision (c) of Section 2021 of this code, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(f) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. Except where the deposition is used under the provisions of paragraph (2) of subdivision (d) of this section, the introduction in evidence of the deposition or any part thereof for any purpose other

than that of contradicting or impeaching the deponent, or for explaining or clarifying portions of the said deposition offered by an adverse party, makes the deponent the witness of the party introducing the deposition, as to the portions of the deposition introduced by said party. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by another party.

SEC 2. Section 2019 of said code is amended to read:

Same

2019. (a) (1) A party desiring to take the deposition of any person upon oral examination shall give notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. Such notice must be at least 10 days, adding also one day for every 100 miles of the distance of the place of examination from the residence of the person to whom the notice is given, except that on motion of any party, with or without notice, and for good cause shown, the court may enlarge or shorten the time. Service of such notice or motion may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010), of this code.

(2) If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

(3) If an adverse party is in default for not appearing within the time allowed by the law or the court, or if, in a special proceeding, some or all of the parties interested have not appeared, a deposition may be taken without the giving of any notice to the party so in default or not appearing; and in any case on motion of any party, with or without notice, and for good cause shown, the court may authorize the taking of a deposition without the giving of notice to parties who have not been served with summons.

(4) In the case of depositions of a party to the record of any civil action or proceeding or of any one who at the time of taking the deposition is an officer, director or managing agent of any such party, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney for such party or to the party, if he has no attorney. In the case of depositions of a person for whose immediate benefit an action or proceeding is prosecuted or defended or of any one who at the time of taking the deposition is an officer, director or managing agent of any such person, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney of the party prosecuting or defending the action or proceeding for the immediate benefit

of the deponent or to such party, if he has no attorney. A notice to take the deposition of a person described in this subdivision (4) cannot require the attendance of such person at a place more than 150 miles from the residence of such person, unless the party desiring to take such deposition first obtains an order pursuant to the provisions of Section 2019(b)(2) of this code.

(b) (1) After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and upon notice and for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated time or place other than stated in the notice, or that it shall not be taken except by allowing written interrogatories by one or more parties, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs and expenses, including attorney's fees, as the court may deem reasonable.

(2) Notwithstanding Section 1989, the court may, upon motion on 10 days' written notice and for good cause shown, make an order requiring a deponent who is a party to the record of any civil action or proceeding or is a person for whose immediate benefit said action is prosecuted or defended or is at the time of the taking of the deposition an officer, director or managing agent of any such party or person to attend a deposition at a place more than 150 miles from the residence of such deponent. In granting or refusing such order, the court shall consider whether the moving party selected the forum, whether the deponent will be present at the trial, the convenience of the deponent, the suitability of discovery through a deposition by written interrogatories or other discovery methods, the number of depositions sought under this section, the expense to the parties of requiring the deposition to be taken within 150 miles of the residence of the deponent, the whereabouts of the deponent at the time the deposition is scheduled to be taken, and all other factors tending to show whether or not the interests of justice and the convenience of the parties and witnesses will be served by requiring the deponent to appear for his deposition at a place more than 150 miles from his residence. Such order may provide that the

party desiring to take such deposition shall pay the reasonable expenses incurred by the deponent in attending such deposition and that he furnish an undertaking approved by the court to secure such payment and may contain such other terms and conditions as are equitable and just.

(c) The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(d) At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the superior court in the county where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subdivision (b) of this section. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs or expenses, including attorney's fees, as the court may deem reasonable.

(e) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under subdivision (d) of Section 2021

of this code the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in a envelope indorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the court in which the action is pending or send it by registered mail to the clerk thereof for filing.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

(g) (1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

SEC. 3. Section 2020 of said code is amended to read:

Deposition upon written interrogatories

2020. (a) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter the latter may serve redirect interrogatories upon a party who has served cross-interrogatories. Within five days after being served with redirect interrogatories, a party may serve recross-interrogatories upon the party proposing to take the deposition.

(b) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by subdivisions (c), (e) and (f) of Section 2019 of this code, to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) When the deposition is filed the party taking it shall promptly give notice thereof to all other parties.

(d) After the service of interrogatories and prior to the taking of the testimony of the deponent, the court in which the action is pending, on motion promptly made by a party or a deponent, upon notice and good cause shown, may make any order specified in Section 2019 of this code which is appropriate and just or an order that the deposition shall not be taken before the officer designated in the notice or that it shall not be taken except by allowing oral examination by one or more parties.

(e) Service of any interrogatories, notices, motions, or orders under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC 4. Section 2021 of said code is amended to read:

Waiver of errors and irregularities

2021. (a) All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(b) Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) (1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(3) Objections to the form of written interrogatories submitted under Section 2020 or Section 2025 of this code are waived unless such objections, together with a notice of hearing thereon, are served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within three days after service of the last interrogatories authorized.

(d) Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Sections 2019 and 2020 of this code are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

SEC. 5. Section 2023 is added to the Code of Civil Procedure, to read:

2023. Whenever any mandate, writ or commission is issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever, upon notice or agreement, it is required to take the testimony of a witness or witnesses in this State, witnesses may be compelled to appear and testify in the same manner and by the same process and proceedings as may be employed for the purpose of taking testimony in proceedings pending in this State. Subpoena of witnesses for out-of-state proceedings

A subpoena re deposition or a subpoena duces tecum re deposition directed to any such witness shall be issued by the clerk of the superior court if it appears by affidavit filed:

(1) That the witness resides within 150 miles from the court issuing such subpoena and from the place at which his attendance is required;

(2) That the testimony of such witness or the documents described in any such subpoena duces tecum are relevant to the subject matter involved in the action or proceeding; and

(3) That under the law of the state, territory, district or foreign jurisdiction in which the action or proceeding is pending, the deposition of a witness taken under such circumstances may be used in such action or proceeding.

SEC. 6. Section 2024 of said code is amended to read:

2024. The deposition of a witness out of this State may be taken upon a commission issued from the court under the seal of the court, upon an order of the court, or a judge or a justice thereof, on the application of any party, upon 10 days' previous notice to the other. If the court is a justice court, the commission must have attached to it a certificate of the clerk of the superior court of the county in which such justice court is held, under the seal of such superior court, to the effect that the person issuing the same was an acting judge at the date of commission. If issued to any place within the United States, it may be directed to a person agreed upon by the parties, or if they do not agree, to any notary public, judge or commissioner selected by the court or judge or justice issuing it. If issued to any country out of the United States, it may be directed to a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or to a person appointed by the court in which the action is pending, or to a judge of a court of record in such country, or to any one agreed upon by the parties. Depositions of out-of-state witnesses

SEC. 7. Section 2025 of said code is amended to read:

2025. The party moving for the commission under the provisions of Section 2024 of this code must, unless it is waived by the other party, attach to the notice of the motion the interrogatories upon which he desires it to be taken. On the hearing of the motion, the other party must propose such cross-interrogatories as he may desire. If the parties do not agree as to the form of the interrogatories, the court must settle their form, but such agreement or settlement does not Same Interrogatories

preclude either party, when the deposition is offered in evidence, from interposing any objection to any interrogatory which is available to him under the provisions of Sections 2016 and 2021 of this code. The settlement of interrogatories may be had at the time of the hearing of the motion, or at any other time which the court may appoint; but the moving party must, if he request it, be allowed five days within which to propose such redirect interrogatories as the cross-interrogatories proposed render proper. When agreed upon or settled, the interrogatories must be annexed to the commission.

SEC. 8. Section 2026 of said code is amended to read:

Evidence from nonresident witnesses

2026. When a party shall desire to take the evidence of a nonresident witness, to be used in any cause pending in this State, the party desiring the same (or where notice shall have been given that a commission to take the testimony of a nonresident witness will be applied for, the opposite party, upon giving the other five days' notice in writing of his election so to do), may have a commission directed in the same manner as provided in Section 2024 of this code to take such evidence, upon interrogatories to be propounded to the witness orally, upon the taking of which each party may appear before the commissioner, in person or by attorney, and interrogate the witness.

The party desiring such testimony shall give to the other the following notice of the time and place of taking the same, to wit: 10 days, and one day in addition thereto (Sundays included) for every 300 miles' travel from the place of holding the court to the place where such deposition is to be taken.

The provisions of subdivision (g) of Section 2019 shall apply to depositions taken under this section.

SEC. 9. Section 2030 of said code is amended to read:

Written interrogatories

2030. (a) Any party may file and serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any adverse party at any time after service of the summons or the appearance of such adverse party and without leave of court, except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall file and serve a copy of the answers on the party submitting the interrogatories within 15 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. Within 10 days after service of interrogatories a party may file and serve written objections thereto together with a notice of hearing the objections at the earliest

practicable time. Answers to interrogatories to which objection is made shall be deferred until the objections are determined. No party may serve more than one set of interrogatories to be answered by the same adverse party, except with leave of court obtained on motion after notice.

(b) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(c) Where the answer to any interrogatory may be derived or ascertained from the business records of the party to whom such interrogatory is addressed or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, it shall be a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(d) Service of interrogatories under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 10. Section 2032 of said code is amended to read:

Medical examinations

2032. (a) In an action in which the mental or physical condition or the blood relationship of a party, or of an agent or a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental or blood examination by a physician or to produce for such examination his agent or the person in his custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.

(b) (1) If requested by the party against whom an order is made under subdivision (a) of this section or the person examined, the party causing the examination to be made shall

deliver to him a copy of a detailed written report of the examining physician setting out his findings and conclusions, together with like reports of all earlier examinations of the same condition After such request and delivery the party causing the examination to be made shall be entitled upon request to receive from the party or persons examined a like report of any examination, previously or thereafter made, of the same condition. If the party or person examined refuses to deliver such report the court on motion and notice may make an order requiring delivery on such terms as are just, and if a physician fails or refuses to make such a report the court may exclude his testimony if offered at the trial.

(2) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party against whom an order is made under subdivision (a) of this section or the person examined waives any privilege he may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same condition.

(3) Unless otherwise agreed, the provisions of subdivisions (b)(1) and (2) of this section shall be applicable in cases where an examination is made pursuant to stipulation.

(c) Service upon a party of any notice, motion or order made under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 11. Section 2033 of said code is amended to read:

Genuineness of documents

2033. (a) After service of summons or the appearance of a party, any other party who has appeared in the action may file and serve upon such party who has been served or who has appeared a written request for the admission by the latter of the genuineness of any relevant documents described in the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within 10 days after such service of summons or appearance, leave of court, granted with or without notice, must be obtained. Copies of the documents shall be served with the request unless copies have already been furnished, and upon request the originals shall be made available for inspection. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof or within such shorter or longer time as the court may allow on motion and notice, the party to whom the request is directed files and serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together

with a notice of hearing the objections at the earliest practicable time. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. The number of requests for admissions or of sets of requests for admissions to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom admissions are requested under this section.

(b) Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other action.

(c) Service upon a party of any notice, motion, request or order under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

SEC. 12. Section 2034 of said code is amended to read:

Refusal to answer questions, etc

2034. (a) If a party or other deponent refuses to answer any question propounded upon examination during the taking of a deposition, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on reasonable notice to all persons affected thereby, may apply to the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal, in which event the officer before whom the deposition is taken shall direct the refusing party or other deponent to attend a session of said court at said time Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the refusal of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request

or, in the alternative, for an order that the genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. If the motion is granted and if the court finds that the refusal was without substantial justification the court may require the refusing party or deponent and the party or attorney advising the refusal or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey an order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Sections 2019, 2031 or 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining

an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees.

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a)(4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

SEC. 13. Section 1991.1 is added to the Code of Civil Procedure, to read:

Disobedience to a subpoena

1991.1. Disobedience to a subpoena requiring attendance of a witness before an officer out of court in a deposition taken pursuant to Article 3, Chapter 3, Title 3, Part 4 (commencing at Section 2016), or refusal to be sworn as a witness at such deposition, may be punished as contempt, as provided in Section 2034, without the necessity of a prior order of court directing compliance by the witness.

SEC. 14. Section 1991.2 is added to the Code of Civil Procedure, to read:

Sections applicable

1991.2. On and after the ninety-first day after adjournment of the 1959 Regular Session, the provisions of Section 1991 shall not apply to any act or omission thereafter occurring in a deposition taken pursuant to Article 3, Chapter 3, Title 3, Part 4 (commencing at Section 2016) but the provisions of Section 2034 shall be exclusively applicable.

CHAPTER 1591

An act to amend Section 9575.6 of the Business and Professions Code, relating to the State Board of Dry Cleaners, and making an appropriation, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 9575.6 of the Business and Professions Code is amended to read:

9575.6. The sum of sixty thousand dollars ($60,000), is hereby appropriated from the balance of the Dry Cleaners' Fund available under subdivision 2, Section 9575, Business and Professions Code, for expenditure for support of the State Board of Dry Cleaners, to be expended during the 1959-1960, and 1960-1961 Fiscal Years This amount may be expended at the rate of not more than thirty thousand dollars ($30,000) during any one such fiscal year, for the purpose of contracting with any college or university supported, in whole or in part, by the State of California, for conducting research and to disseminate to the dry cleaning industry and the general public information on the factors involved in the cleaning and maintenance of fabrics, including those made from or containing synthetic fibers as well as natural fibers, such as wool, cotton, or other such fibers, and the effect of cleaning procedures on the properties, life, and wearing qualities of fabrics.

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

CHAPTER 1592

An act to add Section 30610 to the Streets and Highways Code, relating to the San Francisco-Oakland Bay Bridge.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 30610 is added to the Streets and Highways Code, to read:

30610. Expenditures for maintenance and operation of the Terminal Building in San Francisco shall be proper charges against the revenues of the San Francisco-Oakland Bay Bridge.

CHAPTER 1593

An act to add Section 25020.1 to the Government Code, relating to meetings of county boards of supervisors.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 25020.1 of the Government Code is amended to read:

25020.1. Instead of selecting a temporary chairman whenever the chairman is absent or unable to act, the members of the board of supervisors may elect a vice chairman who shall preside at all meetings of the board when the chairman is absent or unable to act.

CHAPTER 1594

An act to add Sections 4209 and 4210 to the Government Code, relating to stop notices and bonds of contractors for public works.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4209 is added to the Government Code, to read:

Right of action upon contractor's bond

4209. In any case in which the law of this State requires that a contractor for construction of a public work file a payment bond, every person to whose benefit the bond inures who has not been paid in full, other than a person who performs actual labor for wages, and who has no direct contractual relationship with the contractor furnishing said bond shall have a right of action upon the bond only upon having given written notice to said contractor within 90 days from the date on which such person furnished the last of the labor or materials for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the labor or materials were furnished. Such notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or by personal service.

SEC. 2. Section 4210 is added to said code, to read

Stop notice

4210. In any case in which the law of this State affords a right to a person furnishing labor or materials for a public work who has not been paid therefore to file a stop notice with the public agency concerned and thereby cause the withholding of payment from the contractor for the public work,

any such person having no direct contractual relationship with the contractor, other than a person who performed actual labor for wages, may file such a notice, but no payment shall be withheld from any such contractor pursuant to any such notice, unless such person has given written notice to said contractor and the public agency concerned within 90 days from the date on which such person furnished the last of the labor or materials with respect to which the notice is given, stating with substantial accuracy the amount claimed and the name of the party to whom the labor or materials were furnished. Such notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or by personal service. In case of any public works constructed by the Department of Public Works of the State, such notice shall be served by mailing in the same manner as above, addressed to the office of the disbursing officer of the department or by personal service upon such officer.

Application

SEC. 2. This act shall not apply to any person furnishing labor or materials prior to the effective date of this act.

CHAPTER 1595

An act to amend Section 833 of the Revenue and Taxation Code, relating to property taxation.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 833 of the Revenue and Taxation Code is amended to read:

833. Information and records in the board's office which are not required to be kept or prepared by the board are not public documents. Except as provided herein, all information required by the board or furnished in the property statement shall be held secret by the board. This section shall not apply to maps filed pursuant to Section 326 of this code.

When requested by resolution of the board of supervisors of any county, or the council of any city which prepares its own local roll, the board shall permit the auditor or the assessor of the county or city, or any duly authorized deputy or employee of such officer, to examine any and all records of the board.

CHAPTER 1596

An act to add Chapter 20 (commencing at Section 5400) to Division 6 of the Agricultural Code, relating to the fish industry.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 20 (commencing at Section 5400) is added to Division 6 of the Agricultural Code, to read:

CHAPTER 20. THE CALIFORNIA FISH AND SEAFOOD ADVISORY BOARD

Legislative declaration

5400. The Legislature hereby declares that the provisions of this chapter are enacted in the exercise of the police power of this State for the purposes of protecting and furthering the public health and welfare. It is further declared that the fish industry of this State is affected with a public interest, in that, among other things:

(a) The production, processing and distribution of fish and seafood and the products thereof constitute an important industry of this State which not only provides substantial and required revenues for the State and its political subdivisions, and employment and a means of livelihood for many thousands of its population, but also furnishes essential foods that are vital to the public health and welfare.

(b) The stabilization, maintenance, and development of the fish and seafood industry of California, and of the State, nationwide, and foreign markets for its products are necessary to assure the consuming public an adequate supply of foods which are necessary in a proper human diet, to provide and maintain an adequate standard of living for a great segment of the people of this State, to maintain proper wage scales for those engaged in the fish industry, and to maintain existing employment.

Purposes

5401. The purposes of this chapter are:

(a) To enable the California fish and seafood industry, with the aid of the State, to maintain and develop all markets for fish and seafood produced, processed or distributed in California.

(b) In aid, but not in limitation of the other purposes of this chapter, to authorize and enable the advisory board, subject to the approval of the director, to formulate and effectuate directly or in co-operation with other agencies and instrumentalities, research and sales stimulation and consumer or other educational programs designed to increase the use and consumption of fish and seafood and the products thereof.

(c) To provide funds for the administration and enforcement of this chapter.

Definitions

5402. As used in this chapter:

(a) "Fish" shall include all forms of fish, either salt water or fresh water fish, used for human consumption and shall exclude only fish for canning and retorting.

(b) "Seafood" shall include shellfish and all other forms of animal or plant life taken from fresh or salt water and used for human consumption except only that which is canned and retorted.

(c) "Retailer" means any person, business or firm engaged in the act of selling or distributing fish or seafood to the final consumer.

(d) For the purposes of this chapter, "handler" shall mean any person engaged in the business of the distribution or sale of fish or shellfish to restaurants, or to retailers for resale to consumers, or to any other persons or concerns for resale or for sale direct to consumers.

(e) "California Fish and Seafood Advisory Board" means the board of fish or seafood handlers appointed under the provisions of this chapter and operating as the administrative agency to administer the provisions of this chapter subject to the approval of the Director of the California Department of Agriculture.

(f) "Director" means the Director of the California State Department of Agriculture.

Director's powers and duties

5403. The director shall administer and enforce the provisions of this chapter and shall have and may exercise any and all of the administrative powers conferred by Sections 11180 to 11191, inclusive, of the Government Code upon a head of a department. The exercise of the powers granted to the advisory board in its administration of this chapter shall be subject to the approval of the director.

Same Handlers

5403.1. (a) Within 45 days after the effective date of this chapter, the director shall prepare a list of handlers as defined in Section 5402 for use in carrying out procedures prescribed in this chapter. To enable the director to prepare a complete list of handlers, the director is authorized to require all persons who operated as handlers in the 12-months period next preceding the effective date of this chapter to file with him a statement properly certified showing: (1) the correct name and address of such handler; (2) the gross dollar volume of sales of fish and shell fish during said 12-months period.

(b) The information contained in the individual reports of handlers filed with the director pursuant to the provisions of this section shall not be made public by the director in such form, but the information contained in such reports may be prepared in combined form for use by the director, his agents, or other interested persons, in the formulation, administration and enforcement of a marketing order, or may be made available pursuant to court order, but shall not be made available to any one for private purposes. Such list shall constitute a complete and conclusive list of the handlers of fish and sea-

food in this State for the purposes of the written assent provided for in this section.

(c) The director shall prepare a summary statement of the provisions of this chapter and mail it to all handlers whose names appear on the list of handlers and give these handlers an opportunity to file written assents to the effectuation of the provisions of this chapter.

(d) The director shall not make effective the promotion, research and other provisions of this chapter unless and until the director finds that such programs are assented to in writing by not less than fifty-one percent (51%) of the handlers by number and who handled not less than sixty-five percent (65%) of the gross dollar volume of sales of fish and shell fish handled within this State by all handlers qualified to assent; or if he finds that effectuation is assented to by not less than sixty-five percent (65%) of the handlers by number who handle not less than fifty-one percent (51%) of the gross dollar volume of sales of fish and shell fish by all handlers qualified to assent Gross dollar volume of sales, as used herein, shall be based upon the gross dollar volume of sales of all handlers obtained by the director pursuant to subdivision (a) of this section.

(e) The period for filing written assents shall not be less than 15 days nor longer than 60 days.

5403.5. (a) There is hereby established the California Fish and Seafood Advisory Board which consists of 21 members and 21 alternate members, all of whom shall be citizens and residents of this State, and all of whom shall themselves be fish and seafood handlers or designated representatives of a corporation or partnership or representatives of any other business entities who perform functions of a handler of fish or seafood in the State of California, whether or not any such function or functions so performed are subject to the provisions of Section 5413. California Fish and Seafood Advisory Board

(b) The terms of office of the members and alternate members of the board shall be two years.

(c) Within 60 days after the effective date of this statute, the Director of Agriculture shall schedule and announce two or more nomination meetings as necessary wherein members of the fish and seafood industry may make recommendations of fish handlers to serve on the California Fish and Seafood Advisory Board.

(d) From the list of persons so nominated for board membership, the director shall select and appoint the board members and their alternates, giving proper representation to the various agencies and segments of the fish and seafood industry and to the areas of the State.

5404. (a) Immediately upon the appointment and qualification of the Advisory Board, the board shall meet to organize at a time and place designated by the director who shall act as temporary chairman. The board shall select annually from its number, to serve at its pleasure, a chairman and vice chair- Same Meetings, etc

man who, together with five other members selected annually by the board, shall constitute the executive committee of the board. The executive committee shall have and exercise such powers of the board as the board may delegate to it. Acts of the committee shall be valid only when concurred in by not less than four (4) members of the committee.

(b) A majority of the members of the board shall constitute a quorum for the transaction of all business, including the election of officers; provided, however, that recommendations of the board concerning rates of assessment, budgets, research programs or promotion programs shall require the concurring vote of not less than fourteen (14) members of the board.

(c) The advisory board shall have at least two regular meetings in each year at times and places fixed by the board. The board may assemble for regular or special meetings at any time and place at the call of the chairman or upon the written request of seven members of the board. The executive committee shall have at least four regular meetings each year at times and places fixed by it, and may meet in special meetings at any time and place at the call of the chairman or on call of a majority of the members of the executive committee.

(d) The appointed members of the board shall be reimbursed for necessary traveling and other expenses incurred in the performance of their official duties.

Employees' fidelity bonds

5405. The director may require any employee or agent of the board to give a fidelity bond executed by a surety company authorized to do business in this State in favor of the State, in such sum, and containing such terms and conditions, as the director may prescribe. The cost of all fidelity bonds of employees or agents of the board under the provisions of this chapter shall be paid from the funds collected under this chapter.

Board members' liability, etc

5406. The members and alternate members of the board duly appointed by the director, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for liability on any contract or agreement of the board, or for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, servant, or employee, except for their own individual acts of dishonesty or crime. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. All salaries, expenses, costs, obligations and liabilities incurred by such board shall be payable only from funds collected under the provisions of this chapter.

An alternate member of the advisory board shall sit as a regular member of the board in case the member for whom he is an alternate fails for any reason to attend any meetings of the board. He shall be compensated and reimbursed in the same manner and to the same extent as a regular member when so serving and when so serving has all the powers, duties, liabilities and immunities of the member in whose

place he is serving, except that the alternate to the chairman or vice chairman shall not succeed to the functions of these offices.

5407. The duties of the board, subject to the approval of the director, shall be as follows: Duties of board

(a) To conduct programs of education, research, advertising or sales promotion designed to accomplish the purposes of the chapter.

(b) To make such contracts and other agreements as may be proper to promote the sale of fish and seafood and products thereof produced, processed or distributed on either a local, state, national or international basis.

(c) To co-operate with any other local, state or national commission, organization, or agency, whether voluntary or created by state or federal law, and engaged in work or activities similar to the work and activities of the board created by this chapter and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint programs of consumer education, sales promotion, advertising and research in the production, processing or distribution of fish and seafood.

(d) To conduct, or contract to have conducted, scientific research to develop or discover, or both, the health, food, dietetic or other uses of fish and seafood.

(e) To prepare annually a budget of proposed expenses of the board and of the director to be incurred in carrying out the provisions of this chapter, and to make modifications of such budget from time to time thereafter as may be advisable.

(f) To recommend to the director administrative rules and regulations relating to the administration and enforcement of this chapter.

(g) To investigate all matters affecting the administration of this chapter, and to report violations thereof to the director.

(h) To employ at its pleasure, a manager and such other employees as it deems necessary, and prescribe their duties and fix their compensation.

(i) To contract with, or employ, and, at its pleasure, discharge such other persons as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation.

(j) To establish offices, and incur expenses incidental thereto.

(k) To present facts to, and negotiate with local, state or federal governmental agencies on matters affecting production, processing or distribution of fish or seafood.

(*l*) The director may approve such programs as the board formulates for the promotion of fish and seafood if he finds: (1) Such programs are reasonably calculated to attain the objectives sought in this chapter; (2) that such programs are in conformity with the provisions of this chapter and within the applicable limitations and restrictions set forth herein and will tend to effectuate the declared purposes and policies of

this chapter; (3) that the interests of consumers of fish and seafood are protected, in that the powers of this chapter are being exercised only to the extent necessary to attain the objectives of this chapter.

Program limitations

5408. No program or activity conducted or sponsored under this chapter shall make false or unwarranted claims, or disparage the quality, value, use or sale of any commodity authorized by law to be marketed in this State, nor shall any such programs be conducted so as to promote directly a private brand or trade name.

Records

5409. The advisory board shall keep such books, records, and accounts of all its transactions, dealings, contracts, agreements, funds, and expenditures as it deems necessary, which books, records, and accounts shall at all times be open to inspection or auditing by the director.

Legislative advocacy

5410. No member, alternate member, agent, or employee of the board shall appear before any legislative committee of the state or federal government as a representative of the board unless requested to do so by such committee, nor shall such person lobby in any manner as a representative of the board, nor shall any funds collected pursuant to this chapter be used for political contributions.

Statement of activities

5411. The board shall prepare, annually, and make available to all handlers who so request, summarized statements of the activities in which it has been engaged in the previous annual period, and of the activities in which it proposes to engage in the ensuing annual period.

Rules and regulations

5412. Upon recommendation by the board the director may establish, consistent with this chapter, such rules and regulations covering the administration and enforcement of this chapter as may be necessary to carry out the purposes and attain the objectives of this chapter. No rule or regulation shall become effective until the termination of a period of five days from the date of its adoption. The director may mail a copy of the notice of such issuance to all persons directly affected by the rules and regulations whose names and addresses may be on file in the office of the director and shall supply a copy of same to every person who files in the office of the director a written request for such notices.

Assessments

5413. (a) To defray the costs of administration and enforcement of this chapter, the advisory board shall recommend for each fiscal period an assessment rate applicable upon all handlers of fish and shellfish handled within this State. Such rate shall be made applicable upon a uniform basis on all handlers and shall be based upon the gross dollar volume of sales or upon the quantity handled if such basis is found to be more equitable and to more reasonably assess the handlers of fish and shellfish affected by this chapter. In no event shall such rate of assessment, as recommended by the board and approved by the director, be greater than that which would derive a sum equivalent to one (1) percent of the gross dollar volume of sales of fish and shellfish handled within this

State during a representative 12-month period. No such assessment shall be levied or collected more than once upon any lot of fish or shellfish handled and official agencies of city, county, state and federal governments shall be exempt from payment of the assessment.

If the director finds that any such recommended rate of assessment is proper and reasonably equitable upon all handlers, he may approve the same

(b) The provisions of this section shall not be applicable upon retailers, restaurants or other similar retail establishments, except to the extent that any such retail establishment or restaurant engages in the distribution or sale of fish or shellfish to another concern for resale or receives or handles any such fish or shellfish in such a manner that the applicable assessment rate has not theretofore been applied.

(c) After the advisory board has recommended and the director has approved an assessment, the director shall give notification in writing by mail of such assessment to all handlers concerned whose names are on record in the department. Assessments shall be paid in accordance with assessment forms prepared or issued by the director for such purposes.

Misdemeanor

5414. Failure to pay an assessment duly levied pursuant to this act is a misdemeanor and shall be punishable by a fine of not less than fifty dollars ($50) and not more than five hundred dollars ($500) for each instance of such violation. Any such moneys are to be deposited to the account of the advisory board.

Deposit and expenditure of funds

5415. All moneys collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of Finance, allocated to the purposes of this chapter only, and disbursed by the director in accordance with the budget or budgets recommended by the board and approved by the director as set forth in subdivision (e) of Section 5407. The expenditure of the moneys so collected shall be subject to appropriate auditing rules and regulations prescribed by the director, and shall be exempt from provisions of Sections 16003 and 16304 of the Government Code. All such expenditures by the board and the director shall be audited at least once every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after completion thereof to the Governor, the Director of Agriculture, and the State Controller.

Investment of funds

5416. Moneys deposited by the director pursuant to this chapter, which the director determines are available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Section 16430 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing at Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. Any increment received from such investment or reinvestment or deposit shall be remitted

to the director for the account of the Fish and Seafood Advisory Board.

Activating expenses

5417. The director is authorized to receive and expend moneys from members of the fish and seafood and allied industries to assist in defraying the expenses of activating the provisions of this chapter; provided, that any such sums so received may be repaid to any such persons from funds collected pursuant to Section 5413.

Short title

5418. This chapter may be cited as the "California Fish and Seafood Advisory Board Law."

Severability

5419. If any section, sentence, clause or part of this chapter is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this chapter. The Legislature hereby declares that it would have passed this chapter and each section, sentence, clause and part thereof despite the fact that one or more sections, sentences, clauses or parts thereof may be declared unconstitutional.

CHAPTER 1597

An act to amend Section 31 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), relating to real or personal property acquired by the district.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 31 of the Santa Clara County Flood Control and Water Conservation District Act is amended to read:

Sec. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, or interest therein, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties in Sections 25365, 25521, 25522, 25524, 25526, 25527, 25530 through and including 25535, 50335, and 50430 through and including 50445 of the Government Code; provided, however, that notice of the board's intended action shall be as prescribed in Section 25363 of

the Government Code; provided, further, that property which, in the unanimous judgment of the board does not have a sale value in excess of one hundred dollars ($100), or a rental value in excess of fifty dollars ($50) per month, as determined by a qualified land appraiser, or which has no access to a public road, or which consists of an easement for ingress and egress to property, which by the terms of said easement will terminate when ingress and egress is supplied to said property by a public road, may be, on terms prescribed by the board, sold, leased, or conveyed by any person authorized by a majority vote of the board, and upon confirmation by the board.

CHAPTER 1598

An act to add Part 7 (commencing at Section 7000) to Division 8 of the Harbors and Navigation Code, relating to small craft harbor districts.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Part 7 (commencing at Section 7000) is added to Division 8 of the Harbors and Navigation Code, to read:

PART 7. SMALL CRAFT HARBOR DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

Short title

7000. This part shall be known and may be cited as the Small Craft Harbor District Law.

Construction

7001. This part and all of its provisions shall be liberally construed to the end that its purpose may be effective. This part does not affect any other law covering the same subject, nor apply to any proceedings had thereunder, nor does it in any manner interfere with existing harbors or prevent the formation, operation or government of harbors within the State under any other law.

"Harbor"

7002. "Harbor" means a portion of the Pacific Ocean or inland waters, including rivers, streams, lakes, bays, estuaries, inlets, straits and other waters within the jurisdiction of the State, naturally or artificially protected or capable of being artificially protected so as to be a place of safety for vessels, including the artificially protective works, the public lands underlying, washed by, ashore of, or abutting any of said waters and the structures and facilities provided within, beneath, abutting or ashore of any enclosed body of any of said waters for any of the uses or purposes set forth in Section 7149, including the moving and servicing of vessels and the servicing of their crews and passengers.

"District"

7003. "District" means any small craft harbor district formed pursuant to this part.

"Board"

7004. "Board" means the board of directors of a district.

"Development"

7005. "Develop" and "development" includes without limitation the acquisition, construction, repair, leasing improvement or any combination thereof necessary to create or develop a harbor.

CHAPTER 2. FORMATION

Article 1. Petition

Formation of district

7010. A district may be formed consisting of any portion or portions of a county, whether contiguous or not, lying entirely within a city or entirely within unincorporated territory of the county or wholly or partially including territory of all or part of one or more cities within the county, including within its boundaries the whole or some part of the harbor proposed to be developed.

Petition

7011. Fifty or more registered, qualified electors in a county residing within the proposed district may sign and present to the board of supervisors of the county a petition in writing for the formation of a district.

Same

7012. The petition shall:

(a) Set forth the exterior boundaries of the proposed district.

(b) Generally describe the proposed harbor development.

(c) A request that the territory included within the described boundaries be formed into a district pursuant to this part.

Report on petition

7013. Within 10 days from the filing thereof the county registrar of voters, or if there be none, the county clerk, shall examine the petition and report in writing to the board of supervisors as to the sufficiency thereof. If the report shows the petition to be insufficient a supplemental petition may be filed within one month from the date of the report.

Publication and hearing

7014. If the report shows the petition to be sufficient the petition shall be published as provided in Section 6066 of the Government Code in a newspaper of general circulation in the county in which the proposed district is located together with a notice setting forth the day, hour and place at which the petition will be heard by the board of supervisors and stating that at the designated time and place all persons interested may appear and be heard. The notice shall also state that any interested person, including any owner of taxable real property within the proposed district, may file with the clerk of the body conducting the hearing at any time prior to the time fixed for the hearing a written protest or objection to the formation of the district. The names of only three signers of the petition need be published. The time fixed for the hearing shall not be less than 30 nor more than 60 days after the first publication of the petition and notice of hearing.

Article 2. Hearing

7020. At the time and place specified in the notice the board of supervisors shall hold the hearing, consider the petition and may continue the hearing from time to time. Hearing

7021. At the hearing the board of supervisors, without further notice, may change the exterior boundaries of the proposed district, as set forth in the petition, by excluding lands which would not be benefited by the proposed harbor development. Boundaries

The board of supervisors may also change the exterior boundaries of the proposed district by adding to the district and including therein other lands which will be benefited by the proposed harbor development. Land may not be added to the proposed district unless notice is given by the board of supervisors of the proposed addition or additions to the district by publication of its intention to do so. The notice shall contain a description of the additional lands to be included in the proposed district, and it shall state the day, hour and place for the owners of land within the proposed addition to appear before the board of supervisors and state their objections, if any, to the inclusion. The notice shall be published as provided in Section 6066 of the Government Code in a newspaper of general circulation in the county in which the proposed district is located, the first publication to be at least 15 days before the day so fixed.

7022. If the territory included within the proposed district lies entirely within one city, the petition shall be filed with the city clerk and the clerk and the legislative body of the city shall conduct all the formation proceedings in the same manner as herein provided for the board of supervisors. Territory entirely within one city

7023. Except for proceedings to which Section 7022 applies, no territory lying within a city may be included in a district formed pursuant to this part without the consent of the city given by its legislative body, and filed with the board of supervisors prior to the adoption by the board of supervisors of the resolution provided for in Section 7024. Territory partially within city

7023.5. If, prior to the time fixed for the hearing, the owners of taxable real property in the proposed district having an assessed valuation of more than one-half of the assessed valuation of all taxable real property in the proposed district have filed with the clerk of the body conducting the hearing written protest or objection to the formation of the district, the body conducting the hearing shall so find and the proceeding shall be terminated and no further proceedings shall be had or taken pursuant to the petition. If the proceeding is so terminated by the filing of a written majority protest or objection, a new petition for the same or substantially the same district may not be filed until the expiration of two years from the date of the finding that such protest or objection has been filed Protest

7024. If, after concluding the hearing, the board of supervisors determines that the proposed harbor development will Resolution

benefit the property within the proposed district, as originally proposed or as changed by the board of supervisors, and that the proceedings have been regularly had and taken it shall so find by resolution. The resolution shall also contain:

(a) The name of the proposed district, as determined by the board of supervisors.

(b) The official name by which the harbor will be known, as determined by the board of supervisors.

(c) A description of the exterior boundaries of the proposed district, as finally determined by the board of supervisors.

Conclusiveness of findings

7025. A finding of the board of supervisors of the genuineness and sufficiency of the petition and that notice shall be conclusive against all persons.

Article 3. Election on Formation

Election on formation

7030. After adoption of the resolution provided for in Section 7024 the board of supervisors shall call and give notice of an election to be held in the proposed district for the purpose of determining whether or not it shall be formed and for the election of five persons who shall serve as the first directors of the district if the district is formed

Resolution

7031. The resolution calling the election shall contain:

(a) The date of the election.

(b) The name of the proposed district.

(c) The official name by which the harbor will be known.

(d) A description of the exterior boundaries of the proposed district.

(e) The hours that the polls will be open, the election precincts, the polling place or places and the election board or boards appointed to conduct the election.

(f) The statement of the proposition to be voted upon.

Conduct of election

7032. The election shall be called and conducted and candidates nominated in the manner provided for general district elections, except that the board of supervisors shall establish election precincts, designate the polling place or places, appoint the election board or boards and canvass the returns.

Publication

7033. The resolution calling the election shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation in the county in which the proposed district is located, the first publication to be at least 30 days prior to the date of election.

Canvass of votes

7034. The vote shall be canvassed by the board of supervisors not more than 10 days after the election.

Unfavorable vote

7035. If less than a majority of the votes cast upon the proposition are in favor of forming the district the board of supervisors shall declare the proceedings terminated.

Favorable vote

7036. If a majority of the votes cast upon the proposition are in favor of forming the district the board of supervisors shall by resolution declare the district duly organized under this part. Said resolution shall state:

(a) The name of the district.
(b) The official name by which the harbor will be known.
(c) The exterior boundaries of the district.

A certified copy of the resolution declaring the district formed shall be filed with the Secretary of State. The organization of the district shall then be complete.

Validity of formation

7037. No informality in any proceeding, including informality in the conduct of the election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of the district. Any proceedings wherein the validity of the formation of a district is denied shall be commenced within six months from the date of filing of the certified copy of the resolution declaring the district formed with the Secretary of State; otherwise the formation and legal existence of the district and all proceedings in respect thereto shall be incontestable.

CHAPTER 3. INTERNAL ORGANIZATION

Article 1. Directors

Board of directors

7040. Each district shall have a board of five directors all of whom shall be registered electors residing within the boundaries of the district and all of whom shall be elected at large. The directors first elected upon the formation of the district shall classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general district election, and three of them shall hold office until the election and qualification of their successors in the second general district election.

Term of office

7041. The term of office of each director, other than directors first elected or directors appointed to fill an unexpired term, shall be four years.

Failure to qualify

7042. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in the office.

Vacancies

7043. All vacancies occurring in the office of director shall be filled by appointment by the remaining directors.

Same Appointments

7044. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists.

Term

7045. Each director elected or appointed shall hold office until his successor qualifies.

Territory entirely within one city

7046. If and when the territory included within the district lies entirely within a single city, the legislative body of such city shall be ex officio the board of directors of the district. In such a case, the presiding officer of such legislative body shall be ex officio the president of the district, the clerk of such city shall be ex officio the secretary of the district, the treasurer of such city shall be ex officio the treasurer of the district, and the provisions of Article 2 (commencing at Section 7190) of Chapter 6 of this part shall not apply.

Directors' compensation

7047. Each director shall receive a sum as may be fixed by the board, not exceeding fifty dollars ($50) for each meeting of the board attended by him, for not exceeding four meetings in any calendar month. A director may also receive traveling and other expenses incurred by him when performing duties for the district other than attending board meetings.

Oath

7048. Before entering upon the duties of his office each director shall take and subscribe the official oath and file it with the secretary. The oath of office may be taken before the secretary, any member of the board of directors, or any officers authorized by law to administer oaths.

Article 2. The Board

Board

7050. The board is the governing body of the district.

Powers

7051. The powers of the district shall, except as otherwise provided in this part, be exercised by the board.

Organization meeting

7052. Within 30 days after the formation of the district the directors shall meet and organize as a board. The board shall:

(a) Elect one of its members president except in a case where Section 7046 applies.

(b) Provide for the time and place of holding its regular meetings.

Same

7053. At its organization meeting the board may transact any business of the district.

Quorum

7054. A majority of the board shall constitute a quorum for the transaction of business.

Board's acts

7055. The board may act either by ordinance, resolution, order or motion. No ordinance or resolution shall be passed or become effective without at least the affirmative votes of a majority of the then members of the board.

Records

7056. Separate books may be maintained for the filing of ordinances and resolutions but the ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the board.

Enacting clause of ordinances

7057. The enacting clause of all ordinances passed by the board shall be in substantially the following form: "Be it Ordained by the Board of Directors of (_____ naming the district) as follows:".

Ordinances

7058. The board may pass all ordinances necessary for the regulation of the district. All ordinances shall be signed by the president and attested by the secretary.

Rules

7059. The board shall establish rules for its proceedings.

Seal

7060. The board may adopt a seal for the district and alter it at pleasure.

Change of name of district

7061. By resolution the board may change the name of the district. A change of name shall be effective upon the filing of a certified copy of the resolution with the Secretary of State and in the office of the county recorder of the county in which the district is situated.

Article 3. Officers and Employees

7070. Except in a case where Section 7046 applies, the board shall at its first meeting, or as soon thereafter as practical, appoint a secretary and treasurer. The board shall also appoint other officers that are necessary or convenient for the business of the district. Officers

7071. A director shall not be treasurer. The secretary and treasurer shall receive the compensation determined by the board and shall serve at its pleasure. Same

7072. The board may, at any time, appoint or employ, fix the compensation of and prescribe the authority and duties of other officers, employees, attorneys, engineers and consultants necessary or convenient for the business of the district, each of whom shall serve at the pleasure of the board. Other employees

7073. The board may require the secretary, treasurer or other officers, employees or assistants of the district to give a bond to the district conditioned upon the faithful performance of his duties in an amount as the board may provide. Employee's bond

7074. The treasurer shall receive and safely keep all moneys of the district. He shall comply with all provisions of law governing the deposit and securing of public funds. Treasurer

CHAPTER 4. ELECTIONS

Article 1. Elections Generally

7080. (a) Except for the first election, directors shall be elected at general district elections. All other elections are special district elections. The first general district election shall be held on the same day as and shall be fully consolidated with the next statewide direct primary which is held more than six months subsequent to the formation of the district and succeeding general district elections shall be held on the same day and shall be fully consolidated with the succeeding statewide direct primaries. Election of directors

(b) No notice of a general district election need be given. The precincts, polling places and election officers shall, within the district, be the same as those provided for the statewide direct primary and the elections shall be held in all respects as if there were only one election and only one form of ballot shall be used unless some precincts are not entirely the same for both elections, in which case separate ballots may be provided as necessary.

(c) The district shall pay to the county the actual cost of the services rendered in conducting the election upon presentation to the board of a properly approved bill from the county. The returns shall be canvassed by the county officer or officers required to canvass the returns of the statewide direct primary and a certificate stating the result of the canvass shall be filed with the board who shall declare the result and declare elected the persons having the highest number of votes given for each office.

(d) The certificate shall be retained in the district records and the results and declaration shall be entered on the minutes of the board. The secretary shall deliver to each person elected a certificate of election signed by the secretary and authenticated with the seal of the district.

Nomination

7081. Nomination papers for the office of director shall be signed by 25 or more registered electors in the district and filed with the secretary not more than 65 nor less than 40 days before the day of election. Otherwise the directors shall be nominated in accordance with the provisions for independent nominations set forth in Chapter 3 (commencing at Section 3000) of Division 5 of the Elections Code so far as they may be applicable.

Conduct of election

7082. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections so far as they may be applicable shall govern all district elections, except:

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections the provisions of the Elections Code pertaining to local elections shall control.

(b) Inconsistent provisions of this part shall control over any provisions of the Elections Code.

Single vacancy

7083. If there is but one person to be elected to an office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected.

Multiple vacancies

7084. If there are two or more persons to be elected to an office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

Propositions

7085. If a proposition has been submitted at the election it shall be declared carried if a majority of those voting thereon, or a higher number as may be required by law, vote in favor thereof. Otherwise it shall be declared defeated.

Special elections

7086. Special district elections held under this part or under any other law shall be called, held and conducted as provided in this part or in said other law if it so provides, but if no provision is made therein the election shall be called by resolution which shall state:

(a) The date of the election.

(b) The hours during which the polls shall remain open.

(c) The election precinct or precincts, the polling place or places and the names of the officers selected to conduct the election, who shall consist of one inspector, one judge and two clerks in each precinct.

(d) The measure or measures to be submitted to the voters.

Notice of election

7087. Notice of the holding of the election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code in at least one news-

paper published in the district, the first publication to be at least two weeks prior to the date of the election. If there is no newspaper published in the district the resolution shall be posted in three public places in the district not less than two weeks prior to the date of the election. No other notice of the election need be given.

Election results

7088. The returns of the election shall be made, the votes canvassed at least seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this part. The secretary, as soon as the result is declared, shall enter in the district records a statement of the result.

Validity of election

7089. No irregularities or informalities in conducting any district election shall invalidate the same, if the election shall have been otherwise fairly conducted.

Election expense

7090. All the expenses of district elections shall be borne by the district.

Article 2. Appointments in Lieu of Election

Election not held

7100. If, on the tenth day after the time for nominating directors has expired, only one person has been nominated for each of the positions of director to be filled at that election and a petition signed by 5 percent of the voters of the district requesting that the election be held has not been presented to the board of supervisors, an election shall not be held.

Appointment in lieu of election

7101. In such case the board of supervisors of the county in which the district is situated shall, at its next regular meeting, appoint to the positions of directors those persons nominated, and the person shall qualify, take office, and serve exactly as if elected at the general district election.

Article 3. Initiative; Referendum; Recall

Initiative

7120. Ordinances may be enacted by and for any district by initiative in the same manner and with the same effect as ordinances of counties under the provisions of Article 1 (commencing at Section 1600) of Chapter 2 of Division 4 of the Elections Code and the terms used therein shall have the following meanings:

(a) "County" shall mean district.

(b) "Board of supervisors" shall mean board.

(c) "County clerk" shall mean secretary.

Referendum

7121. No ordinance shall become effective until 30 days from and after the date of its passage, except an ordinance calling or otherwise relating to an election and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the board. Prior to the effective date thereof ordinances shall be subject to referendum in the same manner and with

the same effect as ordinances of counties under the provisions of Article 2 (commencing at Section 1650) of Chapter 2 of Division 4 of the Elections Code and terms used therein shall have the meanings set forth in Section 7120.

Recall

7122. Every incumbent of the office of director, whether elected or appointed, may be recalled in the same manner as officers of counties under Chapter 2 (commencing at Section 11050) of Division 13 of the Elections Code and the terms used therein shall have the meanings set forth in Section 7120.

CHAPTER 5. POWERS

Article 1

District powers

7140. The district may exercise the powers expressly granted in this part or in any other law or necessarily implied therefrom. The district has the power generally to perform all acts necessary to carry out fully the provisions, powers and purposes of this part.

Succession

7141. The district has perpetual succession.

Litigation

7142. The district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Taxes

7143. The district may levy and cause to be collected taxes for the purpose of paying the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness, or to pay amounts required by contracts or leases, or to pay any other expenses or claims incurred in carrying out fully the provisions, powers and purposes of this part.

Contracts

7144. The district may make contracts for any and all purposes necessary or convenient for the full exercise of its powers.

Employment

7145. The district may employ labor, professional services, agents, servants and employees necessary to manage, maintain, and control the harbor and to enable the district to exercise its powers.

Property

7146. The district may take by grant, purchase, gift, devise or lease or other acquisition, hold, use, enjoy, lease or dispose of real and personal property of every kind, within or without the district necessary to the full or convenient exercise of its powers

Eminent domain

7147. The district may acquire by eminent domain proceedings in the manner provided by law lands and properties necessary, convenient or useful to the exercise of its powers, but may exercise the power to acquire lands and property outside the district by eminent domain only with the consent of the governing body of the county, or city if any, in which the property is located. In the proceedings relative to the exercise of the right of eminent domain the district has the same rights, powers and privileges as a municipal corporation.

7148 Any county, city and county, city, or other political subdivision or agency of the State, in this section referred to as "public agency," which has been invested by grant from the State with the ownership, possession, control or management of tide and submerged lands or any other lands lying under, washed by or abutting the Pacific Ocean, or inland waters of the State, including the beds of navigable rivers, streams, lakes, bays, estuaries, inlets and straits, may, with the prior written consent of the State Lands Commission, agree in writing that any district formed pursuant to this part shall for the term stated in the writing have all or any right, title and interests of any such public agency and exercise all or any jurisdiction of any such public agency in the lands over the lands or any portion thereof. Lands held by public agencies

7149. The district may acquire, construct, reconstruct, improve, repair, develop, maintain and operate a harbor and all facilities appurtenant thereto, connected therewith or incidental thereto, including, without limiting the generality of the foregoing, the following: Harbors, etc

(a) The dredging of channels, shipways, berths, anchorage places and turning basins.

(b) The acquisition, reconstruction, repair and maintenance of jetties, breakwaters, bulkheads, seawalls, wharves, docks, ways, ferry slips, warehouses, streets, roads, drives, parkways, avenues, approaches, marinas, aquatic playgrounds, beach parks, bathing beaches and other recreation facilities, together with structures and facilities incidental thereto.

(c) The acquisition, construction, reconstruction, repair, maintenance, operation, development and regulation of fueling, loading and unloading, towing, repair, warehousing, shipping and reshipping, and other facilities, aids, equipment or property necessary for or incidental to the development and operation of the harbor.

(d) The acquisition, construction, reconstruction, repair, maintenance and operation of fireboats, sanitary, and other facilities necessary for the proper protection of the harbor.

7150. The district may lease any property, whether real or personal, and any interest therein to, of and from any person, firm or public or private corporation, or public agency with the privilege of purchasing or otherwise. Leases

7151. The district may join with the United States or any department or agency thereof, the State or any department or agency thereof, any county, city and county, city, district or other public or private corporation, or one or more or any other combination of the foregoing, for the purpose of carrying out any of the powers of the district, including, *without limitation*, provisions for the financing of acquisitions, constructions, developments and operations. Joint exercise of powers

7152. The board may, by ordinance, establish general rules for the government of the harbor, including, without limiting the generality of the foregoing: Harbor rules

(a) The regulation of anchoring, mooring, towing, wharfage and dockage of vessels and the establishment and collection of rates, fees and charges therefor.

(b) The establishment and collection of rates, fees and charges for service from or use of any of the facilities owned, controlled, furnished or operated by the district.

(c) The supervision of pilots and the pilotage of all vessels within the harbor and the establishment and collection of fees and charges therefor.

(d) The regulation of the construction of wharves, docks, buildings and improvements of all types on property owned or controlled by the district.

(e) The issuance of licenses and permits for privileges to be exercised in and about the harbor upon equal terms and the establishment and collection of rates, fees and charges therefor.

Works along streets, etc

7153. The district may construct any works along, under or across any street, road, or watercourse upon payment of compensation therefor, if any be payable, in a manner that will afford security for life and property.

Streets and highways

7154. The district may use any lands acquired or owned by the district for street or highway purposes. If it is necessary or expedient to convey any of the lands owned by the district for street or highway purposes, the board, by resolution, may authorize the president and secretary to execute the deed to the political subdivision entitled thereto and deliver it to the proper authority representing the grantee.

Franchises

7155. The district may sell and issue franchises relating to the harbor and its works, appurtenances, properties and rights in accordance with such procedure as may be prescribed by ordinance.

Solicitation of business

7156. The district may advertise its advantages and solicit business within or without the district, within other states or any foreign countries through such employees or agents as are expedient.

Competitive bidding

7157. All construction authorized to be done under this part exceeding in cost the sum of two thousand five hundred dollars ($2,500) shall be awarded upon competitive bidding. Notice of the proposed letting of such a contract shall be published as provided in Government Code 6066 in a newspaper of general circulation in the district, or if there be none, of general circulation in the county, the first publication to be at least two weeks prior to the opening of bids. The notice inviting bids shall set a date for the opening of bids. The contract shall be awarded to the lowest responsible bidder. In its discretion the board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the board may accept the one it chooses. If no bids are received the board may have the work done directly by purchasing the materials and hiring the labor.

If all bids are rejected the board may adopt a resolution by four-fifths vote, declaring that the work can be performed

more economically by hiring day labor, or the materials or supplies furnished at a lower price in the open market and may have the work done in the manner stated in the resolution in order to take advantage of this lower cost.

If there is a present or anticipated great public calamity, such as an extraordinary fire, flood, storm, enemy attack or other disaster the board may be four-fifths vote adopt a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property and expend any sum required in the emergency without submitting the expenditure to the bidding procedure set forth.

The board may negotiate with the Government of the United States or any department or agency thereof, the State or any department or agency thereof, any county, city and county, city, district or other public corporation for the purpose of assisting the district in the performance of any of the work authorized by this part and, without advertising for bids, may cause the district to contribute to the United States or any of the foregoing public bodies all or any portion of the estimated cost of any work authorized by this part which is to be done by or under contract with the United States or any of the foregoing public bodies.

Aid from U. S., etc.

7158. The district may accept aid from the United States or any department or agency thereof or from the State or any department or agency thereof and from any county, city and county, city, district or other public or private corporation or person. Any county, or city and county, or city, any portion of which is within the district may provide such money as in the opinion of its legislative body may be required, necessary or expedient to be provided in aid of any of the uses or purposes set forth in Section 7149.

CHAPTER 6. FINANCIAL PROVISIONS

Article 1. General

Incurring indebtedness

7170. A district may borrow money, incur indebtedness, and issue bonds or other evidences of indebtedness as provided in this part.

Warrants for formation expenses

7171. A district may issue warrants payable in not to exceed two years from their date, to pay the formation expenses of the district, which warrants may bear interest at a rate of not exceeding 6 percent per annum from date of issue until paid, which formation expenses may include fees of attorneys and others employed to conduct formation proceedings.

Payment of claims, etc.

7172. Bonds and interest coupons shall be paid when due. All other claims and demands shall be approved in writing by the president or a member of the board designated for such purpose, or approved by the board in open meeting.

Warrants

7173. Warrants shall be drawn by the treasurer and signed by the president, or a member of the board designated for the purpose and by the secretary.

Auditing and accounting

7174. The treasurer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

Reports and audit

7175. The treasurer shall make annual, or oftener if the board so orders, written reports to the board as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary. At least yearly the books and accounts of the district shall be audited by an independent certified public accountant or public accountant or firm of certified public accountants or public accountants employed by the district.

Banks

7176. A bank may act as depositary, paying agent or fiscal agent for the holding or handling of district funds, notwithstanding the fact that a member of the board is an officer, employee or stockholder of the bank, or of a holding company that owns any of the stock of the bank.

Article 2. Alternative—County Treasurer as Depositary

County treasurer · As depositary

7190. As an alternative to the procedures of Article 1 (commencing at Section 7170) the board may by resolution designate the county treasurer of the county in which the district is situated to be the depositary and have the custody of all the district's money. The resolution shall be filed with the county treasurer.

Same Duties

7191. The county treasurer shall:

(a) Receive and receipt for all the district's money and place it in the county treasury to the credit of the district.

(b) Be responsible upon his official bond for the safekeeping and disbursing of all district money so held by him.

Same Disbursements

7192. The county treasurer shall pay, when due, out of district money, all sums payable on outstanding bonds and coupons of the district; and the county treasurer shall pay any other sums out of district money, or any portion thereof, only upon warrants of the county auditor.

Warrants

7193. The county auditor shall draw warrants to pay demands made against the district when the demands have been approved in writing by the president or a member of the board designated for the purpose or approved by the board in open meeting.

Reports

7194. The county treasurer shall report in writing on the first day of July, October, January and March of each year to the board with respect to each of the following:

(a) The amount of money he then holds for the district.

(b) The amount of receipts since his last report.

(c) The amount paid out since his last report. The report shall be verified and filed with the secretary.

Service charges against district

7195. The board of supervisors of the county shall determine the charge to be made against the district for any services of either or both of:

(a) The county treasurer as custodian of the district's money.

(b) The county auditor in drawing warrants to pay demands, made and approved, against the district.

Article 3. Short Term Borrowing

Negotiable promissory notes

7200. A district may incur indebtedness for any purpose for which the district is authorized to expend funds by the issuance of negotiable promissory notes pursuant to this article without an election.

Same Term and interest

7201. Said notes shall be payable in not to exceed five years from their date and shall bear interest at not exceeding 6 percent per annum, payable as provided therein.

Limitation

7202. The total aggregate amount of said notes outstanding at any one time shall not exceed a limit of 2 percent of the assessed valuation of the taxable property in the district or, if the assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the taxable property in the district evidenced by his certificate, provided:

(a) A district which has been formed for less than 18 months may exceed said limit and in the event may borrow an aggregate amount of not to exceed thirty-five thousand dollars ($35,000).

(b) No district shall borrow more than an aggregate amount of one hundred fifty thousand dollars ($150,000).

Article 4. General Obligation Bonds

General obligation bonds

7210. Whenever the board deems it necessary for the district to incur a general obligation bonded indebtedness for (a) the acquisition, construction, completion or repair of any or all improvements, works or property mentioned in this part, or (b) the funding or refunding of any outstanding indebtedness of the district, including premiums, if any be payable, the board shall, by resolution, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters the proposition of incurring indebtedness by the issuance of bonds of the district.

Resolution

7211. The resolution shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(d) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred; and

(g) The designation of the precincts, the location of the polling places and the names of the officers selected to conduct the election, who shall consist of one inspector, one judge, and two clerks in each precinct.

Notice of election

7212. Notice of the holding of the election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code in at least one newspaper published in the district. The first publication to be at least two weeks prior to the date of the election. If there is no newspaper published in the district the resolution shall be posted in three public places in the district for not less than two weeks prior to the date of the election. No other notice of the election need be given.

Election results

7213. The returns of the election shall be made, the votes canvassed at least seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this part. The secretary, as soon as the result is declared, shall enter in the district records a statement of the result of the election.

Validity of election

7214. No irregularities or informalities in conducting the election shall invalidate the same, if the election shall have been otherwise fairly conducted.

Limitation of actions

7215. Any action or proceeding wherein the validity of the election or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of the election; otherwise the election and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Favorable vote

7216. If from the election returns it appears that more than two-thirds of the votes cast upon the measure were in favor of and assented to the incurring of the general obligation bonded indebtedness, then the board may, by resolution, at the time or times it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of the bonds authorized shall have been issued.

Bonds: Series and term

7217. The full amount of bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

Form

7218. The board shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than

five years from the date of the bonds or the date of the bonds of each series respectively.

Interest

7219. The bonds shall bear interest at a rate or rates not to exceed 6 percent per annum payable semiannually, except that interest for the first year shall be payable at the end of the year.

Call and redemption

7220. The board may also provide for the call and redemption of bonds prior to maturity at the time and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect, or unless a statement to that effect is printed thereon.

Denomination

7221. The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100).

Payment

7222. The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or at any other place or places as may be designated, or at either place or places at the option of the holder of the bond.

Signatures

7223. The bonds shall be dated, numbered consecutively, and be signed by the president of the board and the treasurer of the district and countersigned by the secretary of the district and the official seal of the district affixed. The interest coupons of the bonds shall be signed by the treasurer of the district. All the signatures and countersignatures may be printed, lithographed or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If any officer whose signature or countersignature appears on any bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, the signature or countersignature either on the bonds or the coupons, or on both, is nevertheless valid and sufficient for all purposes the same as if the officer had remained in office until the delivery of the bonds, and the signature upon the coupons of the person who is treasurer at the date of the bonds, is valid although the bonds themselves may be attested by a different person who is treasurer at the time of delivery of the bonds.

Bids

7224. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Disposition of proceeds

7225. The proceeds from the sale of the bonds shall be paid into the treasury of the district and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; however, when the purpose has been accomplished, any moneys remaining in the

special improvement fund may be transferred to the fund to be used for the payment of the principal of and interest on the bonds.

Limitation of actions

7226. Any action or proceeding, wherein the validity of any such bonds or of proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of the issuance thereof; otherwise said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Tax exemption

7227. Any general obligation bonds issued by a district shall have the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

Article 5. Revenue Bonds

Revenue bonds

7240. The district may issue revenue bonds for any purpose mentioned in this part under the provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300) of Division 2 of Title 5 of the Government Code).

Revenue Bond Law of 1941

7241. If revenue bonds are issued, the bonds shall be authorized by a majority of the qualified electors as provided in the Revenue Bond Law of 1941 (Chapter 6 (commencing at Section 54300) of Division 2 of Title 5 of the Government Code).

Limited tax levy as security

7243. In any ordinance or resolution calling an election to authorize the issuance of revenue bonds of the district, the board may insert a provision that it intends to provide, as further security for the bonds, for a limited tax levy (stating the limit as to rate) which shall be levied from time to time to the extent to which revenues pledged to the payment of the principal of and interest on the bonds have been or are expected to be insufficient in any year to pay said principal and interest or to the extent to which any reserve fund established for said bonds has been or will be used to pay, or to provide for the payment of, such principal or interest. If such provision is so inserted and if the bonds are authorized by a fifty-one percent (51%) favorable vote, the board may insert in the ordinance or resolution providing for the issuance of such bonds a provision for such limited tax levy and such terms, conditions and covenants as may be necessary or convenient for the carrying out of such provision. The limited tax levies authorized by this section shall not in the aggregate exceed in any one year seventy-five cents ($0.75) on each one hundred dollars ($100) of assessed valuation.

Chapter 7. Taxation

Taxation

7260. After the incurring of any general obligation indebtedness, evidenced by general obligation bonds, and annually thereafter until the indebtedness is paid or until there is a sum in the treasury of the district set apart for that purpose sufficient to meet all payments of principal of and interest on the indebtedness as it becomes due, the board shall cause a tax

to be levied, as herein provided sufficient to pay the interest and principal as will become due before the proceeds of a tax levied at the next general tax levy will be available.

Reduction

7261. To the extent to which moneys are in the treasury from a source other than the annual tax levy required by Section 7260 and are set apart for the payment of principal of and interest on indebtedness as provided in Section 7260, the tax therein required may be reduced.

Estimates

7262. Within a reasonable time prior to the time when the board of supervisors is required by law to fix its tax rate, the board of directors of the district shall furnish to the board of supervisors and to the auditor, respectively, in writing:

(a) An estimate of the minimum amount of money required by Section 7243 to be raised by taxation during the fiscal year.

(b) An estimate of the minimum amount of money required to be raised by taxation to comply with, but subject to the limitations of, any provision inserted pursuant to Section 7243 in any ordinance or resolution providing for the issuance of revenue bonds.

(c) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district. Taxes levied for purposes of the district other than pursuant to Section 7243 or Section 7260 shall not in the aggregate exceed in any one year seventy-five cents ($0.75) on each one hundred dollars ($100) of assessed valuation.

Tax levy

7263. After the board has furnished the estimate, the board of supervisors, annually, at the time and in the manner of levying other county taxes, shall levy upon the property within the district and cause to be collected a tax sufficient to pay the amounts set forth in Section 7262.

Collection

7264. All district taxes shall be collected at the same time and in the same manner and form as county taxes and shall be paid to the district for which they were levied and collected

Enforcement

7265. All district taxes whether for the payment of indebtedness and the interest thereon or for other purposes are of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for state and county taxes

CHAPTER 8. CHANGES IN ORGANIZATION

Article 1. Annexation

Annexation of land

7280. Land in the same county in which the district is located, whether contiguous or not or incorporated or not, which is not a part of the district may be annexed thereto.

Petition

7281. A majority in number of the holders of title to any tract of land proposed to be annexed and who are also the holders of title to a majority in acreage and assessed value of the land may file with the secretary a petition signed by them containing a description of the land proposed to be annexed

sufficient to identify it and praying that the land be annexed to the district. The petition may consist of one or more separate instruments. The petition shall be accompanied by a certified check in sufficient amount to cover all publication and mailing costs in the annexation proceedings.

Holders of property in trust

7282. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court may sign any petition or protest provided for in this article when authorized by the proper court, which authorization may be made without notice.

Evidence of ownership

7283. The last equalized assessment roll of the county is prima facie evidence of the ownership of land proposed to be annexed and the names and number of the holders of title to the land.

Report on petition

7284. Within 20 days from the filing thereof the secretary shall examine the petition and report in writing to the board as to the sufficiency thereof. If the report shows the petition to be insufficient a supplemental petition may be filed within two weeks from the date of said report.

Resolution

7285. If the report shows the petition to be sufficient the board shall consider it. If the board does not favor the annexation it shall so state by resolution and the annexation proceedings shall be terminated. If the board favors the annexation it shall so state by resolution which shall also state:

(a) That a petition has been filed for the annexation of land to the district.

(b) A description of the land proposed to be annexed.

(c) A statement of the terms and conditions, if any, of annexation of the land.

(d) The time and place for hearing the petitions.

(e) That at the designated time and place all persons interested may appear and be heard.

(f) That any persons interested may file with the secretary of the district, at or prior to the hearing, written protests to the proposed annexations.

Terms and conditions

7286. In the resolution the board may prescribe any terms and conditions upon annexation that it deems just, which, without limitation, may include:

(a) Conditions necessary to avoid injury to land already in the district.

(b) Payment of special taxes upon the land to be annexed.

(c) A requirement that the annexed territory pay, through special taxes or otherwise, a specific sum of money representing an equitable share of the cost of district facilities and improvements.

(d) A requirement that the annexed territory be subject to taxes to pay the principal of and interest on all or a portion of the outstanding indebtedness of the district.

Publication

7287. The resolution shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation in the district, the first publication to be at least 15 days prior to the date of hearing. If there is no newspaper of gen-

eral circulation in the district said resolution shall be posted in three public places in the district at least 15 days prior to the date of hearing. The resolution shall also be posted in three public places in the territory proposed to be annexed at least 15 days prior to the date of hearing. Copies of the resolution shall also be mailed at least 15 days prior to the hearing to each person who has not signed the petition and to whom any land proposed to be annexed to the district was assessed on the last equalized assessment roll of the county at that person's address appearing on the roll. Irregularities or defects in mailing or failure to mail copies of the resolution shall not in any manner impair or invalidate the annexation proceedings.

Hearing

7288. At the time and place specified in the resolution the board shall hold the hearing. The hearing may be continued from time to time.

Protest

7289. If a majority in number of the holders of title to the land proposed to be annexed who are also the holders of title to a majority in acreage and assessed value of said land file a written protest at or prior to said hearing the land shall not be annexed and the annexation proceedings shall be terminated.

Exclusion of parcels

7290. The board may, with the consent of the signers of the petition, exclude individual parcels of land.

Ordinance

7291. If, at the conclusion of the hearing, the board determines that the land will be benefited by annexation to the district and that the proceedings have been regularly had and taken it shall so declare by ordinance which shall contain:

(a) A description of the land annexed.

(b) The terms and conditions, if any, of annexation of the land.

(c) An order that the land be annexed to the district.

Referendum

7292. The ordinance shall be subject to referendum as provided in Section 7121. If the ordinance is not subjected to referendum, or if subjected to referendum is not disapproved, then the land shall be annexed to the district as ordered in the ordinance and a certified copy thereof shall be filed with the Secretary of State and the county recorder.

Article 2. Exclusion

Petition for exclusion

7300. The owner or owners in fee of one or more tracts of land may jointly or severally file with the board a petition praying that the territory composed of such tract or tracts be excluded from the district. The petition shall be acknowledged. The petition shall be accompanied by a certified check in sufficient amount to cover all the publication, mailing, shorthand recording and any other costs in connection with the exclusion proceedings.

Contents

7301. The petition shall set forth:

(a) The reason why it is claimed that the tract or tracts should be excluded.

(b) A description of the tract or tracts sought to be excluded.

Report

7302. Within 20 days from the filing thereof the secretary shall examine the petition and report in writing to the board as to the sufficiency thereof.

Resolution

7303. If the report shows the petition to be sufficient the board shall order a hearing thereon by resolution, which shall contain:

(a) A statement that a petition for the exclusion of land has been filed.

(b) The names of the petitioners.

(c) A description of the tract or tracts sought to be excluded.

(d) The reason why it is claimed that the tract or tracts should be excluded.

(e) The time and place of hearing.

(f) A statement that at the designated time and place all persons interested may appear and be heard.

(g) A statement that all persons interested may file with the secretary of the district at or prior to the hearing written objections to the exclusion.

Publication

7304. The resolution shall be published pursuant to Government Code Section 6066 in a newspaper of general circulation in the district, the first publication to be at least 15 days prior to the date of hearing. If there is no newspaper of general circulation in the district, the resolution shall be posted in three public places in the district at least 15 days prior to the date of hearing.

Hearing

7305. At the time and place specified in the resolution the board shall hold the hearing. The hearing may be continued from time to time. Written and oral objections may be presented and evidence introduced in support of the petition and objections. Evidence shall be taken down in shorthand and a record shall be made of it and filed with the board.

Ordinance

7306. If, at the conclusion of the hearing, the board determines:

(a) That the territory described in the petition will not be benefited by continued inclusion in the district; and

(b) That the district will not be harmed by the exclusion of the territory described in the petition; and

(c) That the proceedings have been regularly had and taken,

it shall so declare by ordinance which shall contain:

(a) A description of the land to be excluded.

(b) An order that said land be excluded from the district.

Referendum

7307. Said ordinance shall be subject to referendum as provided in Section 7121. If said ordinance is not subjected to referendum, or if subjected to referendum is not disapproved, then the land shall be excluded from the district as ordered in the ordinance and a certified copy thereof shall be filed with the Secretary of State and the county recorder.

7308. No exclusion of territory from any district impairs the existence or rights of the district, including those in and to property. Excluded territory Impairment of district rights

7309. Territory excluded from the district shall continue to be subject to taxation for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes or other similar evidences of indebtedness and for all other obligations of the district outstanding at the time of adoption by the board of the ordinance ordering exclusion as fully as though the territory had not been excluded; and for the purpose of discharging said indebtedness and interest thereon and other obligations, said territory shall be considered a part of the district the same as though not excluded; and all provisions which could have been used to compel the payment by the excluded territory of its portion of said indebtedness and interest thereon and other obligations, had the exclusion not occurred, can be used to compel the payment on the part of the excluded territory of the portion for which it is liable. Taxation

7310. Excluded territory is not subject to taxation for the payment of the principal of and interest on any indebtedness or any other obligations issued or otherwise incurred after the adoption by the board of the ordinance ordering exclusion. Same

Article 3. Dissolution

7320. No district shall be dissolved while there is any unpaid indebtedness whether evidenced by bonds, notes or other similar evidences of indebtedness, outstanding and no such indebtedness shall be incurred after the filing of a petition for dissolution until the dissolution has been defeated. Dissolution

7321. Twenty-five percent of the registered qualified electors in the district, computed as of the last general district election, may propose dissolution of the district by petition filed with the secretary stating: Petition

(a) When the district was formed.

(b) That there is no indebtedness of the types in Section 7320 outstanding.

(c) The reason for the proposal.

7322. Within 20 days from the filing thereof the secretary shall examine the petition and report in writing to the board as to the sufficiency thereof. If the report shows the petition to be insufficient a supplemental petition may be filed within two weeks from the date of said report. Report on petition

7323. If the report shows the petition to be sufficient the board shall order a hearing thereon by resolution which shall contain: Resolution

(a) A statement that a dissolution petition has been filed with the secretary.

(b) The time and place for hearing the petition.

(c) That at the designated time and place all persons interested may appear and be heard.

Hearing

7324. At the time and place specified in the resolution the board shall hold the hearing, consider the petition and may continue the hearing from time to time.

Election

7325. If, after concluding the hearing, the board determines that the district should be dissolved and that the dissolution proceedings have been regularly had and taken it may, by resolution, call and give notice of a special district election to be held to submit to the voters the proposition of whether or not the district should be dissolved. Said resolution shall contain other matters necessary to inform the voters of the election and shall be published and posted as the notice of election in the time, form and manner as the board may prescribe.

Unfavorable vote

7326. If less than a majority of votes cast on the proposition are in favor of dissolution, the dissolution is defeated and no new petition proposing dissolution shall be filed within one year from the date of the election.

Favorable vote

7327. If a majority of votes cast on the proposition are in favor of dissolution the board shall, by resolution, declare the district dissolved and the adoption of the resolution dissolves the district. A certified copy of the resolution shall be filed with the Secretary of State and recorded with the county recorder.

Disposition of district assets

7328. If the district has any assets, the ownership thereof vests in the board of supervisors of the county in which the district is located. The board of supervisors shall sell the assets and use the proceeds thereof for the discharge of the district's liabilities and if the assets are insufficient the board of supervisors shall cause taxes necessary to discharge the liabilities to be levied and collected upon the taxable property in the district. If the proceeds from the sale of the assets are more than sufficient to discharge said liabilities the excess shall be paid into the general fund of the county. In the case of a district which lies entirely within a single city, the ownership of assets shall vest in the city, the legislative body of the city shall perform the duties imposed by this section and the excess shall be paid into the general fund of the city.

CHAPTER 9. CONSTRUCTION

Article 1

Severability

7340. If any section, subsection, sentence, clause, or phrase of this part, or the application thereof to any person or circumstance, is for any reason held invalid, the validity of the remainder of this part, or the application of the provision to other persons or circumstances, shall not be affected thereby. The Legislature hereby declares that it would have passed this part, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases, or the application thereof to any person or circumstance, be held invalid.

CHAPTER 1599

An act to amend Section 2302 of, and to amend Section 2311 of, the Welfare and Institutions Code, relating to boarding homes and institutions for the aged.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2302 of the Welfare and Institutions Code is amended to read:

2302. The State Department of Social Welfare may inspect, examine and license under this chapter or any county or city may establish, and the State Department of Social Welfare may accredit and approve, a county or city inspection service to inspect, make licensing decisions, issue licenses, consult with licensees, require compliance with statutory law, rules and regulations and minimum standards, and make recommendations to the State Department of Social Welfare on revocation and suspension of licenses.

Inspection service

If any county or city establishes an inspection service, and such service is approved by the State Department of Social Welfare, the inspection may be made by either a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules and regulations of the State Department of Social Welfare and to the minimum requirements and interpretations made by the State Department of Social Welfare. Functions performed by a county or city inspection service are undertaken as agent of the State Department of Social Welfare. Any applicant for a license or renewal thereof, or any licensee may request the department to review any action taken by an accredited and approved inspection agency, and the department shall be authorized to take any action which it may deem advisable.

The costs of any inspection service undertaken by a county or city, with the approval of the State Department of Social Welfare, shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration, but not to exceed in any fiscal year an amount equal to sixty-five dollars ($65) for each new or renewal license granted. Claims shall be filed with the department at the time and in the manner specified by the department for reimbursement of the expenses incurred. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without necessity of applying the adjustment to the appropriation for the prior fiscal year. If any grants-in-aid are made by the Federal Government for the support of any inspection service approved by the State Department of Social Welfare,

the amount of the federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the State.

SEC. 2. Section 2311 of the Welfare and Institutions Code is amended to read:

Local sanitation, etc., rules

2311. The provisions of this chapter shall not prevent local authorities of any county, city or city and county, within the reasonable exercise of the police power from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for institutions, boarding homes and other places for the reception or care of aged persons, not in conflict with the provisions of this chapter, or the rules and regulations and minimum standards adopted by the State Department of Social Welfare hereunder, and requiring a local health permit to maintain or conduct any such boarding home or institution within such county, city or city and county.

CHAPTER 1600

An act to amend Section 61600 of the Government Code, relating to community services districts.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 61600 of the Government Code is amended to read:

61600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) The collection or disposal of garbage or refuse matter.

(d) Protection against fire.

(e) Public recreation by means of parks, including aquatic parks and recreational harbors, playgrounds, swimming pools or recreation buildings.

(f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(i) To acquire sites for, construct, and maintain library buildings, and to co-operate with other governmental agencies for library service.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

CHAPTER 1601

An act to amend Section 35401 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the lengths of semitrailers and combinations of vehicles.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 35401 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

35401. No combination of vehicles including any attachments thereto coupled together shall exceed a total length of 60 feet.

A combination of vehicles consisting of a truck and trailer or a truck tractor, semi-trailer and trailer, including any attachments thereto coupled together, may exceed a total length of 60 feet but may not exceed a total length of 65 feet on the following highways:

(a) State highways included in the National System of Interstate and Defense Highways.

(b) State highways having four or more lanes.

(c) Those highways designated by the Federal Government as U. S. 6, U. S. 40, U. S. 40A, U. S. 50 from Oakland to Sacramento, U. S. 60, U. S. 66, U. S. 70, U. S. 80, U. S. 97, U. S. 99, U. S. 99E, U. S. 99W, U. S. 101 south of San Francisco, U. S. 395, and U. S. 466.

(d) State Highway Route 32 (Sign Route 152) from U. S. 101 to U. S. 99.

(e) City and county streets and highways unless prohibited by the local authority having jurisdiction thereof by ordinance. The ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authority determines will best serve to give notice of the ordinance.

CHAPTER 1602

An act to add Section 32110 to the Health and Safety Code, relating to local hospital district boards.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 32110 is added to the Health and Safety Code, to read:

32110. No person possessing any property interest greater than 5 percent in, or owning more than 5 percent of the stocks, bonds, or other securities issued by, any private hospital serving the same area served by the district, or who is a director or other officer of any such private hospital, shall be eligible for or hold any district office, either as a member of the board or otherwise. The possession or ownership of such interest, stocks, bonds, or other securities by the spouse or minor children of any person shall be deemed, for the purposes of this section, to be the possession or interest of such person.

This section does not apply to any person who is a member of the board of directors of a local hospital district on the effective date of this section, except in respect to his eligibility for, or his holding of membership on, the board of directors for any term subsequent to that for which he is serving on that date.

CHAPTER 1603

An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the establishment, government, operation and financing of zone in Pleasanton or Murray Townships.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 36. Notwithstanding any other provisions of this act, the following shall apply with respect to the establishment, government, operation and financing of any zone lying wholly or in part in Pleasanton or Murray Townships:

1. The board of supervisors shall have no authority to proceed with the establishment of any zone lying wholly or in part in Pleasanton or Murray Townships without first obtaining the approval thereof by a vote of a majority of the qualified electors voting at a regular or special election on said proposition;

said election shall in all particulars be held, as nearly as practicable, in conformity with the general election laws of the State, and the cost thereof shall be reimbursed to the district if a zone is established.

2. Any zone established by the board of supervisors under the provisions of this act lying wholly or in part in Pleasanton or Murray Townships, shall be governed and controlled by a board of seven (7) directors elected by the qualified electors residing within the boundaries of said zone. The first members of said board shall be elected at the election called by the board of supervisors upon the proposition for establishment of said zone.

The term of directors shall be four years from and after their election commencing with the election of three directors in 1960 and four directors in 1962. Elections for directors shall be consolidated with the direct primary election in each even-numbered year and shall be called by proclamation of the board of supervisors of the county, issued in the manner specified in Section 1005 of the Elections Code. Terms of office shall commence July 1st of the year in which elected.

The term of office of the two directors whose present terms expire in 1961 are hereby extended to 1962, at which time said two offices shall be filled by election together with the two offices whose terms expire in 1962 under the provisions of this section as it read as amended by Chapter 20 of the Statutes of 1957.

Vacancies in the membership of a board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board. Every voter resident within the zone for the period requisite to enable him to vote at the direct primary is entitled to vote at zone elections. Polling places and election officers shall be the same as provided for in the direct primary elections.

The name of the candidate shall be printed on the ballot when a nominating petition and declaration of acceptance have been filed with the county clerk. Each nominating petition shall be signed by not less than 5 nor more than 20 persons each of whom meets the qualifications hereinafter set forth. Each nominating petition and declaration of acceptance shall be in substantially the following respective forms:

NOMINATING PETITION AND DECLARATION OF ACCEPTANCE

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss

I (or we) the undersigned certify that I join in a petition for the nomination of _____ for the office of Director of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the election on the _____ day of _____, 19___. I am a qualified electro, residing in the zone. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I

have not signed more petitions than there are places to be filled in the office.

(Signed) _____

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss

_____ being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss

I hereby accept the nomination as a candidate for the Office of Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the primary election to be held _____, 19___, and if nominated I will not withdraw and will qualify for the office if elected.

(Signed) _____

The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate.

Each signer shall be a qualified elector, residing in the zone, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office.

Each nominating petition shall be verified under oath of one of the signers that the signatures are the signatures of the persons whose names they purport to be.

A nominating petition shall be presented to the county clerk not more than 60 nor less than 40 days before the election.

If, on the fortieth day prior to the day fixed for the zone election, only one person has been nominated for each office of member of the board of directors or no one has been nominated for one or more of such offices, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the zone, requesting that the election be held, has not been presented to the board of directors of the zone, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held The person appointed shall qualify and take office and serve exactly as if elected at a zone election.

In such instances notices shall be posted in three public places in the zone at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

When a petition is presented for filing the county clerk shall forthwith examine it and ascertain whether or not it conforms to this section.

If found not sufficient it shall be returned to the person who presented it.

The county clerk shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this section

The directors shall be elected at large and, except as provided herein, the election of said directors shall be conducted in substantially the same manner as provided by state law for direct primary elections

The directors must be residents of the proposed zone and qualified electors and owners of real property therein.

Zone directors shall serve without compensation except their actual and necessary expenses incurred in performance of official duties under this act, payable from the funds of said zone.

3 The board of directors of any zone in which directors have been elected as provided in this act shall have the power to make and enforce all needful rules and regulations for the administration and government of the zone and the zone board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the zone board or zone as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees shall be appointed under and pursuant to the civil service rules and regulations of the County of Alameda; provided, however, that the chairman and secretary of the board, and experts, consultants or technical or other advisers for particular purposes and laborers, employed for a temporary period, may be appointed by the zone board without reference to any classified civil service list.

4. If any of the reports, supplementary reports, additional reports or recommendations provided for in Section 9 of this act relate to projects or work in any zone in which a zone board of directors has been elected as provided in this act, full and complete copies thereof shall be filed with the zone board immediately upon the filing of such with the board of supervisors.

5. If, under the provisions of Section 10 of this act, the board finds that any project or work of improvement is in whole or in part for the benefit of any zone in which a board of directors has been elected, the approval or concurrence of the zone board shall be obtained before any final

determination is made to proceed with such project or work of improvement.

6. No proceeding shall be commenced or taken by the board under Section 11 of this act for the institution of any project or work of improvement in whole or in part in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the institution of said project or work of improvement.

7. In any zone in which a board of directors has been elected, the tax or assessment for any purpose or purposes, other than administrative costs and expenses of the district, shall be based upon a budget or budgets prepared by, or under the direction of, the zone board of directors.

The taxes and assessments (other than the tax to pay the general administrative costs and expenses of the district and other than any taxes levied pursuant to Section 16 hereof to pay bonds and interest thereon) levied by the board pursuant to Section 12 of this act upon any property in any zone lying wholly or in part in Pleasanton or Murray Townships shall not exceed in the aggregate the sum of fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation unless a larger tax has been approved by a vote of not less than two-thirds (⅔) of the qualified electors voting upon the proposition to increase such tax.

8. No proceeding shall be commenced or taken by the board under Section 13 of this act for the incurring of a bonded indebtedness to pay the the cost of any work or improvement in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the incurring of such bonded indebtedness.

The amount of bonded indebtedness outstanding at any time shall not exceed five percent (5%) of the assessed valuation of all taxable property in any zone lying wholly or in part in Pleasanton or Murray Townships.

CHAPTER 1604

An act to amend Section 13824 of, and to add Sections 13824.1, 13824.2, and 13824.3 to, the Education Code as enacted by the Legislature at the 1959 Regular Session, relating to the State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 13824 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

13824. "Local retirement system" means any retirement system, including for the purpose of this chapter, the Old Age, Survivors and Disability Insurance program provided by the Federal Social Security Act, but exclusive of this retirement system, for the retirement of teachers, or for membership or coverage which for this purpose is equivalent to membership, in which public school teachers are eligible, operated by a city, city and county, county, or other political subdivision of the State, or with respect to the Federal Social Security Act, the United States. "Local retirement system"

SEC. 2. Section 13824.1 is added to said code, to read:

13824.1. "Maintaining" or "operating" a local retirement system shall include "supporting," "contributing to," or "contributes to the support of" such a system. "Maintaining," "operating"

SEC. 3. Section 13824.2 is added to said code, to read:

13824.2. "Time" or "service" with respect to a local retirement system shall include periods of time and service rendered therein, compensation earned during which was a basis for contributions or tax paid for the support of the Old Age, Survivors and Disability Insurance program under the Federal Social Security Act, regardless of whether such compensation was included in the calculation of benefits to which the person earning such compensation became entitled. "Time," "service"

SEC. 4. Section 13824.3 is added to said code, to read:

13824.3. "Death benefits," with respect to this system, means the benefits provided by Sections 14151, 14251 and 14253, regardless of whether such benefits are paid in one sum or in installments. "Death benefit" means survivors benefits payable in installments only if such survivors' benefits are payable at the option of survivors, in lieu of benefits as defined in the preceding sentence. "Death benefit" with respect to a local retirement system, when applied to benefits thereunder which are analogous to benefits included in the meaning herein stated with respect to this system, shall have the same general meaning as if applied under this system. The "death benefit" provided in the Old Age, Survivors and Disability Insurance program under the Federal Social Security Act, shall be considered as provided from the member's contributions. "Death benefits"

CHAPTER 1605

An act to add Section 8961.5 to the Health and Safety Code, relating to public cemetery districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect immediately

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

SECTION 1. Section 8961.5 is added to the Health and Safety Code, to read:

8961.5. No deposit is required in the endowment care fund of a district for any burial in a cemetery of the district if the endowment care fund of the district was established and created subsequent to September 11, 1957, and the board of trustees of the district adopt a resolution declaring that such deposits shall not be required

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

Several public cemetery districts established endowment care funds due to a misinterpretation of a 1957 statute. Since, where an endowment care fund is established, the law requires that a deposit be made in the fund for burials in a cemetery, this has increased the costs of the burial of decedents who, as taxpayers of a district, supported the maintenance of the district cemetery for years. To eliminate this charge before additional decedents are buried in these district cemeteries, it is necessary that this act take effect immediately.

CHAPTER 1606

An act to add Sections 5721 and 5722 to, and to amend Section 10506 of, the Education Code as enacted at the 1959 Regular Session, relating to tuition fees for nonresident junior college students.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 5721 is added to the Education Code as enacted at the 1959 Regular Session, to read:

Nonresident students

5721. The governing board of any district maintaining a junior college may admit nonresident students. The attendance of nonresident students shall be computed in the same manner as prescribed by this code for resident students.

The governing board of any district maintaining a junior college may contract with the appropriate agency of another state or with a local agency of another state for the payment of the cost to the district of educating nonresident students attending in the district. The cost shall be computed in the manner prescribed by Section 20201 of this code for the payment of tuition on account of the attendance of students who reside in territory of a California county that is not part of a district maintaining a junior college.

As used in this section, "nonresident student" shall have the same meaning as is given the phrase by provisions of this code prescribing fees for attendance at state colleges, except that a person whose parent or guardian is living in the State

at the time of the person's registration at the junior college shall not be deemed a nonresident student.

SEC. 2. Section 5722 is added to said code, to read:

5722. The governing board of any district maintaining a junior college may, if provisions for the payment of the cost of educating a nonresident student are not made pursuant to Section 5721, fix a nonresident fee to be paid by the student. The fee shall be uniform and shall be required of each such nonresident student. The fee shall not be less than the fee required of nonresident students of state colleges enrolled in a course of instruction prescribed for the first two years of a four-year curriculum nor more than an amount computed in the manner prescribed by Section 20201, excluding subdivision (c) thereof, of this code for the payment of tuition on account of the attendance of students who reside in territory of a California county that is not a part of a district maintaining a junior college.

Nonresident fee

SEC. 3. Section 10506 of said code is amended to read:

10506. The governing board of any school district may, with the approval of the county superintendent of schools, admit to the elementary and high schools of the district pupils living in an adjoining state which is contiguous to the school district. An agreement shall be entered into between the governing board and the governing board or authority of the school district in which the pupils reside providing for the payment by the latter of such tuition as is agreed upon. The amount of the tuition per unit of average daily attendance of pupils from the adjoining state shall not exceed the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance in the district of attendance, plus the actual expenditure, not to exceed ten dollars ($10) per pupil per month, for the transportation of the pupils.

Adjoining state students

CHAPTER 1607

An act to add Section 17200 to Article 2 of Chapter 1 of Division 14 of the Education Code as enacted at the 1959 Regular Session, relating to school district accounting procedures.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 17200 is added to Article 2 of Chapter 1 of Division 14 of the Education Code as enacted at the 1959 Regular Session, to read:

17200. Beginning July 1, 1960, the accounting system used to record the financial affairs of any school district shall be designed to provide separate recording and clear distinction between expenditures for salaries of classroom teachers em-

ployed by the district and expenditures for other purposes of the district.

As used in this section "salaries of classroom teachers" means:

(a) The salary paid to each teacher employed by the district whose duties require that the full time for which the teacher is employed be devoted to the teaching of pupils of the district.

(b) The portion of the salary of each teacher whose duties require that a part, but not all, of the full time for which the teacher is employed be devoted to the teaching of pupils of the district, which is equal to the portion of such full time actually devoted by the teacher to teaching pupils of the district.

As used in this section a "teacher" means an employee of the district employed in a position requiring certification qualifications and whose duties require him to teach pupils of the district for at least one full instructional period each school day for which the employee is employed. In the case of a teacher employed to teach in an elementary school, an instructional period is a period of not less than 20 minutes. In the case of a teacher employed to teach in a secondary school, an instructional period is the number of minutes equal to the number of minutes of the regular academic period in the junior high school, high school, or junior college in which the teacher is employed to teach.

CHAPTER 1608

An act to add Section 24456 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to student housing facilities.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 24456 is added to the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

24456. Notwithstanding any other provisions of this article to the contrary the President of the California State Polytechnic College may, with the approval of the Director of Education and the Director of Finance, contract with the California State Polytechnic College Foundation to operate student housing facilities of the college embraced within the provisions of this article.

CHAPTER 1609

An act to amend Section 17462 of the Health and Safety Code, relating to the State Housing Act.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 17462 of the Health and Safety Code is amended to read:

17462. Every gas and water service line hereafter installed or replaced shall be made of steel, iron, lead, copper, brass, asbestos cement, or approved plastic, and shall include a suitable shutoff valve or cock, which is located where it will be accessible at all times, outside the structure served between the structure and gas or water main from which the service is supplied; provided, however, the provisions of this section shall not apply to piping or equipment installed by or under the control or maintenance of a gas or water utility on the supply side of the inlet piping of the structure being served.

CHAPTER 1610

An act to amend Section 24206 of the Education Code as enacted at the 1959 Regular Session, relating to employees of state colleges.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 24206 of the Education Code is amended to read:

24206. After the president, a member of the faculty, or other employee, has served successfully and acceptably in the college for a period of three years, his appointment thereafter may, at the discretion of the State Board of Education, be made for a term not to exceed four years, unless removed for cause.

The Director of Education shall, by rules and regulations, define cause for purposes of this section and prescribe the form, time, and method of notice to be given any employee to be removed pursuant to this section.

CHAPTER 1611

An act to amend Section 5 of Chapter 1701 of the Statutes of 1957, relating to freeing certain lands from the public trust for navigation, commerce, and fisheries and to empower the State Lands Commission to sell such lands.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 5 of Chapter 1701 of the Statutes of 1957 is amended to read:

Sec. 5. The purchaser, his heirs, successors, or assigns, or any person or persons claiming an interest in the lands described in Sections 1 or 2 is and are hereby authorized to bring suit against the State of California to quiet title to such lands, or to obtain declaratory relief determining the validity of the title to such lands. In any such action the complaint and summons shall be served upon the Chairman of the State Lands Commission and upon the Attorney General.

CHAPTER 1612

An act to amend Section 2313 of the Education Code as enacted by the Legislature at the 1959 Regular Session, relating to schools.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 2313 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

2313. Whenever any high school district is formed pursuant to this article (commencing at Section 2301), all real and personal property of the union high school district which is situated within the boundaries of the newly formed high school district shall become the property of the newly formed district. Within 30 days after the newly formed high school district becomes effective for all purposes, the county auditor shall determine the balance of the funds standing to the credit of the general fund of the union high school district from which the new district was formed as of the effective date of the formation of the new district. Thereupon he shall transfer from the general fund of the union high school district to the credit of the general fund of the newly formed district an amount which is in the same proportion as the ratio of the assessed valuation of the territory included in the newly formed district bears to the total assessed valuation of the union high school district immediately prior to the formation of the new district for all purposes.

CHAPTER 1613

An act to add Article 13 (commencing at Section 6401) to Chapter 6 of Division 6 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the advanced education of twelfth grade high school students.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Article 13 (commencing at Section 6401) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 13. Advanced Education of Twelfth Grade Students

Advance scholastic work

6401. The governing board of any district maintaining a high school with grades 11 and 12 may determine which of the students in the twelfth grade of the high school would benefit from advanced scholastic work. The governing board may authorize such students to attend a junior college as special part-time students and to undertake one or more courses of instruction offered at the junior college level. The number of students so authorized shall not exceed 5 percent of the number of students in the twelfth grade at the high school at any one time.

Special part-time students

6402. Any student authorized to attend a junior college as a special part-time student pursuant to Section 6401 shall, nevertheless, be required to attend the high school for the minimum school day and to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

Crediting of average daily attendance

6403. For purposes of allowances and apportionments from the State School Fund, a junior college shall be credited with additional units of average daily attendance attributable to the attendance of twelfth grade high school students at the junior college as special part-time students pursuant to this article, but in no case shall a junior college be credited with more than one-third unit of average daily attendance on account of any such student.

A district maintaining a high school whose twelfth grade students attend a junior college pursuant to this article shall, for purposes of allowances and apportionments from the State School Fund, continue to receive credit for attendance by such students computed in the manner prescribed by law, and a student's attendance at the high school for the minimum school day shall be deemed a day of attendance for purposes of making the computation.

CHAPTER 1614

An act to amend Section 3332 of the Welfare and Institutions Code, relating to the administration and use of the California Industries for the Blind Manufacturing Fund.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 3332 of the Welfare and Institutions Code is amended to read:

3332. There is hereby constituted in the State Treasury a permanent revolving fund to be known as the California Industries for the Blind Manufacturing Fund to be administered by the Department of Education. The fund shall be used for the purchase of materials and purchase or rental of equipment needed in the manufacturing, fabricating or assembly of products, and for the payment of salaries of blind workers engaged in such manufacturing, fabricating or assembly at any state training center or industrial workshop for the blind operated under the jurisdiction of the Department of Education. The fund may be used for the payment of other costs of such manufacturing, fabricating and assembly, the cost of administration of the work program and cost of distribution of products. The fund may also be used for the refund of overpayment to any person making such overpayment, whatever the amount, to the California Industries for the Blind. Any amount due to any person for merchandise returned to the California Industries for the Blind for credit shall be deemed to be an "overpayment" within the meaning of this section.

The Controller shall transfer all balances in the revolving funds created by Sections 3259, 3304, and 3304.5 of the Welfare and Institutions Code and the Workshops for the Blind Manufacturing Fund to the California Industries for the Blind Manufacturing Fund, and all other assets and all liabilities of said revolving funds shall be assets and liabilities of the revolving fund herein created.

Money hereafter received from the manufacture, fabrication, assembly or distribution of products at any state training center or industrial workshop for the blind shall be paid to the State Treasurer monthly and shall be credited to the California Industries for the Blind Manufacturing Fund.

Whenever in the opinion of the Director of Education or the Director of Finance the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section either shall so inform the State Controller and request a transfer of the unneeded balance from the said revolving fund to the General Fund. The Controller is hereby authorized to transfer such balances upon the request of the Director of Finance.

CHAPTER 1615

An act to add Section 4167 to the Welfare and Institutions Code, relating to the transfer of real property by recipients of aid to the needy disabled.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4167 is added to the Welfare and Institutions Code, to read:

4167. Any proceeds, including trust deeds, promissory notes, or mortgages from the conversion of real property into personal property received by an applicant or recipient of aid under this chapter shall be considered real property having the same assessed value as the real property converted for a period of one year from the time of their receipt, if such proceeds are retained for the purpose of providing a home. If the applicant or recipient receives as part or all of the consideration for such conversion trust deeds, promissory notes or mortgages, such trust deeds, promissory notes or mortgages shall be considered real property having the same assessed value as the real property converted for whatever period of time they are retained by the applicant or recipient, if within one year from the conversion he purchases property for use as a home, and all payments thereafter received by him on the trust deeds, promissory notes or mortgages are utilized as payments on the balance due on such home.

CHAPTER 1616

An act to amend Section 335.5 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 335.5 of the Streets and Highways Code is amended to read:

335.5. Notwithstanding any provision of law requiring the expenditure of funds received from the Federal Government for federal aid secondary highways, together with matching funds from the State Highway Fund, upon county roads, the department shall withhold the sum of forty thousand eight hundred forty-seven dollars ($40,847) of such federal funds and state matching funds from those required to be allocated for projects upon county roads on the federal aid secondary system in Humboldt County, and shall expend such funds upon that portion of Route 35 in Humboldt County until

such portion is constructed to standards required for the federal aid secondary system.

The aggregate of the funds required to be withheld and appropriated by this section shall not exceed the sum of forty thousand eight hundred forty-seven dollars ($40,847). The appropriation made by this section shall be available for expenditure without regard to fiscal years.

If, prior to the effective date of the amendment to this section enacted at the 1959 Regular Session of the Legislature, funds exceeding in the aggregate the sum of forty thousand eight hundred forty-seven dollars ($40,847) have been withheld by the department from allocations for federal aid secondary county road projects in Humboldt County for the purposes of this section, such excess amounts shall be allocated for federal aid secondary county road projects in Humboldt County to the extent such excess amounts have not been expended as of such effective date.

CHAPTER 1617

An act to add Section 219 to the Welfare and Institutions Code, relating to real property of public assistance recipients.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 219 is added to the Welfare and Institutions Code, to read:

219. In any case in which a county has taken a lien against real property owned by a recipient of aid under Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 2 of Division 4, or Division 5 of this code, for any purpose, including hospitalization or medical care furnished to the recipient, and such lien is subordinate to a mortgage or deed of trust on the property, the county, upon learning of the pending sale of the property in connection with the foreclosure of that mortgage or deed of trust, shall notify the recipient if it has no intention of bidding at the sale or redeeming the property and agrees to subordinate its liens to any subsequent mortgage or deed of trust on the real property so long as the title thereto remains in the name of the recipient.

CHAPTER 1618

An act to amend Sections 2933.5 and 2949 of the Business and Professions Code, relating to psychologists.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2933.5 of the Business and Professions Code is amended to read:

"Certified psychologist"

2933.5. Notwithstanding any other provision of this chapter, no person, who in the six months before the effective date of this chapter rendered in this State psychological services as defined in Section 2903 and who registers with the committee prior to January 1, 1960, shall be subject to the provisions of this chapter, except that no such person shall employ or use the title "certified psychologist" or imply in any way that he is certified by the committee created in this chapter, unless he is actually certified and registered under this chapter. The provisions of this section shall be operative until October 1, 1965.

SEC. 2. Section 2949 of said code is amended to read:

Certification without examination

2949. The committee shall waive the examination and the board shall grant a certificate to any applicant who complies with the following:

(a) Who has applied in writing to the committee under this section not later than two years following the effective date of this chapter;

(b) Who is a resident of this State or who has been employed principally in this State for at least two years;

(c) Meets the requirements of subdivisions (1), (2), (3), (6), and (7) of Section 2941;

(d) Who has any one of the following:

(1) Received a doctorate degree in psychology or in educational psychology or has had training in psychology deemed equivalent by the committee from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program and who in addition has had three years of professional experience of a type considered qualifying by the committee.

(2) Received a master's degree in psychology or in educational psychology or has had training in psychology deemed equivalent by the committee from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program and in addition has had five years of professional experience of a type considered qualifying by the committee.

(3) Received a bachelor's degree from the University of California, Stanford University, the University of Southern

California, or an institution approved by the committee as offering a comparable program or training deemed equivalent by the committee and in addition has had 15 years of professional experience of a type considered qualifying by the committee.

(4) Any person who has met the requirements, passed an examination for, and has been duly appointed to and is employed as a psychologist under a federal, state, county, city and county, or municipal civil service system prior to July 1, 1959, or holds a valid school psychologist credential issued by the State Board of Education prior to July 1, 1959, shall be granted a certificate without examination.

All professional experience of a type considered qualifying by the committee under the provisions of this section shall have been accumulated no later than July 1, 1959.

CHAPTER 1619

An act to add Section 7018.2 to the Education Code and Section 18060.2 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to allowances to local school districts for transportation of pupils, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 7018.2 is added to the Education Code, to read:

Definitions

7018.2. As used in Section 7018.1, "blind" includes partially seeing, "deaf" includes hard of hearing, and "special day classes" includes integrated programs of instruction for children handicapped in vision and hearing where the services of a qualified special teacher are provided.

An integrated program of instruction for children handicapped in vision or hearing shall be defined as any program in which such physically handicapped children receive their education in regular classrooms from regular classroom teachers, but receive, in addition, supplementary teaching services of a full time special teacher, possessing a valid credential to teach exceptional children of the type enrolled in the program. Such supplementary teaching services may include instruction in the appropriate tool skills, the provision of special materials and use of appropriate special equipment, and counseling and guidance necessary to enable children handicapped in vision and hearing to benefit fully from their instruction.

SEC. 2. Section 18060.2 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

18060.2. As used in Section 18060 or 18060.1, whichever is in effect, "blind" includes partially seeing, "deaf" includes hard of hearing, and "special day classes" includes integrated programs of instruction for children handicapped in vision and hearing where the services of a qualified special teacher are provided. Same

An integrated program of instruction for children handicapped in vision or hearing shall be defined as any program in which such physically handicapped children receive their education in regular classrooms from regular classroom teachers, but receive, in addition, supplementary teaching services of a full time special teacher, possessing a valid credential to teach exceptional children of the type enrolled in the program. Such supplementary teaching services may include instruction in the appropriate tool skills, the provision of special materials and use of appropriate special equipment, and counseling and guidance necessary to enable children handicapped in vision and hearing to benefit fully from their instruction.

SEC. 3. Section 2 of this act shall become operative when the Education Code as enacted by the Legislature at its 1959 Regular Session takes effect; at which time Section 7018.2 of the Education Code as added by Section 1 of this act is repealed. Effect. Stats. 1959, Ch. 2

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

A substantial number of children handicapped in vision and hearing must be transported to and from integrated programs where the services of special teachers are provided, as well as to special day classes. The expense of transporting pupils to and from such programs is a substantial burden on all local school districts and should logically be included within the present state program providing state assistance to local districts for transportation of handicapped pupils. In order that such transportation of pupils may be brought under the present program at the beginning of the next fiscal year and to insure that the present provisions governing computation of the allowance may be continued in effect, it is necessary that this act take effect immediately.

CHAPTER 1620

An act to amend Section 26726 of the Government Code, relating to keepers' fees.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 26726 of the Government Code is amended to read:

26726. The fee for keeping and caring for property under attachment, execution, or claim and delivery is not to exceed twelve dollars ($12) when necessarily employed for any eight (8) hour period or any part thereof. Should an additional keeper or keepers be required during such eight (8) hour period or fraction thereof, the fee for such additional keeper or keepers shall be the same as herein fixed, but, in no event shall any one keeper receive more than twenty-four dollars ($24) during any twenty-four (24) hour period when so employed.

CHAPTER 1621

An act to amend Section 5397 of the Streets and Highways Code, relating to special assessment proceedings under the Improvement Act of 1911.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 5397 of the Streets and Highways Code is amended to read:

5397. If the superintendent of streets is authorized by ordinance to collect the assessments, the ordinance shall also provide that the superintendent of streets shall furnish to the contractor or his assigns a good and sufficient surety bond conditioned upon the full and prompt payment by the superintendent of streets to the contractor or his assigns of all assessments so collected by him. The bond shall be in an amount not less than 10 percent of the total amount of the assessment shown on the assessment roll if such total amount does not exceed two hundred fifty thousand dollars ($250,000) and shall be in the amount of twenty-five thousand dollars ($25,000) if the total amount of the assessments shown on the assessment roll exceeds the sum of two hundred fifty thousand dollars ($250,000). The premium on the bond shall be payable as a part of the incidental expenses of the proceeding.

As an alternative the legislative body, in its discretion, may provide in such ordinance that a blanket surety bond shall

be maintained on file in the office of the city clerk, conditioned as above, in amounts herein provided. Such blanket bond shall cover and protect all contractors and their assigns holding warrants for assessments which the superintendent of streets is authorized to collect. The premium on such blanket bond may be prorated to the several special assessment proceedings as a part of the incidental expenses of such proceedings.

As a further alternative, the legislative body, in its discretion, may provide in such ordinance that the official bond of the superintendent of streets shall guarantee the full and prompt payment by the superintendent of streets to the contractor or his assigns of all assessments collected by him.

CHAPTER 1622

An act to amend Section 1805 of, to add Sections 1816 and 13103 to, and to repeal Sections 13204 and 13554 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the reporting of traffic violations committed by minors.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 1805 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Grounds for removal

1805. The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of Sections 1802, 1803, 1804 and 1816 is misconduct in office and is ground for removal therefrom.

SEC. 2. Section 1816 is added to said code, to read:

Record and report

1816. Every judge, referee, probation officer, or other person responsible for the disposition of cases involving traffic offenses committed by persons under 21 years of age shall keep a full record of every case in which such a person is charged with a violation of this code, and, except as provided in Sections 1803 and 13355, shall report the offense to the department at its office in Sacramento not more than 30 days after the date on which it was committed. No report shall be made in the case of parking violations or if it is found that the alleged offense was not committed.

The report required by this section shall be made upon a form furnished by the department and shall contain all necessary information as to the identity of the offender, the arresting agency, and the date and nature of the offense.

SEC. 3. Section 13103 is added to said code, to read:

Forfeiture of bail

13103. For purposes of this division, a plea or judgment of guilty, whether probation is granted or not, a forfeiture of bail, or a finding reported under Section 1816, constitutes a

conviction of any offense prescribed by this code, other than offenses relating to the unlawful parking of vehicles.

Repeal

SEC. 4. Section 13204 of said code is repealed.

Same

SEC. 5. Section 13554 of said code is repealed.

CHAPTER 1623

An act to amend Sections 26288, 26289, 26290, 26291, and 26292 of, and to add Section 26290.5 to, the Health and Safety Code, relating to new drugs or devices.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 26288 of the Health and Safety Code is amended to read:

Sale, etc., of new drug or device

26288. The sale, offering for sale, holding for sale, delivering or giving away of any new drug or device is unlawful and prohibited unless (1) an application with respect thereto has become effective under Section 505 of the federal act, or (2) if the drug or device is not subject to the federal act unless such drug or device has been tested and has been found to be safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug or device there has become effective an application filed with the board setting forth:

(a) Full reports of investigations which have been made to show whether or not such drug or device is safe for use;

(b) A full list of the articles used as components of such drug or device;

(c) A full statement of the composition of such drug or device;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug or device.

(e) Such samples of such drug or device and of the articles used as components of the drug or device as the board may require; and

(f) Specimens of the labeling and advertisements proposed to be used for such drug or device.

SEC. 2. Section 26289 of said code is amended to read:

Applications

26289. An application provided for in subdivision (2) of Section 26288 shall become effective on the sixtieth day after the filing thereof unless, prior to such day, the board by written notice to the applicant postpones the effective date of the application to such time as the board deems necessary to enable it to study and investigate the application. In no event shall such postponement exceed 180 days after the filing of the application.

SEC. 3. Section 26290 of said code is amended to read:

26290. The board shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective, if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following: Refusal of application

(a) The investigations, reports of which are required to be submitted to the board pursuant to subdivision (2) of Section 26288, do not include adequate tests by all methods reasonably applicable to show whether or not a drug or device is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof.

(b) The results of tests specified in subdivision (a) show that a drug or device is unsafe for use under the conditions specified in subdivision (a) or do not show that the drug or device is safe for use under such conditions.

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of a drug or device are inadequate to preserve its identity, strength, quality, and purity.

(d) Upon the basis of the information submitted to it as part of the application, or upon the basis of any other information before it with respect to a drug or device, it has insufficient evidence to determine whether the drug or device is safe for use under the conditions specified in subdivision (a).

(e) The application contains any untrue statement of a material fact.

SEC. 4. Section 26290.5 is added to said code, to read:

26290.5. (a) The board shall issue an order suspending the effect of an application concerning any drug or device if, after due notice to the applicant and opportunity for a hearing, the board finds either of the following: Suspension of application

(1) That clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when the application became effective show that a drug or device is unsafe for use under the conditions of use which formed the basis for the application becoming effective.

(2) That the application contains any untrue statement of a material fact.

(b) The order shall state the findings upon which it is based.

SEC. 5. Section 26291 of said code is amended to read:

26291. An order refusing to permit an application, concerning any drug or device, to become effective shall be revoked whenever the board finds that the facts justify such action. Revocation of refusal

SEC. 6. Section 26292 of said code is amended to read:

26292. Section 26288 shall not apply to any of the following: Applicability

(1) To a drug or device intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs or devices, if all of the following conditions are complied with:

(a) The label of the drug or device bears the statement "Caution: New drug (or device). Limited by law to investigational use."

(b) The drug or device has had adequate testing on appropriate experimental animals to demonstrate a lack of toxicity and hazard sufficient to permit its use in or on human beings in equivalent dosage and to establish with clarity the margins of safety ordinarily recognized by experts qualified by scientific training and experience to investigate the safety of such drugs or devices.

(c) The drug or device is to be used solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug or device.

(d) A written statement signed by the expert has been filed with the board. The statement shall show that the expert has adequate facilities for the investigation to be conducted by him, and that the drug or device will be used solely by him or under his direction for the investigation, unless and until an application becomes effective, concerning such drug or device, under Section 26289.

(e) The statement referred to in subdivision (d) is kept by the expert and complete records showing the date, quantity and batch or code mark (if any) of each such shipment and delivery.

(f) All records and statements referred to in subdivision (d) and (e) are made available by the expert for inspection upon the request of any agent of the board at any reasonable hour until three years after the introduction of such shipment or delivery into intrastate commerce.

(2) To a drug or device sold in this State at any time prior to the effective date of this chapter, or to a drug introduced into interstate commerce at any time prior to the enactment of the federal act.

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of March 4, 1913 (37 Stat. 832), or Chapter 4 (commencing at Section 1600) of Division 2 of this code.

(4) To products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, Seventy-eighth Congress—Second Session).

CHAPTER 1624

An act to repeal Sections 9142 and 9143 of the Education Code and Sections 6210 and 6211 of the Education Code as enacted by the Legislature at its 1959 Regular Session, and to add Article 8 (commencing at Section 3366) to Chapter 2, Part 1, Division 5 of the Welfare and Institutions Code, relating to opportunity work centers for the blind, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect immediately

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

SECTION 1. Sections 9142 and 9143 of the Education Code are repealed. Repeal

SEC. 2. Sections 6210 and 6211 of the Education Code as enacted by the Legislature at its 1959 Regular Session are repealed. Same

SEC. 3. Article 8 (commencing at Section 3366) is added to Chapter 2, Part 1, Division 5 of the Welfare and Institutions Code, to read:

Article 8. Opportunity Work Center for the Blind

3366. The Department of Education, with the approval of the Director of Finance, may establish in such cities as it deems necessary opportunity centers and salesrooms for the employment of selected blind and physically handicapped persons. Such opportunity centers shall be under the management and control of the Department of Education, and shall be known as the opportunity work centers for the blind. Establishment of centers, etc

3367. It shall be the purpose of the opportunity work centers for the blind to provide employment opportunities for blind adults and such other physically handicapped persons as may be deemed necessary by the Department of Education, who cannot, by reason of their handicap, physical condition, or personal desires, be employed on a regular basis in private industry or in a production center of the California Industries for the Blind operated by the Department of Education. Purpose

3368. For the purposes of this article, a person shall be considered blind who has 20/200 or less visual acuity in the better eye with correction, as measured by the Snellen test, or who has such limitation of field or other defect as to render him incapable of making a living with ordinary visual acuity. "Blind"

3369. The Department of Education may provide employment opportunities for such blind and physically handicapped persons who indicate a desire to contribute to their own support through partial or full-time employment in an opportunity work center for the blind, through participation in the production of articles for sale in the local community, through the sales facilities of the California Industries for the Blind, Employment opportunities

or through participation in assembly projects secured for the opportunity center from private business enterprises or from public agencies.

Admission for employment

3370. Any blind person of suitable age, character, and qualifications, who is a resident of the State of California, and such other physically handicapped persons so qualified as it is practicable to receive therein may be admitted for employment in any opportunity center upon approval of the Department of Education. The rate of wages to be paid workers and the conditions of employment in the opportunity work centers for the blind shall be fixed by the Department of Education.

Department of Education

3371. The Department of Education, with the approval of the Director of Finance, may:

(a) Rent, lease, or otherwise provide suitable rooms or buildings to house the activities of the opportunity centers for the blind.

(b) Employ such employees at the centers as it deems necessary.

(c) Perform all necessary and proper acts to carry out the provisions of this article.

Deductions from earnings

3372. Blind persons and other physically handicapped persons employed in an opportunity work center may authorize deductions to be made from their earnings, in accordance with rules and regulations of the Director of Education, for the payment of premiums on any policy or certificate of group insurance issued to such persons insured under any plan of group insurance, including but not limited to group life insurance, approved by the Controller and the Director of Finance.

Workmen's compensation insurance

3373 Blind persons and other physically handicapped persons employed in an opportunity work center shall be deemed employees of the State only for the purposes of workmen's compensation insurance.

Opportunity Work Center Revolving Fund

3374. There is hereby constituted in the State Treasury a permanent revolving fund to be known as the Opportunity Work Center Revolving Fund to be administered by the Department of Education. At the request of the Director of Education and the Director of Finance, the State Controller shall transfer to said fund from the California Industries for the Blind Manufacturing Fund moneys in quantities deemed by them necessary to carry out the operations of said fund.

The fund shall be used for the purchase or rental of equipment needed in the manufacturing, fabricating or assembly of products, and for the payment of salaries of blind workers and physically handicapped engaged in such manufacturing, fabricating or assembly at any opportunity work center operated under the jurisdiction of the Department of Education. The fund may be used for the payment of the cost of distribution of products.

Money received from the manufacture, fabrication, assembly or distribution of products at any opportunity work center

shall be paid to the State Treasurer monthly and shall be credited to the Opportunity Work Center Revolving Fund.

Whenever in the opinion of the Director of Education or the Director of Finance the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section, either shall so inform the State Controller and request a transfer of the unneeded balance from the said revolving fund to the General Fund. The Controller is hereby authorized to transfer such balances upon the request of the Director of Finance.

SEC. 4. Section 2 of this act shall become operative at the same time as the Education Code, as enacted by the Legislature at its 1959 Regular Session becomes effective. Effective date

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Facilities are presently being completed for an opportunity work center for the blind in Los Angeles. It is necessary to place such opportunity work center in operation at the earliest possible date in order to permit transfer thereto of less efficient blind workers now using the facilities of the Los Angeles production center of the California Industries for the Blind and thus provide work opportunity for more efficient blind workers at said production center. The law now requires a local sponsor for each opportunity work center for the blind. Great delays have been encountered in obtaining suitable sponsors. This measure will eliminate the requirement of obtaining a local sponsor. The avoidance of delay in placing the opportunity work centers in operation will contribute to the expeditious and efficient employment of the blind.

CHAPTER 1625

An act to amend Sections 28700, 28702, 28717 of, and to add Section 28710.5 to, the Health and Safety Code, relating to frozen food locker plants.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect September 18, 1959

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

SECTION 1. Section 28700 of the Health and Safety Code is amended to read:

28700. When used in this chapter, unless the context otherwise requires: Definitions

(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.

(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.

(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food, or in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, and frozen to be delivered for frozen storage by the ultimate consumer. The term includes service locker plant, storage locker plant and branch locker plant.

(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.

(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.

(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.

(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.

(h) "Temperature" means the average air temperature in refrigerated rooms.

(i) "Department" means the State Department of Public Health.

(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant.

SEC. 2. Section 28702 of said code is amended to read:

License fee

28702. The annual license fee for a frozen food locker plant shall be twenty-five dollars ($25), except that no fee shall be required where the only service, as defined under Section 28700, is that for compensation, directly or indirectly, meat or meat products are cut, wrapped, and frozen in an establishment to be delivered for frozen storage by the ultimate consumer. Such fees shall be paid into the General Fund.

SEC 3. Section 28710.5 is added to said code, to read:

Meat temperature

28710.5. Prior to the delivery to the consumer, all meat or meat products shall be sharp frozen at a temperature of minus 10 degrees Fahrenheit in still air or zero degrees Fahrenheit in blast air. This section shall not apply to the sale of retail cuts of meat.

SEC. 4. Section 28717 of said code is amended to read:

Type of food

28717. Only food for human consumption, or clean, sanitary byproducts therefrom to be used for food, shall be stored in the frozen food locker plant. Each package of food wrapped and frozen for storage shall be labeled designating the product and identifying the processor.

CHAPTER 1626

An act to amend Section 10901 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10901 of the Revenue and Taxation Code is amended to read:

10901. Whenever the department erroneously collects any license fee not required to be paid under this part, the amount shall be refunded to the person paying it upon application therefor made within two years after the date of the payment.

CHAPTER 1627

An act to amend Section 488.5 of the Vehicle Code, and to amend Section 20014 to the Vehicle Code as proposed by Assembly Bill No. 5, relating to the use of vehicle accident reports.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 488.5 of the Vehicle Code is amended to read:

488.5. Use of Accident Reports. All required accident reports and supplemental reports and all reports made to the California Highway Patrol by any peace officer, member of the California Highway Patrol, or other employee of the Department of Motor Vehicles and California Highway Patrol, shall be immediately available for the confidential use of any division in the departments needing the same, for confidential use of the Department of Public Works, and, with respect to accidents occurring on highways other than state highways, for the confidential use of the local authority having jurisdiction over the highway.

Use of reports

Upon the termination of any criminal proceedings arising out of a traffic accident, or upon the determination by the proper authorities not to file any criminal charges as a result of such accident, but in all cases upon the termination of a period of six months after the date of the accident, all of the factual data gathered by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in Section 488.

SEC. 2. Section 20014 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

Same

20014. All required accident reports and supplemental reports and all reports made to the Department of the California Highway Patrol by any peace officer, member of the Department of the California Highway Patrol, or other employee of the Department of Motor Vehicles and the Department of the California Highway Patrol, shall be immediately available for the confidential use of any division in the department needing the same, for confidential use of the Department of Public Works, and, with respect to accidents occurring on highways other than state highways, for the confidential use of the local authority having jurisdiction over the highway.

Effect. Stats 1959, Ch 3

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 488.5 of the Vehicle Code adopted in 1935 is repealed.

CHAPTER 1628

An act to amend Sections 13308, 13309, 15111 and 15112 of the Revenue and Taxation Code, relating to adopted children.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 13308 of the Revenue and Taxation Code is amended to read:

"Class B transferee"

13308. "Class B transferee" means any of the following:

(a) A transferee who is the brother, sister, or descendant of a brother or sister of the decedent.

(b) A transferee who is the wife or widow of a son, or the husband or widower of a daughter, of the decedent.

For the purposes of this section, "descendant" includes, although it is not limited to, a child adopted or acknowledged in conformity with the laws of this State.

SEC 2. Section 13309 of said code is amended to read:

"Class C transferee"

13309. "Class C transferee" means any of the following:

(a) A transferee who is the brother or sister of the father or mother of the decedent.

(b) A transferee who is the descendant of a brother or sister of the father or mother of the decedent.

For the purposes of this section, "descendant" includes, although it is not limited to, a child adopted or acknowledged in conformity with the laws of this State.

SEC. 3. Section 15111 of said code is amended to read:

"Class B donee"

15111. "Class B donee" means any of the following:

(a) A donee who is the brother, sister, or descendant of a brother or sister of the donor.

(b) A donee who is the wife or widow of a son, or the husband or widower of a daughter, of the donor.

For the purposes of this section, "descendant" includes, although it is not limited to, a child adopted or acknowledged in conformity with the laws of this State.

SEC. 4. Section 15112 of said code is amended to read:

15112. "Class C donee" means any of the following: "Class C donee"

(a) A donee who is the brother or sister of the father or mother of the donor.

(b) A donee who is the descendant of a brother or sister of the father or mother of the donor.

For the purposes of this section, "descendant" includes, although it is not limited to, a child adopted or acknowledged in conformity with the laws of this State.

CHAPTER 1629

An act to add Section 561.5 to the Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect September 18, 1959

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

SECTION 1. Section 561.5 is added to the Agricultural Code, to read:

561.5. Diabetic and dietetic ice cream and diabetic and dietetic ice milk are frozen milk products which purport to be or are represented for special dietary use by man as the means of regulating intake of protein, fat, carbohydrate or calories for dietary management in the control of disease. Such products shall not contain any added sugar, but shall otherwise conform to all applicable provisions of this division relating to ice cream and ice milk and shall be advertised, labeled and sold in accordance with regulations promulgated by the director.

CHAPTER 1630

An act to amend Section 661 of the Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.] In effect September 18, 1959

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

SECTION 1. Section 661 of the Agricultural Code is amended to read:

661. (a) Every person, except hospitals and sanitariums, engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, imitation ice cream, ice milk, imitation ice milk, sherbet, and all similar frozen

products shall pay a license fee of thirty-five dollars, ($35) for the calendar year for which such license is issued, and for the renewal thereof shall pay thirty-five dollars ($35), plus three dollars ($3) for each additional 10,000 gallons or fraction thereof over and above twenty thousand (20,000) gallons manufactured during the preceding year, ending the thirty-first day of December.

(b) Before engaging in the business of manufacturing diabetic or dietetic frozen milk products or mix, every person, in addition to the frozen milk products license, shall obtain and hold a diabetic or dietetic frozen milk products license from the director. Each application for a license to engage in the business of manufacturing diabetic or dietetic frozen milk products or mix must be accompanied by a statement describing the method and manner by which the products are made.

Every person, except hospitals and sanitariums, engaged in the business of manufacturing diabetic or dietetic frozen milk products or mix, or any or all of these products, shall pay a license fee of twenty-five dollars ($25) for the calendar year for which such a license is issued and for the renewal thereof shall pay twenty-five dollars ($25).

(c) The fee for a license for all other products for which a license is required is ten dollars ($10) for the calendar year for which such license is issued and for the renewal thereof is ten dollars ($10), plus one dollar ($1) for each 100,000 pounds, or part thereof, over and above the first 100,000 pounds of milk fat purchased or received during the preceding year, ending the thirty-first day of December.

(d) The director at least once each month shall report to the State Controller the total amount of moneys collected under the provisions of paragraph (a) of this section and at the same time shall pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this division relating to ice cream, ice milk, and any similar frozen products.

(e) The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this law during the current biennium, including a complete statement of receipts and expenditures during the period.

CHAPTER 1631

An act to add Chapter 15 (commencing at Section 19890) to Division 14 of the Education Code as enacted at the 1959 Regular Session, relating to state school construction bond issues.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 15 (commencing at Section 19890) is added to Division 14 of the Education Code as enacted at the 1959 Regular Session, to read:

CHAPTER 15. CALL AND REDEMPTION OF STATE SCHOOL CONSTRUCTION BONDS

19890. The State School Building Finance Committee or other governmental body empowered to make a determination of whether any or all of the bonds authorized to be issued by the State, under legislation enacted following the effective date of this section, for the purpose of assisting local school districts in the acquisition of sites, the construction of school buildings and related facilities, and the purchase of furniture and equipment, may instruct the State Treasurer to include in the bonds, or any of them, provisions permitting their call and redemption at the option of the State prior to their maturity and indicating the price at which such bonds shall be subject to redemption; and it shall be the duty of the State Treasurer to comply therewith. No bonds shall be subject to call or redemption prior to maturity unless they contain a recital to that effect.

CHAPTER 1632

An act to amend Sections 16431 and 16432 of the Business and Professions Code, relating to itinerant merchants and abolishing the Itinerant Merchants Fund.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16431 of the Business and Professions Code is amended to read:

16431. The commission shall pay into the State Treasury all moneys received under this chapter. The State Treasurer shall credit such moneys to the Motor Vehicle Transportation Tax Fund.

Credit of moneys received to Motor Vehicle Transportation Tax Fund

SEC. 2. Section 16432 of said code is amended to read:

16432. That portion of the moneys in the Motor Vehicle Transportation Tax Fund derived from deposits in that fund

Appropriation of moneys

made pursuant to Section 16431 of this code is hereby appropriated without regard to fiscal years to be expended in accordance with law by the commission in the enforcement and administration of this chapter.

Abolishment

SEC. 3. All money in the Itinerant Merchants Fund is transferred to the Motor Vehicle Transportation Tax Fund. The Itinerant Merchants Fund is abolished.

Any provision of law requiring the deposit of funds into the Itinerant Merchants Fund shall be construed to require the deposit of those funds into the Motor Vehicle Transportation Tax Fund.

Operative date

SEC. 4. The provisions of this act shall become operative on June 30, 1960.

CHAPTER 1633

An act to amend Sections 3007, 3652, 4370, 8212, 8373 and 12006 of, and to repeal Sections 8216 and 8437 of, the Fish and Game Code, relating to fish and game, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 3007 of the Fish and Game Code is amended to read:

License

3007. Every person who takes any bird or mammal, other than a nonprotected bird or mammal, shall procure a license or permit therefor.

SEC. 2. Section 3652 of said code is amended to read:

Pheasant license tags

3652. Any person who possesses a valid hunting license may, upon payment of two dollars ($2), procure the number of pheasant license tags corresponding to the number of pheasants that may be legally taken by one person during the then current license year.

SEC. 3. Section 4370 of said code is amended to read:

Archery deer hunting season

4370. In every area in which deer may lawfully be taken during the regular open season there is an archery season for the taking of deer with bow and arrow. The season for each area shall be a 10 day season opening on the second Saturday immediately preceding the regular open season on deer in that area. Such taking of deer with bow and arrow shall be in accordance with the applicable provisions, other than as to the season, of Section 600 of Title 14 of the California Administrative Code as it read on January 1, 1959.

No person taking or attempting to take deer during such archery season shall carry, or have under his immediate control, any firearm of any kind.

The amendment of this section at the 1959 Regular Session of the Legislature shall be in effect until January 1, 1961 and thereafter the amendment shall have no force or effect.

SEC. 4. Section 8212 of said code is amended to read:

8212. It is unlawful to sell any salmon taken in District 8 or 9. District 8 and 9 salmon

Salmon lawfully taken in Districts 6, 7, 10, 11, 15, 16, 17 and 18 may be transported through District 8 or 9 and may be sold, except that salmon may not be sold, possessed, or transported through Districts 8 and 9 between January 1st and April 14th.

SEC. 5. Section 8216 of said code is repealed. Repeal

SEC. 6. Section 8373 of said code is amended to read:

8373. No yellowfin croaker, spotfin croaker, sturgeon or California corbina may be sold or purchased except sturgeon imported pursuant to Section 2363. Sale or purchase of fish

SEC. 7. Section 8437 of said code is repealed. Repeal

SEC. 8. Section 12006 of said code is amended to read:

12006. The minimum punishment for a violation of any of the following provisions of this code is a fine of twenty-five dollars ($25) or imprisonment in the county jail for 10 days: Punishment

(a) Those relating to refuges.

(b) 308, 331 to 333, inclusive, 1124, 1051,

2000 to 2010, inclusive. 2225, 2270 to 2273, inclusive, 2301 to 2304, inclusive, 2346, 2348 to 2350, inclusive, 2352 to 2354, inclusive, 2356 to 2360, inclusive, 2366, 2368 to 2370, inclusive, 2430, 2431,

3000 to 3006, inclusive, 3080, 3081, 3083 to 3086, inclusive, 3219, 3240 to 3244, inclusive, 3501 to 3510, inclusive, 3651 to 3653, inclusive, 3659, 3660, 3680, 3681, 3804,

4181, 4183, 4185, 4300 to 4303, inclusive, 4330, 4331, 4336, 4341, 4500,

5502 to 5511, inclusive, 5651, 5670, 5672, 5800, 5948,

6305, 6400, 6422, 6425, 6426, 6452, 6454, 6455, 6480, 6482 to 6509, inclusive, 6851, 6852, 6854,

7120, 7148, 7230, 7231, 7254, 7255, 7290, 7332, 7850, 7923,

8100 to 8106, inclusive, 8150, 8180 to 8189, inclusive, 8210 to 8219, inclusive, 8252, 8253, 8276, 8278, 8279, 8301 to 8316, inclusive, 8341 to 8343, inclusive, 8345, 8346, 8370, 8372, 8373, 8376, 8377, 8380, 8382 to 8388, inclusive, 8392, 8393, 8395, 8396, 8430, 8432, 8435, 8463,

10710, 10711, 10925.

SEC. 9. Section 3 of this act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: That in order to provide an archery season for hunting deer during 1959 it is necessary that Section 3 be in effect immediately. Urgency

CHAPTER 1634

An act to add Section 13144.1 to the Health and Safety Code, relating to dissemination of information by the State Fire Marshal.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 13144.1 is added to the Health and Safety Code, to read:

13144.1. The State Fire Marshal shall periodically prepare and publish in bulletin form lists of materials and equipment and methods of construction and of installation of equipment which are in conformity with fire and panic safety standards provided by Title 19 of the California Administrative Code.

Copies of such bulletins shall be distributed at cost by the State Fire Marshal to persons who have filed written requests for such bulletins.

CHAPTER 1635

An act to amend Section 26700 and 26706 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to equipment of implements of husbandry.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 26700 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Windshield

26700. Every passenger vehicle, other than a motorcycle, and every motor truck or truck tractor, and every fire truck, fire engine or other fire apparatus, whether publicly or privately owned, shall be equipped with an adequate windshield. This section shall not apply to implements of husbandry.

SEC. 2. Section 26706 of said code is amended to read:

Windshield wiper

26706. (a) Every motor vehicle, except motorcycles, equipped with a windshield shall also be equipped with a self-operating windshield wiper.

(b) Every new motor vehicle first registered after December 31, 1949, except motorcycles, shall be equipped with two such windshield wipers, one mounted on the right half and one on the left half of the windshield.

(c) This section does not apply to snow removal equipment equipped with adequate manually operated windshield wipers nor shall it apply to implements of husbandry.

CHAPTER 1636

An act to amend Section 10202 of the Insurance Code, relating to employees' groups covered by group life policies.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 10202 of the Insurance Code is amended to read:

10202. Life insurance conforming to all the following conditions is one form of group life insurance:

(a) Written under a policy covering when issued not less than 10 public or private employees.

(b) Written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employees jointly, and insuring either all of the employees or all of any class or classes thereof, determined by conditions pertaining to the employment; provided, that if a policy is intended to insure several such classes it may be issued to insure any such class of which 75 percent are covered and extended to other classes as 75 percent thereof express the desire to be covered.

(c) For amounts of insurance based upon some plan which will preclude individual selection.

(d) For the benefit of persons other than the employer.

(e) When the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, written under a policy insuring, when issued, not less than 75 percent of such employees.

(f) Terminating if, subsequent to issue, (1) the number of employees insured falls below 10 lives or 75 percent of the number of employees eligible and, (2) the employee contributions, if the premiums for the insurance are on a renewable term insurance basis, exceed one dollar ($1) per month per one thousand dollars ($1,000) of insurance coverage plus an amount equal to any additional premium per one thousand dollars ($1,000) of insurance coverage charged to cover one or more hazardous occupations.

(g) If the number of employees insured on the effective date of the policy is less than 25, the maximum amount of insurance on any one life shall not exceed two and a half times the minimum amount of insurance on any one life, unless the life insurance is other than term and is a part of an employer's pension plan with respect to which the employer's contribution qualifies for deduction under Article 1, Chapter 5, Part 10, Division 2 of the Revenue and Taxation Code.

Such insurance may be issued either with or without medical examinations.

CHAPTER 1637

An act to add Section 28238 to the Health and Safety Code, relating to the sale of bread.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 28238 is added to the Health and Safety Code, to read:

28238. When displayed for sale by a retail store, bread in a protective wrapping, one end of which is open, shall be placed on shelves at least two feet above the floor with the open-end of the protective wrapping to the inside of the shelf.

CHAPTER 1638

An act to amend Sections 17024 and 17074 of the Business and Professions Code, relating to unfair trade practices.

In effect September 18, 1959

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

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

SECTION 1. Section 17024 of the Business and Professions Code is amended to read:

"Article or product"

17024. "Article or product" includes any article, product, commodity, thing of value, service or output of a service trade.

Motion picture films when licensed for exhibition to motion picture houses are not articles or products under this chapter.

Nothing in this chapter applies:

(1) To any service, article or product for which rates are established under the jurisdiction of the Public Utilities Commission of this State and sold or furnished by any public utility corporation, or installation and repair services rendered in connection with any services, articles or products.

(2) To any service, article or product sold or furnished by a publicly owned public utility and upon which the rates would have been established under the jurisdiction of the Public Utilities Commission of this State if such service, article or product had been sold or furnished by a public utility corporation, or installation and repair services rendered in connection with any services, articles or products.

SEC. 2. Section 17074 of said code is amended to read:

Transportation tariffs

17074. Proof of transportation tariffs when fixed and approved by the Public Utilities Commission of the State of California is presumptive evidence of delivery cost.

CHAPTER 1639

An act to add Section 21415 to the Public Utilities Code, relating to persons intoxicated in or about aircraft.

[Approved by Governor July 6, 1959. Filed with Secretary of State July 7, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 21415 is added to the Public Utilities Code, to read:

21415. No person shall be in, or perform any act in connection with the maintenance or operation of, any aircraft when under the influence of intoxicating liquor.

This section does not apply to a person who is in an aircraft merely as a passenger, but this section shall not be construed to relieve any such person of criminal liability imposed by any other law for being intoxicated while in an aircraft.

CHAPTER 1640

An act to add Section 2163.6 to the Welfare and Institutions Code, relating to old age security.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2163.6 is added to the Welfare and Institutions Code, to read:

2163.6. For purposes of this chapter, a life lease which provides an applicant or recipient with an abode shall be considered real property. If such life lease is terminated, any refund made is to be considered real property for a period of one year, provided such refund is held for the purpose of providing a home.

CHAPTER 1641

An act to repeal Sections 65004, 65060 and 65061, and Articles 1.5 (commencing at Section 65020) and 2 (commencing at Section 65030) of Chapter 1 of Title 7, to amend Section 65062, and to add Chapter 1.5 (commencing at Section 65011.1) to Title 7, of the Government Code, relating to state, regional and local planning, establishing the State Office of Planning in the Department of Finance, providing for and assigning powers and duties to such office, and creating an advisory committee for the office.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

Repeal

SECTION 1. Sections 65004, 65060 and 65061, and Articles 1.5 and 2 of Chapter 1, Title 7 of the Government Code are repealed.

SEC. 2. Section 65062 of said code is amended to read:

Regional planning commission

65062. A regional planning commission may be established for each regional planning district as delimited by the State Office of Planning under the provisions of Article 8, Chapter 1.5 of Title 7 of the Government Code.

SEC. 3. Chapter 1.5 (commencing at Section 65011.1) is added to Title 7 of the Government Code, to read:

CHAPTER 1.5. STATE OFFICE OF PLANNING

Article 1. General Provisions and Definitions

"Committee"

65011.1. "Committee" as used in this chapter, means the Planning Advisory Committee.

"Office"

65011.2. "Office" as used in this chapter means the State Office of Planning.

Article 2. Declaration of State Policy and Legislative Intent

Legislative intent

65012. It is the intent of the Legislature to provide a method for encouraging the formation and proper functioning of local and regional planning commissions and to encourage, through discussion, research, and agreement between state agencies and between state agencies and the local and regional planning commissions involved, the coordination of state projects and improvements with regional and local master plans to the end that the physical development of the State will proceed in an orderly fashion. It is not the intent of the Legislature to vest in any state department, or the director thereof, any regulatory powers concerning planning.

Same

65012.1. It is declared to be the policy of the State and the intent of the Legislature to provide an agency in the State

Government, of an advisory nature, which agency shall be a co-ordinating agency for the Governor, functioning through the Director of Finance, and an advisory agency to the Legislature. This agency shall have particular responsibility for:

(a) The preparation, maintenance and periodic revision of a comprehensive state development plan.

(b) The co-ordination of public works programs undertaken by state agencies.

(c) The provision of planning assistance to local, district and regional planning agencies and to other public agencies upon request.

(d) The undertaking of such other physical planning and co-ordinating studies and activities as will implement the policies and intent of the Legislature as herein set forth.

Article 3. Establishment and Functions of a State Office of Planning

State Office of Planning

65013.1. The State Office of Planning is hereby established in the Department of Finance, and said office shall be under the direct control of a Planning Officer.

Same Powers and duties

65013.2. The State Office of Planning through the Director of Finance shall:

(a) Prepare, maintain, regularly review and revise a comprehensive, long-range, general plan for the physical growth and development of the State, in co-operation with, and utilizing the physical development plans as prepared by, state, local, regional and federal agencies, which plan shall be known as the State Development Plan.

(b) Assist the Budget Division of the Department of Finance in the preparation of the capital improvement section of the annual budget and a long-term capital improvement program.

(c) Act as a research agency responsible for the co-ordination of basic studies and investigation of the resources of the State and of existing and emerging developmental problems, and for the undertaking of such studies when necessary.

(d) Act as a central repository for state, federal, regional and local research studies, plans and project proposals relating to the existing and future physical growth and development of the State and to the conservation, use and development of its resources.

(e) Encourage the formation and proper functioning of local and regional planning agencies.

(f) Accept and allocate or expend grants and gifts from any source, public or private, for the purposes of state participation in state, regional and local planning.

(g) Act as the principal staff agency to the Governor and the Director of Finance in matters concerning the physical growth and development of the State and its resources and, in this capacity, undertake special studies and investigations,

submit reports and render advice to the Governor and the Director of Finance whenever requested.

(h) Provide information to, and co-operate with, the Legislature, or any of its committees or officers in connection with studies and matters relevant to the physical growth and development of the State and its resources.

Article 4. The Planning Officer: Appointment, Qualifications, Powers and Duties

Planning officer

65014.1. For the purpose of administering this article, the Director of Finance shall appoint and fix the salary of a Planning Officer in accordance with Article XXIV of the Constitution.

Same Powers and duties

65014.2. Under the direction of the Director of Finance, the Planning Officer shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all purposes vested by law in the office.

Same

65014.3. The Planning Officer may, with the approval of the Director of Finance, contract for professional or consultant services in connection with the work of the office.

Same

65014.4. The Planning Officer, or his designated representative, shall also act as, and exercise the powers and duties of, the administrative secretary of the Planning Advisory Committee.

Same

65014.5. In addition to the foregoing the Planning Officer shall also:

(a) In co-operation with regional and local agencies, review information, reports and data which relate to state planning.

(b) Hold hearings whenever he deems it necessary on matters of state planning, after notice to interested parties.

(c) Attend meetings and conferences of or between planning agencies at all levels of government, including federal and interstate agencies, in the interest of intergovernmental planning co-operation.

Article 5. The State Development Plan: Description and Procedures

General plan of growth

65015.1. The office shall prepare and thereafter maintain, regularly review and revise a comprehensive, long-range, general plan for the physical growth and development of the State. This plan, which shall be known as the State Development Plan, shall be based on studies of physical, social, economic and governmental factors, conditions and trends, in co-operation with, and utilizing the physical development plans as prepared by state, local, regional and federal agencies; and shall aim at the co-ordinated physical development of the State in order to promote the general welfare and prosperity of its people.

Co-operation with State Government

65015.2. In preparing the State Development Plan, or any part thereof, and in preparing, from time to time, revisions,

amendments, extensions or additions to said plan, the office shall seek the co-operation and advice of any officer, department, agency or instrumentality of State Government, and may seek such advice and co-operation from any educational or research institution or organization, whether public or private, and of civic groups or private persons or organizations.

State planning policy

65015.3. The State Development Plan shall embody state policy regarding the State's physical growth and development and shall include by discussion and agreement between the agencies involved, the projects and other improvement proposals of the departments and divisions of the State Government, the projects and improvements proposed by the Federal Government, and the major aspects of master or general plans of regional and local agencies of government.

Documents

65015.4. The State Development Plan shall further include, and consist of, a document, or documents, containing concise statements in written and graphic form concerning and including, but not limited to, the following:

(a) A statement including principal findings of fact and delineating physical growth and development problems and potentialities of the State.

(b) A statement of the major objectives and principles and a summary of the proposals expressed in the plan.

(c) Recommendations for the most desirable general pattern of land use and circulation within the State, and for the most desirable use and development of land resources of the State, all considered in respect to: present and future growth and trends and forecasts thereof; climate, water resources and other relevant natural or environmental factors; the need to conserve and develop special types of land and water resources of statewide significance including, but not limited to, areas especially suited for agriculture, forestry, mining, recreation and fish and wildlife; all other factors and conditions deemed to be relevant by the office.

(d) Recommendations concerning the need for, and the proposed general location of, major public and private works and facilities, which works or facilities, or reservations of land or water therefor, by reason of their function, size, extent, legal status, or for any other cause, are of state concern; or the authorization, location or construction of which are legally within the province or jurisdiction of state agencies or officials, or which for any other cause are appropriate subjects for inclusion in the State Development Plan.

Conferences concerning the plan

65015.5. The Planning Officer may call conferences of representatives of federal, state, regional and local agencies for the purpose of developing, or for the purpose of reviewing or revising the State Development Plan by discussion and agreement.

Participation

65015.6. Each state department, board or agency shall participate in the preparation of the State Development Plan or revisions thereof, and shall give consideration thereto in the planning of projects and other improvements under its

jurisdiction, but such duty to consider said plan shall not operate to circumscribe the authority of such department, board or agency.

Correlation of project planning

65015.7. In order to assist in the preparation of the State Development Plan, the office shall encourage at all times the correlation of project planning by state agencies, and the formation of local and regional planning agencies and the correlation of their long-range planning programs and efforts.

Public documentation

65015.8. Upon completion, the State Development Plan shall be printed by the State Printer as a public document.

The Planning Officer shall first transmit a copy of the plan to the Director of Finance. The Director of Finance shall transmit the plan together with his comments and recommendations to the Governor. The Governor shall review and, upon his approval, shall transmit the plan together with his comments and recommendations to the President pro tempore of the Senate and to the Speaker of the Assembly and shall file a copy of the plan, together with his comments and recommendations, with the Secretary of State. The Legislature may, by appropriate resolution, adopt the plan in principle. The Planning Officer shall transmit the plan, together with the comments and recommendations of the Governor, to each state department, board or agency, to appropriate federal agencies and to the chief executive officer of each county and city in the State.

Reports to Legislature

65015.9. Prior to the convening of each general session of the Legislature there shall be prepared a report on the State Development Plan, which report shall be printed as a public document and shall be prepared, printed, and transmitted to the Governor and the Legislature in the manner provided in this article. The report shall describe the current status of the plan together with revisions and extensions thereof.

Article 6. Co-ordination of Public Works Programs

Proposed public projects

65016.1. The office shall ascertain from each state department, board or agency, from each local jurisdiction, and where possible from federal agencies, all proposed public improvements or projects which are, in its opinion, of statewide concern.

Encouragement of conferences

65016.2. The office shall encourage conferences between any state department, board or agency contemplating a project and any federal agency contemplating a project within the State and the planning agency or agencies having jurisdiction over the territory in which such projects will be located, with the objective of co-ordinating such state and federal projects with local and regional long-range planning.

Conflict of projects

65016.3. Whenever it is brought to the attention of the office or the office determines that there is a conflict in proposed public works projects: between state agencies; between state and federal agencies; between state and county, city or

regional agencies; or between any public agency and the State Development Plan; it shall notify in writing the agencies concerned of such conflict, recommend appropriate action to eliminate such conflict and request reports on actions taken pursuant to such recommendations, provided that public works projects shall not be delayed pending the preparation or revision of the State Development Plan.

Encouragement of conferences

65016.4. The office shall encourage, and shall offer the facilities of the office for, conferences between any federal or state agency contemplating a public works project and the county or city having jurisdiction over the territory in which the project will be located, with the objective of co-ordinating such public works projects and long-range regional and local planning.

Article 7. Local Planning Assistance: Authorization and Procedures

Information and advice

65017.1. When requested by a local jurisdiction the office may furnish information and technical and professional advice on the preparation of master or general plans, precise plans or amendments thereto, the preparation of regulations, procedures, programs and legislation required for the systematic execution of master or general plans, and information and technical and professional advice concerning planning problems.

Planning Advisory Committee Powers and duties

65017.2. In accordance with the policies of the Planning Advisory Committee the office may:

(a) Provide planning assistance (including planning surveys, land use studies, urban renewal plans, technical services, and other planning work, but excluding plans for specific public works), in and for any county or city for which planning assistance or planning work is requested by the governing body of the county or city or in and for any planning area, region or district for which planning assistance is requested by the region or area planning commission or district planning board.

(b) Contract for, receive, and utilize any grants or other financial assistance made available by the Federal Government or from any other source, public or private, for the purposes as set forth in (a) above.

(c) Contract with public agencies or private persons or organizations for any of the above purposes.

(d) Delegate any of its functions to any other state agency authorized to perform such functions, except that responsibility for such functions shall remain solely with the office.

Same

65017.3. In accordance with the policies of the Planning Advisory Committee the office may:

(a) Accept grants from Federal or State Government or their agencies for local, regional, area, district and state planning agencies for the purposes of state, district, regional, area and local planning and accept gifts for such purposes. Under

the conditions of such grants or gifts, it may allocate funds so provided for state, district, regional, area or local planning, requiring necessary progress and final reports relating to expenditures made therefrom.

(b) Require or receive reimbursement from any political subdivision or subdivisions, or any area or regional planning commission, or any district planning board receiving assistance under this provision for the actual costs of the planning assistance or planning work except that no reimbursement shall be required or received for such costs to the extent that such costs are covered by federal or state grants or private gifts.

Same

65017.4. In accordance with the policies of the Planning Advisory Committee the office shall constitute the official state planning agency for the purposes set forth in this article.

Article 8. Regional Planning: Responsibilities and Procedures

Encouragement of regional planning

65018.1. The office shall encourage regional planning and may extend, upon the request of the local governing body or bodies, or of the local planning commission or commissions, or of both, planning assistance and advice respecting regional planning in or for the region, district or area over which said local bodies and agencies of government have jurisdiction, and may also extend such assistance and advice to regional planning commissions and district planning boards when established.

Planning districts

65018.2. The office shall divide the State into regional planning districts in accordance with the recommendations of the Planning Advisory Committee.

Same

65018.3. So far as possible, the districts shall be established so as to include:

(a) Natural physiographical regions containing complete watersheds of major stream systems, and the land upon which the waters of such watersheds are put to beneficial use.

(b) Areas having mutual social and commercial interests, as exemplified by radiating and connecting routes of transportation, by trade, and by common use of recreation areas within the region.

Article 9. Preparation, Collection and Dissemination of Plans, Reports and Documents

Reports

65019.1. The office shall undertake, and prepare reports on studies relating to the existing and future physical growth and development of the State, which reports shall be printed by the State Printer as public documents. The Planning Officer may transmit copies of these reports to state, federal, regional and local agencies and to such private organizations, civic groups and individuals as may, in his opinion, be benefited by the information contained in such reports.

65019.2. The Planning Officer shall make an annual report on planning which shall be printed by the State Printer as a public document and shall transmit copies of said report to every county and city in the State. Annual report on planning

65019.3. Every planning commission established pursuant to the Planning Law shall file on October 1st of each year with the office a complete report of its transactions and recommendations during the previous fiscal year with recommendations for needed legislation respecting planning. In lieu of the report required by this section, a planning commission may file with the office the annual or official report which it files with the legislative body or bodies of the city, county or region in which it is located. Same: Recommendations

65019.4. The office shall, when requested, make available to each state agency master plans adopted pursuant to the Planning Law and information concerning state projects which are on file with the office and which are pertinent to the work of the state agency. Master plans

65019.5. The office shall obtain, upon request, any information, data, reports or references to records from state, regional, city or county planning offices which will assist it in the administration of the purposes of this section. Information

Article 10. Establishment of Planning Advisory Committee: Purposes, Powers and Duties

65020.1. In order to provide assistance to state and local agencies in preparing reports, obtaining information, and making recommendations relating to state and local planning, the Planning Advisory Committee is created. Planning Advisory Committee

65020.2. The committee shall consist of 11 members appointed by the Governor and serving at his pleasure, selected as follows: Membership

(a) Five representing the counties, two of whom shall be county supervisors, two members of county planning commissions and one a county planning director.

(b) Five representing the cities, two of whom shall be city councilmen, two city planning commission members, and one a city planning director.

(c) A member representing the schools who shall be a county superintendent of schools.

65020.3. The committee shall provide advice and guidance to the State Office of Planning in the planning function. Advice and guidance

65020.4. The State Office of Planning shall provide as complete local planning assistance as the committee shall specify. State Office of Planning

65020.5. No regulatory powers concerning local planning are vested in the State Office of Planning, the Department of Finance, or the committee. Regulatory powers

65020.6. The members of the committee shall receive no compensation for their services, but shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending the meetings of the committee. Compensation

Meetings

65020.7. The committee shall meet at the call of the chairman and at such places as the committee may designate.

Officers

65020.8. The committee shall select a chairman and a vice chairman from its membership.

Administrative secretary

65020.9. The administrative secretary of the committee shall be the Planning Officer or his designated representative.

CHAPTER 1642

An act to add Section 23014 to the Government Code, relating to the establishment of county revolving funds to finance district improvements.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 23014 is added to the Government Code, to read:

23014. Pursuant to a resolution adopted by its board of supervisors by a four-fifths vote of all of the members of the board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed three hundred fifty thousand dollars ($350,000) to be used by any county sanitation district or county maintenance district, located wholly within the county for the acquisition of real or personal property, engineering services, or the construction of structures or improvements needed in whole or in part for district purposes. The revolving fund shall be reimbursed from service fees, connection charges or other moneys available to the district, other than tax revenues, and no sums shall be disbursed from the fund until an agreement with a term not exceeding five years has been made between the board of supervisors and the governing board of the district encompassing the method by, and the time within, which the district is to reimburse the fund. The district shall reimburse the fund for any amount disbursed to the district within five years after such disbursement, together with interest at a rate of 2 percent per annum.

CHAPTER 1643

An act to amend Section 108 of the Civil Code, relating to divorce on the ground of incurable insanity.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 108 of the Civil Code is amended to read:

108. A divorce may be granted on the grounds of incurable insanity only upon proof that the insane spouse has been incurably insane for a continuous period of three years immediately preceding the filing of the action and has been confined to an institution, or under the jurisdiction of the institution, under the provisions of Chapter 1, Part 1, Division 6 of the Welfare and Institutions Code or under the provisions of Section 1026 of the Penal Code or Chapter 6, Title 10, Part 2 of the Penal Code, or under other provisions of law permitting confinement therein or authorizing the exercise of such jurisdiction by such institution, for a period of at least three continuous years immediately preceding the filing of the action and upon the testimony of a member of the medical staff of said institution that such spouse is incurably insane. Procedures and requirements

No decree granted on this ground shall relieve the spouse granted the divorce of any obligation imposed by law as a result of the marriage for the support of the spouse against whom the divorce is granted, and the court may make such order for support, or require a bond therefor, as the circumstances require.

If the insane spouse has a general guardian or guardian of his person, other than the spouse bringing the action, the complaint and summons shall be served upon the insane spouse and such guardian and he shall defend and protect the interests of the insane spouse. If the insane spouse has no general guardian or no guardian of his person, or if the spouse bringing the action is the general guardian or guardian of his person, the court shall appoint a guardian ad litem, who may be the district attorney or the county counsel, if any, to defend and protect the interests of the insane spouse. If a district attorney or county counsel is appointed guardian ad litem pursuant to this paragraph, his successor in the office of district attorney or county counsel, as the case may be, succeeds him as guardian ad litem, without further action by the court or parties.

SEC. 2. The amendment in Section 1 is intended to apply to cases in which all or part of the period of three years of confinement in, or being subject to the jurisdiction of, the institution precedes, as well as where it follows, the effective date of Section 1. Applicability

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CHAPTER 1644

An act to amend Sections 68540, 68540.5 and 68541 of, and to add Sections 68547 and 75082 to, the Government Code, relating to the assignment of judges.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.] In effect September 18, 1959

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

SECTION 1. Section 68540 of the Government Code is amended to read:

Extra compensation for judges. Superior court

68540. (a) Whenever a judge of a superior court is assigned by the Chairman of the Judicial Council to sit in a superior court in another county, any extra compensation to which this judge is entitled under the Constitution for the time so served shall be paid by the county to which such judge is assigned.

Further, where such extra compensation is paid by a given county to a particular judge for a total time so served of 30 days or more within any one fiscal year, such county shall also reimburse the county in which such judge was elected or appointed by the Governor as a superior court judge in an amount equal to that portion of the regular salary of such judge paid for said time by the last mentioned county. This reimbursement shall be made from the same funds as the extra compensation is paid.

(b) The State shall pay the same proportion of the extra compensation of a judge of a municipal or justice court, assigned to a superior court, that it pays of the salary of a judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

SEC. 2. Section 68540.5 of said code is amended to read:

Same: Municipal court

68540.5. Whenever a judge of a municipal court is assigned by the Chairman of the Judicial Council to sit in a municipal court in another county, any extra compensation to which such judge is entitled under the Constitution for the time so served shall be paid by the county to which such judge is assigned. Also, the county to which such judge is assigned shall reimburse the county in which such judge was elected or appointed by the Governor as a municipal court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was serving in the other court. This reimbursement shall be made from the same funds as the extra compensation is paid.

SEC. 3. Section 68541 of said code is amended to read:

Same: Justice court

68541. The extra compensation of a judge of a justice court sitting in another jusice court or a municipal court under assignment made by the Chairman of the Judicial Council shall be paid by the county which by law is charged with the payment of the compensation of the judge of the court to which the assignment is made.

SEC. 4. Section 68547 is added to said code, to read:

Serving or sitting under assignment

68547. For the purposes of this article, a judge or justice shall be deemed to be serving or sitting under assignment on each day during which it is necessary for him on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his residence. If a judge so serves under assignment during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he shall be deemed also to have served or sat

in such court on all Saturdays, Sundays, and holidays during or immediately preceding such period.

SEC. 5. Section 75082 is added to said code, to read:

75082. For the purposes of this article, a judge or justice shall be deemed to be sitting under assignment on each day during which it is necessary for him on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his residence. If a judge so serves under assignment during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he shall be deemed also to have sat in such court on all Saturdays, Sundays, and holidays during or immediately preceding such period. Same

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CHAPTER 1645

An act to amend Sections 1615, 3016, 4806, 5053, 7205, 7605, 8921, and 9530 of, and to add Sections 103, 2117, 2131, 2655, 2716, 2855, 2926, 4011, 5516, 5622, 6720, 7016, 7315, 8002, 8526, 9014, 9627, 18625, and 19035.7 to, and to repeal Sections 2117, 2131, 2655, 2716, 2855, 2926, 4011, 5516, 5622, 6720, 7016, 7315, 8002, 8526, 9014, 9627, 18625, and 19035.7 of the Business and Professions Code, and to amend Section 5053 of the Business and Professions Code as proposed to be amended and renumbered by Senate Bill No. 104, relating to payments to members of licensing boards, commissions, or committees.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 103 is added to the Business and Professions Code, to read:

103. Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing at Section 500) and Division 3 (commencing at Section 5000), and in Chapter 2 (commencing at Section 18600) and Chapter 3 (commencing at Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective chapters. Receipt of moneys authorized

Each such member shall receive a per diem of twenty-five dollars ($25) for each day actually spent in the discharge of official duties, and he shall be reimbursed for his traveling and other expenses necessarily incurred in the performance of his duties.

Such payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money in that fund.

SEC. 2. Section 1615 of said code is amended to read:

Per diem and expenses

1615. Each member of the board shall receive a per diem and expenses as provided in Section 103.

The secretary shall receive such compensation as may be fixed by the board, with the approval of the Director of Finance, which shall be in addition to his per diem as a member of the board. He shall be entitled to traveling and other expenses necessary in the performance of his duties.

Repeal

SEC. 3. Section 2117 of said code is repealed.

SEC. 4. Section 2117 is added to said code, to read:

Per diem and expenses

2117. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Each member shall receive one per diem for the review of each 30 examination papers or fraction thereof.

The board shall fix the salary of the secretary-treasurer with the approval of the Director of Finance. In addition to his salary, the secretary-treasurer shall be entitled to the same per diem compensation as the other members of the board and to traveling and other expenses necessary in the performance of his duties.

Repeal

SEC. 5. Section 2131 of said code is repealed.

SEC. 6. Section 2131 is added to said code, to read:

Per diem and expenses

2131. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 7. Section 2655 of said code is repealed.

SEC. 8. Section 2655 is added to said code, to read:

Per diem and expenses

2655. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 9. Section 2716 of said code is repealed.

SEC. 10. Section 2716 is added to said code, to read:

Per diem and expenses

2716. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 11. Section 2855 of said code is repealed.

SEC. 12. Section 2855 is added to said code, to read:

Per diem and expenses

2855. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 13. Section 2926 of said code is repealed.

SEC. 14. Section 2926 is added to said code, to read:

Per diem and expenses

2926. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

SEC. 15. Section 3016 of said code is amended to read:

Secretary Salary, etc.

3016. With the approval of the Director of Finance, the board may fix the salary of the secretary who shall also be entitled to his traveling and other necessary expenses.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 16. Section 4011 of said code is repealed.

SEC. 17. Section 4011 is added to said code, to read:

Per diem and expenses

4011. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Each member shall receive one per diem for the rating of each 20 examination papers or fraction thereof.

SEC. 18. Section 4806 of said code is amended to read:

4806. Each member of the board shall receive a per diem and expenses as provided in Section 103. The secretary of the Board of Examiners in Veterinary Medicine shall receive an annual salary not to exceed one thousand two hundred dollars ($1,200) in an amount fixed by the board with the approval of the Director of Finance, and expenses. Same Salary

SEC. 19. Section 5053 of said code is amended to read:

5053. All money in the Accountancy Fund is hereby appropriated to the State Board of Accountancy to carry out the provisions of this chapter. Each member of the board and each member of a committee shall receive a per diem and expenses as provided in Section 103. Accountancy Fund

SEC. 20. Section 5516 of said code is repealed. Repeal

SEC. 21. Section 5516 is added to said code, to read:

5516. Each member of the board shall receive a per diem and expenses as provided in Section 103. Per diem and expenses

SEC. 22. Section 5622 of said code is repealed. Repeal

SEC. 23. Section 5622 is added to said code, to read:

5622. Each member of the board shall receive a per diem and expenses as provided in Section 103. Per diem and expenses

When a member of the board is elected as secretary of the board, he shall receive the salary fixed for the secretary.

SEC. 24. Section 6720 of said code is repealed. Repeal

SEC. 25. Section 6720 is added to said code, to read:

6720. Each member of the board shall receive a per diem and expenses as provided in Section 103. Per diem and expenses

SEC. 26. Section 7016 of said code is repealed. Repeal

SEC. 27. Section 7016 is added to said code, to read:

7016. Each member of the board shall receive a per diem and expenses as provided in Section 103. Per diem and expenses

SEC. 28. Section 7205 of said code is amended to read:

7205. Each member of the board, except the superintendent of the California School for the Blind and the head of the Bureau of Vocational Rehabilitation, shall receive a per diem and expenses as provided in Section 103. The superintendent and the head of the bureau shall receive their necessary expenses for each day actually spent in the performance of their duties. Same School for Blind, Vocational Rehabilitation

Any member of the board who is sightless is entitled to an escort during performance of his necessary duties and in traveling incident thereto. The escort shall receive reimbursement for necessary expenses in the manner and amount allowed employees of the State.

SEC. 29. Section 7315 of said code is repealed. Repeal

SEC. 30. Section 7315 is added to said code, to read:

7315. Each member of the board shall receive a per diem and expenses as provided in Section 103. Per diem and expenses

SEC. 31. Section 7605 of said code is amended to read:

7605. The board shall meet annually, and at such other times as it may determine. Annual meeting

It shall elect from its members, each for a term of one year, a president, a vice president, and a secretary.

The salary of the secretary shall be fixed by the board with the approval of the Department of Finance.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 32. Section 8002 of said code is repealed.

SEC. 33. Section 8002 is added to said code, to read:

Per diem and expenses

8002. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 34. Section 8526 of said code is repealed.

SEC. 35. Section 8526 is added to said code, to read:

Per diem and expenses

8526. Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 36. Section 8921 of said code is amended to read:

Vacancy

8921. A vacancy on the commission shall not impair the power of the remaining members to perform all duties and exercise all powers of the commission providing the members remaining constitute a quorum.

Each member of the commission shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 37. Section 9014 of said code is repealed.

SEC. 38. Section 9014 is added to said code, to read:

Per diem and expenses

9014. Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 39. Section 9530 of said code is amended to read:

State Board of Dry Cleaners

9530. There is in the Department of Professional and Vocational Standards, the State Board of Dry Cleaners, which consists of seven members appointed by the Governor and confirmed by the Senate. The seven members of the board shall consist of one public member and the owners of two retail plants, two wholesale plants, and two shops. Each member shall be a citizen of the United States and shall have been actively engaged in his respective branch of the cleaning industry for a period of at least five years prior to his appointment.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 40. Section 9627 of said code is repealed.

SEC. 41. Section 9627 is added to said code, to read:

Per diem and expenses

9627. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 42. Section 18625 of said code is repealed.

SEC. 43. Section 18625 is added to said code, to read:

Per diem and expenses

18625. Each member of the commission shall receive a per diem and expenses as provided in Section 103.

Repeal

SEC. 44. Section 19035.7 of said code is repealed.

SEC. 45. Section 19035.7 is added to said code, to read:

Per diem and expenses

19035.7. Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 46. Section 5053 of said code, as proposed to be amended and renumbered by Senate Bill No. 104 as Section 5133, is amended to read:

5133. All money in the Accountancy Fund is hereby appropriated to the State Board of Accountancy to carry out the provisions of this chapter. Each member of the board and each member of a committee shall receive a per diem and expenses as provided in Section 103. Accountancy Fund

SEC. 47. Section 46 of this act becomes operative only if Senate Bill No. 104 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 104 takes effect, at which time Section 19 of this act is repealed. Operative date

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CHAPTER 1646

An act to amend Section 12201 of the Penal Code, relating to machine guns.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.] In effect September 18, 1959

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

SECTION 1. Section 12201 of the Penal Code is amended to read:

12201. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshal's offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

CHAPTER 1647

An act to amend Section 73974 of the Government Code, relating to municipal courts.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.] In effect September 18, 1959

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

SECTION 1. Section 73974 of the Government Code is amended to read:

73974. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the schedule set forth below:

	B	C	D	E	F
Chief clerk	460	483	507	532	559
Municipal court clerk	360	378	397	417	438
Municipal court clerk assistant	343	360	378	397	417

	B	C	D	E	F
Deputy municipal court clerk	311	327	343	360	378
Deputy municipal court clerk typist	269	282	296	311	327
Marshal	483	483	483	483	483
Deputy Marshal	360	378	397	417	438
Deputy Marshal Clerk	311	327	343	360	378

The hiring salary for each position shall be the salary in Column "B." A service period of six months shall be required for a salary increase from Column "B" to Column "C" and one additional year's service for a salary increase from Column "C" to Column "D." A service period of 18 additional months shall be required for a salary increase from Column "D" to Column "E" and two additional years' service for a salary increase from Column "E" to Column "F."

CHAPTER 1648

An act to amend Section 74264 of the Government Code, relating to the municipal court established in a district embracing the City of San Bernardino.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 74264 of the Government Code is amended to read:

74264. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the schedule set forth below:

	B	C	D	E	F
Chief clerk	$587	$616	$647	$679	$713
Assistant clerk	460	483	507	532	559
Court clerk	360	378	397	417	438
Supervising clerk	360	378	397	417	438
Court clerk assistant	343	360	378	397	417
Deputy municipal court clerk	311	327	343	360	378
Municipal court clerk, typist	269	282	296	311	327
Clerk II	269	282	296	311	327
Marshal	525	525	525	525	525
Chief deputy marshal	397	417	438	460	483
Deputy marshal	360	378	397	417	438
Deputy bailiff	343	360	378	397	417
Deputy marshal clerk	311	327	343	360	378

The hiring salary for each position shall be the salary in column "B." A service period of six months shall be required for a salary increase from column "B" to column "C" and one additional year's service for a salary increase from column "C" to column "D." A service period of 18 additional months shall be required for a salary increase from column "D" to column "E" and two additional years' service for a salary increase from column "E" to column "F."

CHAPTER 1649

An act to amend Section 16651 of the Government Code, relating to state bonds and bond coupons.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 16651 of the Government Code is amended to read:

16651. Whenever the statute of limitations has run against any outstanding bond or coupon issued by the State, the Treasurer may, at such time as he may determine, withdraw from the fiscal agents any money transferred to the fiscal agents to meet the payment of the bond or coupon and deposit it in the Treasury to the credit of the General Fund.

CHAPTER 1650

An act to add Section 3362 to the Labor Code, relating to workmen's compensation.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 3362 is added to the Labor Code, to read:

3362. Each male or female member registered as an active policeman or policewoman of any regularly organized police department having official recognition and full or partial support of the government of the county, city, town or district in which such police department is located, shall, upon the adoption of a resolution by the governing body of the county, city, town or district so declaring, be deemed an employee of such county, city, town or district for the purpose of this division and shall be entitled to receive compensation from such county, city, town or district in accordance with the provisions thereof.

CHAPTER 1651

An act to amend Sections 6728, 6729, and 6734 of the Welfare and Institutions Code, relating to mental illness.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 6728 of the Welfare and Institutions Code is amended to read:

Discharge of patient

6728. The superintendent of a state hospital, on filing his written certificate with the Director of Institutions, may discharge any patient who, in his judgment, has recovered or was not, at time of admission, mentally ill.

SEC. 2. Section 6729 of said code is amended to read:

Certificate of competency

6729. When any person released from a state hospital is, in the opinion of the superintendent, capable of taking care of himself and his property, a certificate of competency may be issued. If it is the conclusion of the superintendent that such person was not mentally ill when admitted to the state hospital, the certificate shall not be so worded as to imply that the person has, in fact, been mentally ill. A copy of such certificate, signed by the superintendent or other authorized person, may be filed with the clerk of the superior court of the county from which the person was committed. The clerk shall file and index it and no fee shall be charged for so doing. If no guardian has been appointed for such person as provided by the Probate Code, such certificate, when filed with the clerk of the court, shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of the Probate Code.

SEC. 3. Section 6734 of said code is amended to read:

Application for certificate of sanity

6734. If any person who has been duly adjudged to be insane or mentally ill and duly committed to a state hospital under the provisions of any law of this State, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on parole or leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom by the superintendent as provided by this article, desires to be declared sane and restored to reason, the insane or mentally ill person, or a relative or friend on his behalf, may make application in writing to the medical superintendent for a certificate that the person is sane. On receiving such application, the medical superintendent may make such examination of such person and require such proof as he reasonably deems necessary to determine whether or not such person is sane. For the purpose of making such examination the superintendent may also require the person to present himself at the hospital for examination. If, on making such examination and receiving such proofs as he deems reasonably necessary, the medical superintendent is sat-

isfied that the person has recovered his reason and is sane, or was not mentally ill when admitted to the hospital, the medical superintendent shall issue to the person his certificate that such person is sane, and recovered and restored to reason, and shall file a copy of such certificate with the Director of Mental Hygiene; provided, that if it is the conclusion of the superintendent that such person was not mentally ill when admitted to the hospital, the certificate shall not be so worded as to imply that the person has, in fact, been mentally ill. A duly certified copy of such certificate shall be filed by the Department of Mental Hygiene with the county clerk of the county from which the person was committed and, if no guardian has been appointed for such person, such certified copy and the record thereof shall have the same legal effect as provided in Section 6729 of this code. A copy thereof shall also be filed at the hospital and a proper record made thereof.

CHAPTER 1652

An act to add Section 31051 to, and to amend Section 31575 of, the Water Code, relating to county water districts.

[Approved by Governor July 7, 1959 Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31051 is added to the Water Code, to read:

31051. A district may acquire by any means stock of any mutual water company or corporation for the purpose of furnishing a supply of water for public, municipal or governmental purposes.

Acquisition of mutual water company

SEC. 2. Section 31575 of said code is amended to read:

31575. Improvement districts may be formed in districts in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner and shall have the same powers as improvement districts in irrigation districts.

Improvement districts

CHAPTER 1653

An act to add Section 31578 to the Water Code, relating to the Kings County Water District.

[Approved by Governor July 7, 1959 Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 31578 is added to the Water Code, to read:

31578. If an improvement district is formed in the Kings County Water District to encompass all or a portion of the area within the district served by the Lakeside Ditch Company

Kings County Water District improvement district

(a mutual water company) for the purpose of acquiring stock of such company, operating the system of such company, and furnishing the shareholders thereof with water, the voters in such improvement district may elect an advisory board of five members. The members of such advisory board first elected shall be elected at the election of district directors next held following the formation of the improvement district. The members of the advisory board shall be elected in the same manner as district directors. The members first elected shall at their first meeting classify themselves by lot so that three members shall hold office for two years and two members shall hold office for four years Thereafter all members shall hold office for four years.

The advisory board in such improvement district may make recommendations to the district board solely as to matters pertaining to the operation of the system acquired from the Lakeside Ditch Company and the distribution of the water to which the shareholders of such company have rights. The district board shall follow any such recommendation unless it is rejected by the district board by unanimous vote of its members.

Special facts and circumstances

SEC. 2. It is hereby declared to be necessary to enact the special law contained in Section 1 of this act with respect to the Kings County Water District because of the special facts and circumstances existing therein. There is in said district a mutual water company, known as the Lakeside Ditch Company, which is in need of supplemental water and the members of which are desirous of working out an equitable arrangement whereby the Kings County Water District would acquire stock of the company, take over its system, and serve its shareholders with both water owned by the company and supplemental water to be provided by the district. As part of such an equitable arrangement and in view of the rights being given up by the Lakeside Ditch Company, it is necessary, with respect to the improvement district being formed to carry out the desired purposes, that the shareholders of the Lakeside Ditch Company be given some voice in the management of the property and water rights being given up. The special law contained in Section 1 of this act is designed to effectuate this purpose in this limited situation.

CHAPTER 1654

An act to add Section 3243.5 to, and to amend Section 3280 of, the Fish and Game Code, relating to hunting clubs.

In effect September 18, 1959

[Approved by Governor July 7, 1959 Filed with Secretary of State July 8, 1959]

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

SECTION 1. Section 3243.5 is added to the Fish and Game Code, to read:

3243.5. The commission may transfer a license to land owned or controlled by the licensee, other than that land specified in the original application, located in the same county as the original land, without any additional fee, if it finds the new land is suitable for the purposes of the license and such a transfer is not in conflict with the public interest.

Transfer of license to other land

SEC. 2. Section 3280 of said code is amended to read:

3280. If the commission is satisfied, after investigation, that a tract is suitable for the purposes of a licensed pheasant club, and that the establishment of such a club will not conflict with the public interest, it may approve the issuance of a commercial licensed pheasant club license upon the payment of a license fee of one hundred dollars ($100), or a private licensed pheasant club license upon the payment of a license fee of seventy-five dollars ($75) for a club of 500 acres or less and one hundred dollars ($100) for a club of over 500 acres The license shall be issued for a term of one year from March 1st or, if issued after the beginning of such period, for the remainder thereof.

Commercial licensed pheasant club license

The commission may transfer a license to land owned or controlled by the licensee, other than that land specified in the original application, located in the same county as the original land, without any additional fee, if it is satisfied, after investigation, that the new land is suitable for the purposes of the license and such a transfer is not in conflict with the public interest.

CHAPTER 1655

An act to add Article 4 (commencing at Section 31510) to Chapter 5, of Division 13 of the Vehicle Code as enacted at the 1959 Regular Session, relating to safety standards for vehicle loads.

[Approved by Governor July 7, 1959 Filed with Secretary of State July 8, 1959]

In effect September 18, 1959

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

SECTION 1. Article 4 (commencing at Section 31510) is added to Chapter 5, of Division 13 of the Vehicle Code as enacted at the 1959 Regular Session, to read:

Article 4. Metal and Metal Products

31510. The following provisions are applicable to the securing of iron, steel, aluminum and other metals and metal products including, but not limited to, sheets, rods, beams and pipe for transportation over public highways:

(a) The department shall adopt and enforce regulations necessary to provide for the proper loading and securing of the various classes of metal products as may be necessary to

insure the safe transportation of such products on the public highways.

(b) In prescribing regulations the department shall consider, and may provide for, the following factors:

1. The conditions of travel, including, but not limited to, the speed at which the transporting vehicle operates and the condition of the road;

2. The weight of the load being transported; and

3. The relationship of the size and weight of the load to the weight, size, and condition of the transporting vehicle.

(c) The department, upon application, may issue special permits to transport metal products of a type, size or weight not normally carried upon a public highway or to meet other unusual transportation needs. The permit may authorize the transportation of specified metal products without regard to regulations otherwise applicable and shall specify protective restrictions considered necessary by the department for the particular load for which the permit is issued. The permit may be issued for a single trip or for the transportation of the specified metal products for a period of time of not to exceed one year.

Issuance of a permit pursuant to this section shall not relieve an operator from carrying the permit provided for by Section 710 of this code.

(d) No person shall transport or cause to be transported any metal products in violation of the provisions of this section or the regulations promulgated hereunder.

CHAPTER 1656

An act to add Section 14355.1 to, and to amend Section 14359 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 14355.1 is added to the Education Code, to read:

Permanent Fund retirement salary

14355.1. Notwithstanding the provisions of subdivision (a) of Section 14355, any person who is credited with 30 or more years of service, all of which is also credited under a local retirement system, shall receive a retirement salary of at least fifty dollars ($50) per month from the Permanent Fund if at least one-half of his credited service was rendered prior to July 1, 1956.

Retirement salaries payable for time commencing on October 1, 1959, to persons whose retirements were effective after June 30, 1956, shall be adjusted to the amounts which would

have been payable if this section had been in effect on July 1, 1956.

SEC. 2. Section 14359 of said code is amended to read:

14359. Upon retirement for service a member shall receive an annual annuity, sufficient when added to the portion of the retirement salary computed pursuant to Section 14355 or 14355.1, on the basis of his service for which he is not entitled to receive benefits from a local retirement system, but excluding his service for which he has not deposited contributions in the Retirement Annuity Fund following a change in membership status, pursuant to Article 15 (commencing at Section 14411) of this chapter, to equal the fraction of one-sixtieth (1/60th) of his final compensation, set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of his credited service not counting any service for which the member is entitled to retirement benefits from a local retirement system: Annual annuities

Age at retirement	Fractions Men	Fractions Women
55	.7463077	.7616247
55¼	.7570073	.7717737
55½	.7677070	.7819226
55¾	.7784066	.7920716
56	.7891062	.8022206
56¼	.8006961	.8131608
56½	.8122860	.8241010
56¾	.8238759	.8350412
57	.8354658	.8459814
57¼	.8480339	.8578131
57½	.8606020	.8696448
57¾	.8731700	.8814766
58	.8857381	.8933083
58¼	.8993968	.9061066
58½	.9130555	.9189049
58¾	.9267142	.9317032
59	.9403729	.9445015
59¼	.9552797	.9583761
59½	.9701864	.9722508
59¾	.9850932	.9861254
60	1.0000000	1.0000000
60¼	1.0144236	1.0139901
60½	1.0288472	1.0279802
60¾	1.0432707	1.0419703
61	1.0576943	1.0559604
61¼	1.0730460	1.0708336
61½	1.0883977	1.0857068
61¾	1.1037494	1.1005709
62	1.1191011	1.1154531
62¼	1.1354891	1.1313539
62½	1.1518771	1.1472546

Age at retirement	Fractions Men	Fractions Women
62¾	1.1682651	1.1631554
63	1.1846531	1.1790562
63¼	1.2021800	1.1960688
63½	1.2197068	1.2130815
63¾	1.2372336	1.2300942
64	1.2547605	1.2471068
64¼	1.2735116	1.2654212
64½	1.2922627	1.2837356
64¾	1.3110138	1.3020501
65 and over	1.3297649	1.3203645

The fractions herein set forth at ages other than sixty (60) are based on the interest rate and mortality tables used under the State Teachers' Retirement System on July 1, 1955, and shall be adjusted by the board in accordance with such interest rate and mortality tables as the board may adopt under such system.

CHAPTER 1657

An act to add Section 21714 to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to ambulances.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 21714 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

21714. No owner of a publicly or privately owned ambulance shall permit the operation of such ambulance in emergency service unless either the operator thereof or an attendant on duty therein possesses an Advanced American Red Cross First Aid Certificate or an Advanced First Aid Certificate issued by the United States Bureau of Mines. In any case in which an ambulance is operated in violation of the preceding provisions of this section, the Commissioner of the California Highway Patrol may, after notice and hearing, revoke any permit that has been issued to such owner to operate ambulances as authorized emergency vehicles and may order that no ambulance owned by such owner may be operated as an authorized emergency vehicle. The commissioner may issue rules and regulations to implement this section.

CHAPTER 1658

An act to add Chapter 12 (commencing at Section 6950) to Division 7 of Title 1 of the Government Code, relating to the purchase of interests in real property by counties and cities and to the preservation of open spaces and areas for public use and enjoyment.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 12 (commencing at Section 6950) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12. PURCHASE OF INTERESTS AND RIGHTS IN REAL PROPERTY

Legislative intent

6950. It is the intent of the Legislature in enacting this chapter to provide a means whereby any county or city may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, and through the expenditure of public funds, the fee or any lesser interest or right in real property in order to preserve, through limitation of their future use, open spaces and areas for public use and enjoyment.

Purpose

6951. The Legislature finds that the rapid growth and spread of urban development is encroaching upon, or eliminating, many open areas and spaces of varied size and character, including many having significant scenic or esthetic values, which areas and spaces if preserved and maintained in their present open state would constitute important physical, social, esthetic or economic assets to existing or impending urban and metropolitan development.

Same

6952. The Legislature hereby declares that it is necessary for sound and proper urban and metropolitan development, and in the public interest of the people of this State for any county or city to expend or advance public funds for, or to accept by, purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest or right in real property to acquire, maintain, improve, protect, limit the future use of or otherwise conserve open spaces and areas within their respective jurisdictions.

Public purpose

6953. The Legislature further declares that the acquisition of interests or rights in real property for the preservation of open spaces and areas constitutes a public purpose for which public funds may be expended or advanced, and that any county or city may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to achieve the purposes of this chapter. Any county or city may also acquire the fee to any property for the purpose of conveying or leasing said property back to its original

owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of this chapter.

"Open space" or "open area"

6954. For the purposes of this chapter an "open space" or "open area" is any space or area characterized by (1) great natural scenic beauty or (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

CHAPTER 1659

An act to add Section 21158 to the Government Code, relating to the State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 21158 is added to the Government Code, to read:

21158. Nothwithstanding the provisions of Section 21150 or any other provision of law, any person who has heretofore received, or who hereafter receives, retirement benefits under this part during a period in which he held an elective office in a county which at the time of his election to such office was not a contracting agency but which subsequently became a contracting agency during his term of office under a contract the validity of which was litigated in a court of this State, shall be fully discharged of all liability to the State and to the system for any benefits received during such term of office and received up to the date such contract was held to be valid by a court and such judgment become final, if such person but for the existence of such contract would have been entitled to receive such benefits. No action may be instituted or maintained by the State or the system for the return of such benefits nor may any deductions be made for such benefits from any subsequent benefits paid under this part.

The retired status of such person shall be deemed to have been uninterrupted by such period of employment and no additional rights or benefits under this system shall be extended with respect to such employment.

CHAPTER 1660

An act to amend Section 4125.1 of the Penal Code, relating to the employment of county jail prisoners.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 4125.1 of the Penal Code is amended to read:

4125.1. The board of supervisors may contract with the United States or the State of California, or any department or agency thereof, for the performance of work and labor by any person in custody on any county industrial farm or industrial road camp or confined in the county jail or branch thereof under a final judgment of imprisonment rendered in a criminal action or proceeding or as a condition of probation in the suppression of fires within and upon the national forests, state parks, or other lands of the United States or the State of California, or within and upon such other lands, of whatever ownership, contiguous to, or adjacent to said state or federal lands, the suppression of fires upon which other lands affords fire protection to said state or federal lands. Such payments as may be so contracted for and to be paid by the United States or by the State of California for the work and labor so performed by any person so in custody may, by order of the board of supervisors, be credited in full or in part, and upon such terms and conditions as the board shall determine, to any such person so in custody and performing such work and labor, and all in addition to those credits hereinbefore provided in Section 4125 of this code.

Whenever any such person so in custody shall perform the services herein specified he shall be subject to workmen's compensation benefits to the same extent as a county employee, and the board of supervisors shall provide and cover any such person so in custody, while performing such services, with accident, death and compensation insurance as is otherwise regularly provided for employees of the county.

The term "suppression of fires" as herein used shall include the construction of firebreaks and other works of improvement for the prevention and suppression of fire whether or not constructed in the actual course of suppression of existing fires.

CHAPTER 1661

An act to add Section 1170.5 to the Government Code, relating to withholding of taxes from wages, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 1170.5 is added to the Government Code, to read:

1170.5. In the case of the State, "law" also means the law of any state providing for the withholding of personal income tax from wages or salaries of its residents employed by other states; provided, that the law of that state, in the determination of the State Controller, provides for withholding of personal income taxes from wages or salaries of its employees residing in California.

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

This State employs auditors in other states to audit and collect taxes due the State of California. The State of New York recently enacted a law providing for witholding of state income tax from salaries and wages on or after April 1, 1959, paid to any employee in that state by any employer, expressly including within the term "employer" the United States or any state, political subdivision, agency, or instrumentality thereof. Since this State does have employees in New York and cooperation exists between the states in the field of taxation, it is necessary for this section to take effect immediately to permit cooperation in this respect without substantial delay.

CHAPTER 1662

An act to add Division 1a (commencing at Section 25) and Sections 37, 38, and 71 to, and to amend Section 45 of, the Citrous Pest District Control Act (Chapter 89, Statutes of 1939), relating to the consolidation of districts.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Division 1a (commencing at Section 25) is added to the Citrous Pest District Control Act, to read:

DIVISION 1a. CONSOLIDATION

Sec. 25. Any two or more districts organized or existing under this act may be consolidated, whether or not the boundaries are coterminous and whether or not the districts are located in the same county.

Sec. 26. Proceedings for consolidation may be initiated by the filing of a petition for consolidation with the board of directors of each district to be consolidated. Each petition shall be signed by the owners of 51 percent by area of the citrous land in the district. Upon the filing of such a petition, the board of directors shall adopt a resolution reciting the fact of receipt and the willingness of the district to consolidate, and shall then send copies of the petition and resolution to the board of directors of each of the other districts. The board shall send the original petition and a certified copy of the resolution to the board of supervisors of the county in which is located the largest area of citrous acreage of the proposed consolidated district, and a copy of the petition and resolution to the board of supervisors of each of the other counties in which is located any part of the proposed consolidated district.

Sec. 27. Upon presentation and filing of the petitions of two or more districts proposing consolidation, the board of supervisors of the county in which is located the largest area of citrous acreage of the proposed consolidated district shall fix a time and place for hearing the petitions. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a local district under Division 1 of this act.

Sec. 28. If the board of supervisors determines that the consolidation is feasible and for the best interests of the citrous growers of the respective districts, it shall by resolution duly adopted declare the districts consolidated into one district, giving the consolidated district a name which name shall include the term "consolidated." Certified copies of the resolution shall be filed with the Secretary of State and, for record, with the county recorder of each county in which is located any part of the consolidated district. Upon such filing, the districts shall be deemed consolidated into a single consolidated district with all the rights, privileges and powers of a local citrous pest control district, and particularly those of the districts consolidated. The consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded and otherwise, of the several districts consolidated. Each local district shall continue in existence for the purpose of representation on the board of directors of the consolidated district, and for the purpose of levying, assessing and collecting taxes for district purposes; but the board of directors of the consolidated district shall be deemed the board of directors of each local district within the consolidated district.

Sec. 29. Any local district may withdraw from a consolidated district and be reconstituted as a local district by filing

with the board of directors of the consolidated district a petition for withdrawal signed by the owners of 51 percent by area of citrous land in the local district. The board of directors of the consolidated district shall send the original petition to the board of supervisors of the county in which the withdrawing district is located, and a copy of the petition to the board of supervisors of each of the other counties in which is located any part of the consolidated district. Upon receipt of a petition for withdrawal, the board of supervisors of the county in which the withdrawing district is located shall fix a time and place for hearing the petition. Notice shall be given and the hearing conducted in the same manner and with the same effect as prescribed for the formation of a district under Division 1 of this act. Upon withdrawal of a local district, all moneys collected from such district for the use of the consolidated district and all property purchased with such moneys shall remain the property of the consolidated district. All moneys collected from the local district after withdrawal shall be held for the use of the local district.

SEC. 2. Section 37 is added to said act, to read:

Sec. 37. Upon the adoption of a resolution consolidating two or more districts, the board of supervisors shall immediately appoint a board of directors of at least five members, including at least one member from each of the local districts consolidated. If any of the districts consolidated includes more than 15,000 acres of citrous acreage, the board of directors shall be increased to a number equal to the number of districts consolidated, plus one additional director for each 10,000 acres or major fraction thereof in any one local district.

SEC. 3. Section 38 is added to said act, to read:

Sec. 38. The board of directors of a consolidated district shall have all the duties, powers, purposes, responsibilities and jurisdiction of the board of directors of a local citrous pest control district. The members of the board shall be appointed in the same manner and serve for the same term as the directors of a local district; except that if the number of directors is increased to more than five, as provided in Section 37, the sixth member of the first board shall serve for three years, the seventh for two years, and all in excess of seven for one year each.

SEC. 4. Section 45 of said act is amended to read:

Sec. 45. The district shall have perpetual succession and may:

(a) Sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction;

(b) Adopt a seal and alter it at pleasure;

(c) Take by grant, purchase, gift, devise, lease or otherwise, and hold, use and enjoy, and leave, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers;

(d) Cause taxes to be levied as herein provided, for the purpose of paying any obligation of the district, and to accomplish the purposes of the district in the manner herein provided;

(e) Make contracts, and employ except as otherwise provided herein, all persons, firms and corporations necessary to carry out the purposes and the powers of the district, and at such salary, wage or other compensation as the board of directors shall determine;

(f) Eradicate, remove or prevent the spread of any and all citrous pests;

(g) Enter into or upon any land included in the district for the purpose of inspecting and treating the citrous trees and fruit growing thereon.

(h) Perform any and all other acts either within or outside the district necessary or proper to fully and completely carry out the purposes for which the district was organized.

SEC. 5. Section 71 is added to said act, to read:

SEC. 71. If a consolidated district includes parts of two or more counties, the repository of all moneys of the district shall be the county treasury of the county in which is located the largest area of the district. Moneys collected for the use of the district in any other county in which a part of the district is located shall be transferred by the county treasurer upon warrant of the county auditor of the county in which the moneys were collected to the county treasurer of the county serving as repository for the district, in the same manner as prescribed for the disbursement of moneys held for a local district. Moneys derived from the several counties in which the district is located may be expended in any part of the district for the purposes authorized by this act, notwithstanding any other provision of law limiting the expenditure of any such moneys to a specific area or county.

CHAPTER 1663

An act to repeal Section 72053 of, and to add Section 72053 to, the Government Code, relating to expenses of clerks, deputy clerks, commissioners and court reporters of municipal courts.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 72053 of the Government Code is repealed. Repeal

SEC. 2. Section 72053 is added to said code, to read:

72053. In addition to their salaries, the clerks, deputy clerks, commissioners, and court reporters of the municipal court may be allowed their actual and necessary incidental expenses incurred in the actual performance of their duties, Incidental expenses

including traveling expenses. At the option of the board of supervisors, they may be furnished with automobiles at public expense, or allowed traveling expenses at the same rate for each mile traveled that is authorized by the board of supervisors as travel expenses for officers or employees of the county. Traveling expenses allowed under this section shall be only for travel within the county in which the municipal court is established.

CHAPTER 1664

An act to add Section 75083 to the Government Code, relating to retired judges acting as referees.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 75083 is added to the Government Code, to read:

75083. Any judge retired pursuant to this chapter who is appointed by the Supreme Court or any district court of appeal, or division thereof, to act as referee in any proceeding pending before any such court, shall be paid while so acting, in addition to his retirement allowance (taken without reduction on account of any election pursuant to Article 3.5 (commencing at Section 75070) of this chapter) the difference, if any, between such retirement allowance and the compensation of a judge of the court from which he retired.

When appointed to act as referee in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of such appointment.

Such extra compensation and expenses, if any, shall be chargeable to the State.

CHAPTER 1665

An act to amend Sections 73602 and 73603 of the Government Code, relating to the municipal court in the Cities of Daly City and South San Francisco.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 73602 of the Government Code is amended to read:

Salaries: Clerk

73602. There shall be one clerk who shall receive a salary of five hundred forty-nine dollars ($549) a month, a semi-annual increment of thirty-two dollars ($32) and annual in-

crements thereafter of thirty-three dollars ($33), thirty-five dollars ($35) and thirty-seven dollars ($37) to a maximum of six hundred eighty-six dollars ($686) a month.

SEC. 2. Section 73603 of said code is amended to read:

Same Deputy clerks

73603. The clerk may appoint:

(a) One chief deputy clerk who shall receive a salary of four hundred thirty-nine dollars ($439) a month, a semiannual increment of twenty-five dollars ($25) and annual increments thereafter of twenty-seven dollars ($27), twenty-eight dollars ($28) and thirty dollars ($30) to a maximum of five hundred forty-nine dollars ($549) a month.

(b) Two deputy clerks, grade III, each of whom shall receive a salary of three hundred seventy-one dollars ($371) a a month, a semiannual increment of twenty-one dollars ($21) and annual increments thereafter of twenty-three dollars ($23), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of four hundred sixty-four dollars ($464) a month.

(c) Four deputy clerks, grade II, each of whom shall receive a salary of three hundred thirty-two dollars ($332) a month, a semiannual increment of nineteen dollars ($19) and annual increments thereafter of twenty dollars ($20), twenty-one dollars ($21) and twenty-three dollars ($23) to a maximum of four hundred fifteen dollars ($415) a month.

(d) Four deputy clerks, grade I, each of whom shall receive a salary of two hundred ninety-seven dollars ($297) a month, a semiannual increment of seventeen dollars ($17) and annual increments thereafter of eighteen dollars ($18), nineteen dollars (19) and twenty dollars ($20) to a maximum of three hundred seventy-one dollars ($371) a month.

CHAPTER 1666

An act to amend Sections 73522 and 73523 of the Government Code, relating to the municipal court in the Cities of Burlingame and San Mateo.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 73522 of the Government Code is amended to read:

Salaries Clerk

73522. There shall be one clerk who shall receive a salary of five hundred forty-nine dollars ($549) a month, a semiannual increment of thirty-two dollars ($32) and annual increments thereafter of thirty-three dollars ($33), thirty-five dollars ($35) and thirty-seven dollars ($37) to a maximum of six hundred eighty-six dollars ($686) a month.

SEC. 2. Section 73523 of said code is amended to read:

Same Deputy clerks

73523. The clerk may appoint:

(a) One chief deputy clerk who shall receive a salary of four hundred thirty-nine dollars ($439) a month, a semiannual increment of twenty-five dollars ($25) and annual increments thereafter of, twenty-seven dollars ($27), twenty-eight dollars ($28), and thirty dollars ($30) to a maximum of five hundred forty-nine dollars ($549) a month.

(b) Two deputy clerks, grade III, each of whom shall receive a salary of three hundred seventy-one dollars ($371) a month, a semiannual increment of twenty-one dollars ($21) and annual increments thereafter of twenty-three dollars ($23), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of four hundred sixty-four dollars ($464) a month.

(c) Four deputy clerks, grade II, each of whom shall receive a salary of three hundred thirty-two dollars ($332) a month, a semiannual increment of nineteen dollars ($19) and annual increments thereafter of twenty dollars ($20), twenty-one dollars ($21) and twenty-three dollars ($23) to a maximum of four hundred fifteen dollars ($415) a month.

(d) Four deputy clerks, grade I, each of whom shall receive a salary of two hundred ninety-seven dollars ($297) a month, a semiannual increment of seventeen dollars ($17) and annual increments thereafter of eighteen dollars ($18), nineteen dollars ($19) and twenty dollars ($20) to a maximum of three hundred seventy-one dollars ($371) a month.

CHAPTER 1667

An act to add Article 5.9 (commencing with Section 779.1), Chapter 1, Part 2, Division 1, and Section 10270.505 to the Insurance Code, relating to the regulation of credit life and credit disability insurance.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Article 5.9 is added to Chapter 1, Part 2, Division 1 of the Insurance Code, to read:

Article 5.9. Credit Life and Disability Insurance

Purpose

779.1. The purpose of this article is to promote the public welfare by regulating credit life insurance and credit disability insurance. Nothing in this article is intended to prohibit or discourage reasonable competition. The provisions of this article shall be liberally construed.

Applicability; definitions

779.2. All life insurance and all disability insurance sold in connection with loans or other credit transactions shall be subject to the provisions of this article except such insurance

sold in connection with a loan or other credit transaction of more than five years duration. Nothing in this article shall be construed to relieve any person from compliance with any other applicable law of this State.

For the purpose of this article:

(1) "Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction, exclusive of any such insurance procured at no expense to the debtor. Insurance shall be deemed procured at no expense to the debtor unless the cost of the credit transaction to the debtor varies depending on whether or not the insurance is procured;

(2) "Credit disability insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;

(3) "Creditor" means the lender of money or vendor or lessor of goods, services, property, rights or privileges, for which payment is arranged through a credit transaction or any successor to the right, title or interest of any such lender, vendor or lessor, and an affiliate, associate or subsidiary of any of them or any director, officer or employee of any of them or any other person in any way associated with any of them;

(4) "Debtor" means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction.

(5) "Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction.

Issuance of insurance

779.3. Credit life insurance and credit disability insurance shall be issued only in the following forms:

(a) Individual policies of life insurance issued to debtors on the term plan;

(b) Individual policies of disability insurance issued to debtors on a term plan or disability benefit provisions in individual policies of credit life insurance;

(c) Group policies of life insurance issued to creditors providing insurance upon the lives of debtors on the term plan;

(d) Group policies of disability insurance issued to creditors on a term plan insuring debtors or disability benefit provisions in group credit life insurance policies to provide such coverage.

Amount of insurance

779.4. The amount of credit life insurance and credit disability insurance shall not exceed the following:

(a) The amount of credit life insurance shall not exceed the initial indebtedness or the indebtedness existing at the date of claim, whichever is greater. Where an indebtedness repayable in substantially equal installments is secured by an individual policy of credit life insurance the amount of insurance shall at no time exceed the scheduled amount of indebtedness and,

where secured by a group policy of credit life insurance shall at no time exceed the amount of unpaid indebtedness.

(b) The amount of periodic indemnity payable by credit disability insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of indebtedness and shall not exceed the original indebtedness divided by the number of periodic installments.

Term

779.5. The term of any credit life insurance or credit disability insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. The term of such insurance shall not extend more than 15 days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in Section 779.14.

Individual policy

779.6. Notwithstanding the provisions of Section 10203.5, all credit life insurance and credit disability insurance subject to this article shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

Each individual policy or group certificate of credit life insurance or of credit disability insurance or any combination thereof shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment, if any, by the debtor separately for credit life insurance and credit disability insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations or restrictions, and shall state that the benefits shall be paid to the creditor holding the indebtedness to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate. Said individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the indebtedness is incurred except as hereinafter provided.

Delivery of documents

779.7. If a creditor requires a debtor to make any payment for credit life insurance or credit disability insurance, and an individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for such policy or a notice

of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment by the debtor separately for credit life insurance and credit disability insurance, the amount, term and a brief description of the coverage provided, shall be delivered to the debtor at the time such indebtedness is incurred. The copy of the application for, or notice of proposed insurance shall refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subsection is prominently set forth therein. Upon acceptance of the insurance by the insurer and within thirty (30) days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. Said application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as of the date the indebtedness is incurred. A debtor shall not be deemed to be required to make any payment for credit life insurance or credit disability insurance unless the cost of the credit transaction to the debtor varies depending upon whether or not such insurance is procured.

Filing with commissioner

779.8. All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders shall be filed with the commissioner of the state in which the policy is issued.

Disapproval

779.9. The commissioner shall within 30 days after the filing of any such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements and riders, disapprove any such form if the benefits provided therein are not reasonable in relation to the premium charge, or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of the coverage, or are contrary to any provision of the Insurance Code or of any rule or regulation promulgated thereunder.

Applicable law

779.10. The provisions of Sections 10290 and 10291 relating to the filing, approval and disapproval of disability policy forms shall be applicable to forms, whether of life or disability insurance, required by this article to be filed with or approved by the commissioner.

Same

779.11. The provisions of subdivisions (d) and (e) of Section 10291.5 shall be applicable to the withdrawal of the approval of forms, whether of life or disability insurance, required by this article to be filed with or approved by the commissioner.

Judicial review

779.12. Any order or final determination of the commissioner under the provisions of Sections 779.8 to 779.11, both inclusive, shall be subject to judicial review.

Schedule of premium rates

779.13. Each insurer issuing credit life insurance or credit disability insurance shall file with the commissioner its schedules of premium rates for use in connection with such insur-

ance. Any insurer may revise such schedules from time to time, and shall file such revised schedules with the commissioner. No insurer shall issue any credit life insurance policy or credit disability insurance policy for which the premium rate exceeds that determined by the schedules of such insurer as then on file with the commissioner. The commissioner may require the filing of the schedule of premium rates for use in connection with and as a part of the specific policy filings as provided by Section 779.8.

Refund on prior terminations

779.14. Each individual policy, group certificates or notices of proposed insurance shall provide that in the event of termination of the insurance prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for insurance shall be paid promptly to the person entitled thereto or credited to the next payment or payments due on the indebtedness; provided, however, that the commissioner shall prescribe a minimum refund and no refund which would be less than such minimum need be made. The formula to be used in computing such refund shall be filed with and approved by the commissioner.

Notice and credit

779.15. If a creditor requires a debtor to make any payment for credit life insurance or credit disability insurance and an individual policy or group certificate of insurance is not issued, the creditor shall immediately give written notice to such debtor and shall promptly make an appropriate credit to the next payments due on the account.

Amount charged

779.16. The amount charged by the creditor to the debtor for any credit life or credit disability insurance shall not exceed the premium rate filed with the commissioner for the coverage provided.

Exceptions

779.17. Nothing in this act shall be construed to authorize any charge now prohibited under any statute or rule governing credit transactions, irrespective of whether the same is contained in this code or made pursuant thereto.

Delivery of insurance in this State

779.18. All policies of credit life insurance and credit disability insurance shall be delivered or issued for delivery in this State only by an admitted insurer, and shall be issued only through holders of certificates, licenses or authorizations issued by the commissioner. This article is hereby specifically made applicable to reciprocal or interinsurance exchanges and fraternal benefit societies.

Reporting and settlement of claims

779.19. All claims shall be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate claim files. All claims shall be settled as soon as possible and in accordance with the terms of the insurance contract.

All claims shall be paid either by draft drawn upon the insurer or by check of the insurer to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or upon direction of such claimant to one specified.

No plan or arrangement shall be used whereby any person, firm or corporation other than the insurer or its designated

claim representative shall be authorized to settle or adjust claims. The creditor shall not be designated as claim representative for the insurer in adjusting claims; provided, that a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due to the group policyholder subject to audit and review by the insurer.

Security

779.20. When credit life insurance or credit disability insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this State. This section shall not prevent the creditor from exercising his right to approve or disapprove of the insurer furnishing the credit insurance.

Rules and regulations

779.21. The commissioner may adopt, pursuant to the provisions of Chapter 5 of Part 1 of Divisions 3 of Title 2 of the Government Code, such reasonable rules and regulations as may be necessary to carry out the provisions of this article.

Revocation, etc., of license

779.22. The commissioner, in his discretion, may revoke or suspend the license or certificate of authority of any person guilty of a violation of any provisions of this article or any rules and regulations adopted pursuant thereto. In addition to any other penalty provided by law, any person who violates an order of the commissioner after it has become final, and while such order is in effect, shall, upon proof thereof to the satisfaction of the court, forfeit and pay to the State of California a sum not to exceed two hundred fifty dollars ($250) which may be recovered in a civil action, except that if such violation is found to be willful, the amount of such penalty shall be a sum not to exceed one thousand dollars ($1,000).

Violations

779.23. Whenever the commissioner finds that there has been a violation by an insurer of this article or any rules or regulations issued pursuant thereto, he shall proceed as provided in Section 701. Whenever the commissioner finds that there has been such a violation by any licensee other than an insurer, he shall proceed as provided in Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Judicial review

779.24. Any party affected by an order of the commissioner shall be entitled to judicial review in accordance with the provisions of Section 12940.

Severability of provisions

779.25. If any provision of this article, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the article, and the application of such provision to any person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 2. Section 10270.505 is added to the Insurance Code, to read:

Permitted group disability insurance

10270.505. Another permitted form of group disability insurance is that which conforms to all of the following conditions.

(1) Covering debtors who are or become obligated to repay an indebtedness to one creditor.

(2) The group numbers not less than 10 new entrants yearly.

(3) The amounts insured on any one debtor do not exceed those permitted by Article 5.9, Chapter 1, Part 2, Division 1.

(4) Repayment of the indebtedness is to be made over a period not exceeding five years.

(5) The policy is issued upon application of and made payable to the creditor and such alternate beneficiaries as are required by said Article 5.9, and the premiums are paid by or through the creditor.

A policy issued under this section shall conform to all applicable provisions of this code including the provisions of Article 5.9, Chapter 1, Part 2, Division 1 and the words used in this section shall be interpreted as defined in said article.

CHAPTER 1668

An act to amend Sections 675, 11802 and 11803 of the Vehicle Code as enacted by the Legislature in its 1959 Regular Session, relating to the power to refuse to renew the license of vehicle salesmen and to issue probationary and temporary licenses to such vehicle salesmen and to provide for written demand for hearing.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 11802 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Vehicle salesman's licenses

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or to renew, or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with the activity of a vehicle salesman.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. Such temporary permit shall be invalid when the applicant's license has been issued or refused.

(d) The department may issue a probationary vehicle salesman's license subject to conditions to be observed in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 2. Section 11803 of said code is amended to read:

Same Revocation, etc

11803. (a) If the department suspends or revokes a vehicle salesman license, the licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), of Part 1, Division 3, Title 2 of the Government Code.

(b) Upon refusal of the department to issue or renew a vehicle salesman license the applicant shall be entitled to demand in writing a hearing as hereinabove provided before the director or his representative within 60 days after notice of refusal.

SEC. 3. Section 675 of said code is amended to read:

"Vehicle salesman"

675. (a) "Vehicle salesman" is a person not otherwise expressly excluded by this section, who:

(1) Is employed as a salesman by a dealer as defined in Section 285, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in a vehicle required to be registered under this code; or

(2) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle.

(b) The term "vehicle salesman" does not include:

(1) Representatives of insurance companies, finance companies, or public officials who in the regular course of business, are required to dispose of, or sell vehicles under a contractual right or obligation of the employer, or in the performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from any loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles to dealers holding a license under the provisions hereof, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles to retail purchasers, they shall be deemed to be vehicle salesmen and are subject to the provisions of Article 1 (commencing at Section 11700), of Chapter 1, of Division 5.

(3) Persons exclusively employed in a bona fide business of exporting vehicles, or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States.

(4) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(5) Persons regularly employed as salesmen by persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(6) Persons regularly employed as salesmen by persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children.

Effect. Stats 1959, Ch 3

SEC. 4. Section 3 of this act becomes operative only if Senate Bill No. 639 is enacted by the Legislature at its 1959 Regular Session.

CHAPTER 1669

An act to amend Section 9006 of the Welfare and Institutions Code, relating to community mental health services.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 9006 of the Welfare and Institutions Code is amended to read:

9006. Each community mental health service shall have an advisory board of seven members appointed by the governing body. Three members of the advisory board, shall be physicians engaged in private practice of medicine, and one-third of the physician members, when available, shall be specialists in psychiatry. One member shall be the chairman of the local governing body, one member shall be a superior court judge or an attorney selected by the superior court judges of the county, and two members shall be persons representative of the public interest in mental health. The term of each member of the

board shall be for three years; provided, however, that of the members first appointed, approximately one-third shall be appointed for one year, one-third for a term of two years, and one-third for a term of three years.

The chairman of a board of supervisors may designate a member of the board of supervisors to serve in his stead as a member of the advisory board.

CHAPTER 1670

An act to add Chapter 2.7 (commencing at Section 8150) to Division 1, Title 2 of the Government Code to authorize instrumentalities created jointly by this State or any other state or states to obtain federal old age and survivors' insurance for the employees of such instrumentalities.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Chapter 2.7 (commencing at Section 8150) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 2.7. FEDERAL OLD AGE AND SURVIVORS' INSURANCE

8150. Any instrumentality jointly created by this State and other state or states is hereby authorized, to the extent that this State may confer authority, upon the granting of like authority by such other state or states:

(a) To enter into an agreement with the Secretary of Health, Education and Welfare of the United States, whereby the benefits of the Federal Old Age and Survivors' Insurance System shall be extended to the employees of such instrumentalities.

(b) To require its employees to pay (and for that purpose to deduct from their wages), the employee contributions for old age and survivors' insurance.

(c) To make payments to the Secretary of the Treasury of the United States in accordance with such agreement including payment from its own funds and otherwise to comply with such agreement.

CHAPTER 1671

An act to amend Sections 729.03, 729.12, and 729.15 of, and to add Sections 729.17, 729.18, 729.19, 729.20 and 729.21 to, the Vehicle Code, and to amend Sections 31602, 31611, and 31614 of, and to add Sections 31616, 31617, 31618, 31619 and 31620 to, the Vehicle Code as enacted by the Legislature

at the 1959 Regular Session, relating to the transportation of explosives, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 729.03 of the Vehicle Code is amended to read:

Misdemeanors

729.03. Permit and Highways to Be Used for Transportation of Explosives. (a) It is a misdemeanor for any owner of a vehicle to drive or permit the driving of said vehicle on any public highway for the purpose of transporting any explosive as defined herein and within the scope of Section 729.02 unless such owner then holds a valid permit for the transportation of explosives as provided in this division, except such persons as are expressly exempted in this division.

(b) It is a misdemeanor for the owner, or authorized agent of the owner, of any vehicle transporting explosives to drive, or to permit the driving of such vehicle, or for the driver to drive such vehicle, upon any public highway, not designated in regulations adopted by the State Fire Marshal as a route for the transportation of explosives, unless the use of such highway is required to permit delivery of, or the loading of, explosives at a point not on a highway designated as a route for the transportation of explosives, or unless the use of the highway is required to permit the vehicle to proceed to, and return from, a point designated as an inspection stop pursuant to this division.

(c) It is a misdemeanor for the driver of any vehicle transporting explosives to stop at any place not designated as a safe stopping place unless the vehicle is disabled or except when necessary to avoid conflict with other traffic or to comply with the orders of a peace officer or an official traffic control device. A safe stopping place is any location designated by the State Fire Marshal where the driver may stop for food, fuel or other necessary reasons and any location designated by the Department of the California Highway Patrol or the State Fire Marshal as a safe parking place, a safe stopping place, or as an inspection stop for purposes of this division.

(d) In the event the owner of a vehicle leases the same to be used in the transportation of explosives for which a permit is required, the lessee shall be deemed the owner for the purposes of this division.

SEC. 1.5. Section 729.12 of said code is amended to read:

Instructions to drivers

729.12. Instructions to Drivers. Every owner of a vehicle used in the transportation of explosives and subject to this division shall make available in each vehicle the latest map showing the routes which are to be used for the transportation of explosives which has been furnished for the vehicle by the Department of the California Highway Patrol, a list of the

safe stopping places prescribed by the regulations of the State Fire Marshal for vehicles transporting explosives, and a summary of the provisions of this division. The owner shall require that the driver be thoroughly familiar with the provisions of this division before operating any vehicle in the transportation of explosives.

SEC. 2. Section 729.15 of said code is amended to read:

Applicable traffic laws

729.15. Traffic Laws Applicable to Transportation of Explosives. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) No person shall operate any said vehicle transporting explosives in excess of a maximum speed of 45 miles per hour, subject to other and more restrictive limits set forth in this code.

(b) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the State Fire Marshal, drivers shall follow such routes as may be prescribed or established by local authorities.

(c) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings. Any driver who knowingly violates the provisions of this subdivision is guilty of a misdemeanor.

(d) No driver or other person in charge of any such vehicle on any public or private property shall permit any explosive to be loaded into or on or to be unloaded from any motor vehicle with the engine running and whenever any such loading operation is in progress the parking brake on such motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(e) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless the explosives are contained entirely within the body of the vehicle and if such vehicle has a tailboard or tailgate it shall be closed and secured in place during such transportation.

(f) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless such vehicle has a closed body or the body thereof is covered with a flame retardant tarpaulin and in either event the driver shall exercise care to protect the load from moisture and sparks.

(g) No person shall operate any said vehicle transporting explosives past any fire of any kind burning on or near the highway until said driver ascertains that such passing can be made with safety.

(h) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme

emergency. Such vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave such vehicle unattended at any place designated as a safe parking place on the list of safe stopping places prepared by the State Fire Marshal unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(i) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

SEC 3. Section 729.17 is added to said code, to read:

Adoption of routes

729.17. Adoption of Routes. The State Fire Marshal, after public hearings with the officials having the responsibility for the prevention and suppression of fire in communities through which routes for the transporting of explosives pass, representatives of transportation companies concerned, explosives manufacturers, and the Department of the California Highway Patrol shall, by regulation, designate the routes in this State which are to be used for the transportation of explosives, and he shall prepare and deliver to the Department of the California Highway Patrol, for distribution to persons engaged in the transportation of explosives, maps which clearly indicate the routes, as established by the public hearings, which are to be used for the transportation of explosives. The State Fire Marshal shall prepare a list of locations of required inspection stops, safe parking places, and safe stopping places and shall revise the list to keep it current. The list shall be delivered to the California Highway Patrol in a suitable form for distribution to persons engaged in the transportation of explosives.

SEC. 4. Section 729.18 is added to said code, to read:

Emergency routes

729.18. Emergency Routes. In the event of an emergency, the State Fire Marshal is authorized to suspend or change any designated route for the transportation of explosives or to temporarily designate new or additional routes for such transportation. The State Fire Marshal shall, unless the nature of the emergency makes it impracticable to do so, consult with local fire officials in the area or areas affected and with the California Highway Patrol before making any such changes or new designations. If the changes or new designations are made before they can be discussed with those officials, the State Fire Marshal shall immediately notify the appropriate officials of his action.

The change in or new designation of routes shall not be effective for more than 30 days from the date of such action, unless the State Fire Marshal determines that the change or new designation should become permanent, in which case the State Fire Marshal shall, within the 30-day period, initiate action to make the change or new designation permanent in accordance with the provisions of Section 729.03 and in which case the

emergency change or designation shall remain in effect until superseded by a regulation of the State Fire Marshal.

SEC. 5. Section 729.19 is added to said code, to read:

729.19. Violations. Where not specifically provided otherwise, it is unlawful and constitutes a misdemeanor for any person to violate any provision of this division. Every person convicted of a misdemeanor for a violation of any of the provisions of this division shall be punished by a fine of not more than five hundred dollars ($500), or by imprisonment for not more than six months, or by both such fine and imprisonment. Violations and penalties

SEC. 6. Section 729.20 is added to said code, to read:

729.20. Route Exceptions. When not in conflict with any local ordinance pertaining to the transportation of explosives, it shall be lawful to transport smokeless powder in an amount not exceeding 100 pounds if packed in containers prescribed by the Interstate Commerce Commission upon a highway not designated by the State Fire Marshal as a route for the transportation of explosives. Route exceptions

SEC. 6.5. Section 729.21 is added to said code, to read:

729.21. The State Fire Marshal, upon application of any interested party, with the concurrence of the fire chief or chiefs in the area or areas affected, and if he determines that such action may be taken without jeopardizing the public safety, may suspend, or waive compliance with, the whole or any part of the requirements of this division insofar as they apply to the delivery or transportation of explosives in sparsely populated, unincorporated areas or in any area where there may be practical difficulties or unnecessary or unreasonable hardship in carrying out the provisions of this division. No person shall be charged with any crime for any violation of the provisions of this division when such a suspension or waiver by the State Fire Marshal is in effect in the area in which the alleged violation occurs Waiver of compliance

SEC. 7. Section 31602 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

31602. (a) It is a misdemeanor for any owner of a vehicle to drive or permit the driving of the vehicle on any public highway for the purpose of transporting any explosive as defined herein and within the scope of Section 31601 unless the owner then holds a valid permit for the transportation of explosives as provided in this division, except such persons as are expressly exempted in this division. Misdemeanors

(b) It is a misdemeanor for the owner, or authorized agent of the owner, of any vehicle transporting explosives to drive, or to permit the driving of the vehicle, or for the driver to drive such vehicle, upon any public highway, not designated in regulations adopted by the State Fire Marshal as a route for the transportation of explosives, unless the use of the highway is required to permit delivery of, or the loading of, explosives at a point not on a highway designated as a route for the transportation of explosives, or unless the use of the highway is required to permit the vehicle to proceed to, and re-

turn from, a point designated as an inspection stop pursuant to this division.

(c) It is a misdemeanor for the driver of any vehicle transporting explosives to stop at any place not designated as a safe stopping place unless the vehicle is disabled or except when necessary to avoid conflict with other traffic or to comply with the orders of a peace officer or an official traffic control device. A safe stopping place is any location designated by the State Fire Marshal where the driver may stop for food, fuel or other necessary reasons and any location designated by the Department of the California Highway Patrol or the State Fire Marshal as a safe parking place, a safe stopping place, or as an inspection stop for purposes of this division.

(d) In the event the owner of a vehicle leases the same to be used in the transportation of explosives for which a permit is required, the lessee shall be deemed the owner for the purposes of this division.

SEC. 7 5. Section 31611 of said code is amended to read:

Instructions to drivers

31611. Every owner of a vehicle used in the transportation of explosives and subject to this division shall make available in each vehicle the latest map showing the routes which are to be used for the transportation of explosives which has been furnished for the vehicle by the Department of the California Highway Patrol, a list of the safe stopping places prescribed by the regulations of the State Fire Marshal for vehicles transporting explosives, and a summary of the provisions of this division. The owner shall require that the driver be thoroughly familiar with the provisions of this division before operating any vehicle in the transportation of explosives.

SEC. 8. Section 31614 of said code is amended to read:

Provisions applicable

31614. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) No person shall operate any vehicle transporting explosives in excess of a maximum speed of 45 miles per hour, subject to other and more restrictive limits set forth in this code.

(b) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the State Fire Marshal, drivers shall follow such routes as may be prescribed or established by local authorities.

(c) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

(d) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor

vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(e) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless the explosives are contained entirely within the body of the vehicle and if the vehicle has a tailboard or tailgate it shall be closed and secured in place during transportation.

(f) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless the vehicle has a closed body or the body thereof is covered with a flame retardant tarpaulin and in either event the driver shall exercise care to protect the load from moisture and sparks.

(g) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(h) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave the vehicle unattended at any place designated as a safe parking place on the list of safe stopping places prepared by the State Fire Marshal unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(i) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

SEC. 9. Section 31616 is added to said code, to read:

Designation of routes

31616. The State Fire Marshal, after public hearings with the officials having the responsibility for the prevention and suppression of fire in communities through which routes for the transporting of explosives pass, representatives of transportation companies concerned, explosives manufacturers, and the Department of the California Highway Patrol shall, by regulation, designate the routes in this State which are to be used for the transportation of explosives, and he shall prepare and deliver to the Department of the California Highway Patrol, for distribution to persons engaged in the transportation of explosives, maps which clearly indicate the routes, as established by the public hearings, which are to be used for the transportation of explosives. The State Fire Marshal shall prepare a list of locations of required inspection stops, safe parking places, and safe stopping places and shall revise the list to keep it current. The list shall be delivered to the California Highway Patrol in suitable form for distribution to persons engaged in the transportation of explosives.

SEC. 10. Section 31617 is added to said code, to read:

Emergency route changes

31617. In the event of an emergency, the State Fire Marshal is authorized to suspend or change any designated route for the transportation of explosives or to temporarily designate new or additional routes for such transportation. The State Fire Marshal shall, unless the nature of the emergency makes it impracticable to do so, consult with local fire officials in the area or areas affected and with the California Highway Patrol before making any such changes or new designations. If the changes or new designations are made before they can be discussed with those officials, the State Fire Marshal shall immediately notify the appropriate officials of his action.

The change in or new designation of routes shall not be effective for more than 30 days from the date of such action, unless the State Fire Marshal determines that the change or new designation should become permanent, in which case the State Fire Marshal shall, within the 30-day period, initiate action to make the change or new designation permanent in accordance with the provisions of Section 31616 and in which case the emergency change or designation shall remain in effect until superseded by a regulation of the State Fire Marshal.

SEC. 11. Section 31618 is added to said code, to read:

Misdemeanor

31618. Where not specifically provided otherwise, it is unlawful and constitutes a misdemeanor for any person to violate any provision of this division. Every person convicted of a misdemeanor for a violation of any of the provisions of this division shall be punished by a fine of not more than five hundred dollars ($500), or by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 12. Section 31619 is added to said code, to read:

Smokeless powder

31619. When not in conflict with any local ordinance pertaining to the transportation of explosives, it shall be lawful to transport smokeless powder in an amount not exceeding 100 pounds if packed in containers prescribed by the Interstate Commerce Commission upon a highway not designated by the State Fire Marshal as a route for the transportation of explosives.

SEC. 13. Section 31620 is added to said code, to read:

Waiver of compliance

31620. The State Fire Marshal, upon application of any interested party, with the concurrence of the fire chief or chiefs in the area or areas affected, and if he determines that such action may be taken without jeopardizing the public safety, may suspend, or waive compliance with, the whole or any part of the requirements of this division insofar as they apply to the delivery or transportation of explosives in sparsely populated, unincorporated areas or in any area where there may be practical difficulties or unnecessary or unreasonable hardship in carrying out the provisions of this division. No person shall be charged with any crime for any violation of the provisions of this division when such a suspension or

waiver by the State Fire Marshal is in effect in the area in which the alleged violation occurs.

SEC. 14. Sections 7 through 13, inclusive, of this act shall become operative at the same time as the Vehicle Code as enacted by the Legislature at the 1959 Regular Session takes effect, and at such time Sections 729.03, 729.12, 729.15, 729.17, 729.18, 729.19, 729.20 and 729.21 of the Vehicle Code adopted in 1935 are repealed. Effect. Stats 1959, Ch. 3

SEC. 15. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The transportation of explosives is, by its very nature, a danger to the public. It is imperative that the transportation of explosives be adequately regulated to provide protection to the public. This bill provides for such protection by permitting the State Fire Marshal to designate safe stopping places and to establish alternative routes in the event of an emergency.

CHAPTER 1672

An act to amend Section 22050 of, and to add Section 22458.1 to the Financial Code, relating to personal property brokers.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.] In effect September 18, 1959

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

SECTION 1. Section 22050 of the Financial Code is amended to read:

22050. This division does not apply to any person doing business under any law of this State or of the United States relating to banks, trust companies, building and loan associations, industrial loan companies, credit unions, small business investment companies, or licensed pawnbrokers. Exemptions

SEC. 2. Section 22458.1 is added to said code, reading as follows:

22458.1. Credit life insurance on the life of a borrower shall not be deemed to be a collateral sale, purchase, or agreement within the terms of Sections 22004, 22456 or 22457 when such insurance is provided in accordance with the provisions of the Insurance Code and this section. Credit life insurance

(a) A licensee may provide insurance on the life of one or more borrowers with his or her consent, the form to be approved by the commissioner and in an amount not in excess of the amount of the indebtedness and may collect from the borrower an amount not in excess of that permitted by subdivision (d) of this section. If the loan is prepaid in full by cash, a new loan, refinancing or otherwise (except by said

insurance) before the final installment date, the borrower shall receive a rebate of said amount computed in accordance with the method established in Section 22480 or in accordance with the formula approved by the Commissioner of Insurance pursuant to Section 779.14 of the Insurance Code, whichever would result in a greater rebate to the borrower. When charges for the loan are precomputed in accordance with Section 22480, any required rebate and any permitted deferment charge may be computed on the combined total of the precomputed charge and the life insurance charge. Only one such amount may be collected in connection with any loan contract irrespective of the number of borrowers, and only one borrower need be insured. Such amount may be deducted from the principal of the loan. If the insured borrower dies during the term of the loan contract, the insurance must be sufficient to pay the total amount due on the loan (excluding unearned charges) outstanding on the date of his death without any exception, reservation or limitation. The insurance shall be in force as soon as the loan is made. No premium or identifiable charge shall be collected for any risk other than death.

(b) No licensee shall decline new or existing insurance which meets or exceeds the standards set forth in this section, nor prevent any borrower from obtaining such insurance coverage from other sources. A licensee shall not require credit life insurance as a condition of making a loan.

(c) If a borrower procures such insurance by or through a licensee, the statement required by Section 22473 shall disclose the cost thereof to the borrower, and the licensee shall deliver or cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time.

(d) The amount charged to the borrower for such insurance shall not exceed the amount provided in (1) or (2) following, whichever is less:

(1) The premium rate filed with the Commissioner of Insurance for the coverage provided pursuant to Article 5.9 of Chapter 1, Part 2, Division 1 of the Insurance Code and which has not been disapproved by him, or

(2) Fifty cents ($0.50) per year per one hundred dollars ($100) of indebtedness (and in the same proportion for longer or shorter maturities and larger or smaller amounts) or such different maximum as shall have been fixed by the Commissioner of Insurance by a valid and effective regulation adopted on or after December 31, 1961 and applicable to all licensees under the Personal Property Broker Law.

(e) Each two years beginning in 1961, the commissioner shall, not later than 90 days after the date when licensees are required to file annual reports pursuant to Section 22408, compile and send to the Commissioner of Insurance the total dollar amount of all death claims paid on insured borrowers together with data from which the amounts at risk may be calculated, the sum of the total charges col-

lected by such licensees for such insurance and data as to the actual costs to such licensees for providing and servicing such insurance (excluding any sums paid to or received from insurance companies) for each of the 12 months during each of the preceding years being reported upon. The Commissioner of Insurance shall study the data so furnished by the Commissioner of Corporations together with any trend factors established by other California credit life insurance experience and shall promulgate and establish a general regulation fixing the maximum which may be charged for such insurance by licensees hereunder having due regard to the relation of the total amount of death claims paid to the amounts at risk during the same period, and a reasonable margin for contingencies and cost and compensation to licensees for providing and servicing such insurance, plus the premium taxes payable on the probable premiums to be charged by insurers, plus the probable, but not unreasonable, mark-up to be added by insurers to the risk cost. Any such changed maximum rate of premium or identifiable charge shall not affect any insurance then in force on borrowers. Any regulation under this section shall be adopted after a hearing and in accordance with Title 2, Division 3, Part 1, Chapter 4 of the Government Code.

CHAPTER 1673

An act to add Section 86.6 to the Agricultural Code, relating to district agricultural associations.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 86.6 is added to the Agricultural Code, to read:

86.6. In addition to any other powers granted by this article, the Sixth District Agricultural Association may establish a space age museum in its building at Exposition Park in the City of Los Angeles.

CHAPTER 1674

An act to add Sections 2923, 2924, 2925, and 2926 to the Revenue and Taxation Code and to add Section 17.1 to the San Bernardino County Flood Control Act (Chapter 73, Statutes 1939), relating to the collection of unsecured taxes.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 2923 is added to the Revenue and Taxation Code, to read:

2923. Any tax collector or assessor charged by law with the collection of any delinquent taxes on unsecured property may

Discharge from accountability

file a verified application with the board of supervisors for a discharge from accountability for the collection of the taxes if the amount is so small as not to justify the cost of collection.

SEC. 2. Section 2924 is added to said code, to read:

Application

2924. The application for a discharge shall include:

(a) A statement of the nature and amount of the taxes.

(b) The names of the persons liable.

(c) The estimated cost of collection.

(d) Any other fact warranting the discharge, except where the board determines that the circumstances do not warrant the furnishing of detailed information.

SEC. 3. Section 2925 is added to said code, to read:

Requirements

2925. The board shall make an order discharging the applicant from further accountability for the collection of the taxes specified in the application, and authorizing the applicant to close his books in regard to such items, if it is satisfied that:

(a) The matters contained in the application are true.

(b) The amounts are too small to justify the cost of collection.

SEC. 4. Section 2926 is added to said code, to read:

Exception

2926. Such a discharge of a tax collector or assessor does not release any person from the payment of any taxes which are due and owing.

If at any future time the aggregate amount of any taxes due and owing by any taxpayer, including the amount involved in such a discharge, exceeds the cost of collection, the tax collector or assessor shall collect the amount due and owing, including the amount involved in such discharge.

SEC. 5. Section 17.1 is added to the San Bernardino County Flood Control Act (Chapter 73, Statutes 1939), to read:

San Bernardino Flood Control Act

Sec. 17.1. The provisions of Sections 2923, 2924, 2925, and 2926 of the Revenue and Taxation Code apply to all taxes levied under this act

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CHAPTER 1675

An act to amend Section 13739 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to probationary period for noncertificated school district employees.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 13739 of the Education Code is amended to read:

13739. A person who has served a probationary period not to exceed six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the commission for his

classification shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period not to exceed one year for classes designated by the commission as executive or administrative classes. In either case the rules of the commission may provide for the exclusion of time while employees are on a leave of absence. The rights of appeal from disciplinary action during the probationary period shall be in accordance with the provisions of Section 13743.

CHAPTER 1676

An act to add Section 31557.2 to the Government Code, relating to the retirement of public officers and employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.] In effect immediately

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

SECTION 1. Section 31557.2 is added to said code, to read:

31557.2. Any action heretofore taken by the governing body of a district under Section 31557, or under color of that section, is hereby confirmed and validated and made fully effective. Membership in the association of any officers and employees of any district who were included in the association by such action of the governing body, is hereby validated and confirmed and made fully effective as of the time of such inclusion.

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

In order for certain district officers and employees to be included in the Federal Old Age Insurance and Survivors' Benefit Program, it is necessary that such officers and employees be members of a public retirement system. The procedure for their inclusion in a county retirement system is prescribed by Government Code Section 31557. Many such officers and employees who have been included in a county retirement system under that section have been contributing as county members for several years. However, in some cases there is a possibility that the action for their inclusion under Section 31557 in some minor detail did not conform strictly to the procedure prescribed in Section 31557. While it is extremely doubtful that such minor defect would invalidate the inclusion of such employees in the county retirement system, the defect may cause a delay in the pending actions for the inclusion of such officers and employees in the federal program and such delay may result in the loss to the officers and employees of the benefits

of the federal program. In order to prevent such delay and possible loss of benefits to district officers and employees who have been contributing as members of a county retirement system for a substantial period of time it is necessary that this act take effect immediately.

CHAPTER 1677

An act to add Sections 31641.6 and 31807 to, and to repeal Section 31807 of, the Government Code, relating to county employees' retirement.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

Repeal

SECTION 1. Section 31807 of the Government Code is repealed.

SEC. 2. Section 31807 is added to said code, to read:

Amount of retirement allowance

31807. The retirement allowance payable under Section 31808 or Section 31809 of this code, whichever is applicable, to a person who was a member on the effective date of this article in any county pursuant to this article if not fully insured for old age payments under the federal system at time of retirement shall be not less than that amount for which he would have been eligible if this article were not applicable to the member.

The retirement allowance payable under Section 31808 or Section 31809 of this code, whichever is applicable, to a person who was a member on the effective date of this article in any county pursuant to this article if fully insured for old age payments under the federal system at time of retirement shall not be less than an amount which, when added to the primary insurance amount payable to him under the federal system at time of retirement will equal the allowance which would otherwise be payable to the member under the provisions of this chapter if this article were not applicable to the member. If the member retires for service prior to retirement age under the federal system and the amount available to him under the provisions of Section 31810 is less than the allowance which would otherwise be payable to the member under the provisions of this chapter if this article were not applicable to the member then the allowance shall be increased to an amount not less than that which would otherwise be payable.

SEC. 3. Section 31641.6 is added to said code, to read:

Transfer from city to county system

31641.6. An employee of a city who has become a county employee upon the assumption by the county of the functions of the city department in which he was employed, may, if he is not covered by the city under a contract with the State Employees' Retirement System, elect to receive credit in the

county retirement system for service for the city prior to the cessation of his employment by the city.

Any such person shall be entitled to credit in the county retirement system for service performed for the city when and if (a) the board of retirement receives certification from the city of the city service and earnable compensation of the employee; and (b) the employee deposits into the employees' retirement system the amount of contributions he would have made had he been a county employee during his city employment; and (c) there is also deposited in the employees' retirement system by the city, the employee, or both, the amount that the county would have been required to deposit to the employees' retirement fund based on the city salary paid to such employee.

Upon deposit of such funds, the employee's age at entry shall be considered to be his age at time of employment with the city or at the time this chapter was effective in the county whichever is later. Such money deposited under (b) above shall be considered as accumulated normal contributions of the employee and any such money deposited under (c) above shall be considered as contributions of the employer county.

If all of the money called for under (b) above is not paid within 90 days after employment by the county, only the part of city employment latest in date covered by such deposit shall be credited and the age at entry and the amount under (c) above shall be adjusted accordingly.

An employee shall receive credit for city employment prior to his employment by the county only for such service for which he is not entitled to receive a pension or retirement from such city.

This section shall become operative in any county on the first day of the calendar month after the board of supervisors adopts by four-fifths vote a resolution making it operative in the county.

CHAPTER 1678

An act to amend Sections 74802, 74803, 74804, and 74805 of the Government Code, relating to the municipal court district embracing the City of Stockton.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

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

74802. There shall be one clerk who shall be the administrative officer and who shall also act as secretary to the judges and who shall receive a minimum salary of six hundred thirty-six dollars ($636) monthly with annual increments of thirty-two dollars ($32), thirty-three dollars ($33), thirty-five dollars

Salaries: Clerk

($35), and thirty-seven dollars ($37) to a maximum of seven hundred seventy-three dollars ($773) monthly.

Effective October 1, 1960, the clerk shall receive a minimum salary of six hundred sixty-eight dollars ($668) monthly, with annual increments of thirty-three dollars ($33), thirty-five dollars ($35), thirty-seven dollars ($37) and thirty-eight dollars ($38) to a maximum of eight hundred eleven dollars ($811) monthly.

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

74803. The clerk may appoint:

Same: Deputy clerks

(a) One deputy clerk who shall be assistant administrative officer and chief deputy, who shall receive a minimum salary of four hundred fifty-four dollars ($454) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred fifty dollars ($550) monthly.

Effective October 1, 1960, the chief deputy clerk shall receive a minimum salary of four hundred seventy-six dollars ($476) monthly with annual increments of twenty-three dollars ($23), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred seventy-seven dollars ($577) monthly.

(b) Six deputy clerks IV, each of whom shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred thirty-three dollars ($433) monthly.

Effective October 1, 1960, deputy clerks IV shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred fifty-four dollars ($454) monthly.

(c) Four deputy clerks III, each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred ninety-four dollars ($394) monthly.

Effective October 1, 1960, deputy clerks III shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred thirteen dollars ($413) monthly.

(d) Four deputy clerks II, each of whom shall receive a minimum salary of two hundred ninety-six dollars ($296) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

Effective October 1, 1960, deputy clerks II shall receive a minimum salary of three hundred ten dollars ($310) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

(e) Six deputy clerks I, each of whom shall receive a minimum salary of two hundred eighty-two dollars ($282) monthly with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly.

All persons employed by the court on the effective date of the 1959 amendment of Section 74802 and this section shall receive credit for prior continuous service in this court and in courts superseded by it, and shall receive in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

All annual increments becoming due after the effective date of the 1959 amendment of this section shall be subject to the recommendation of and approval by the clerk.

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

Same: Marshal

74804. There shall be one marshal who shall receive six hundred dollars ($600) a month until twelve o'clock noon on January 2, 1961. Commencing at twelve o'clock noon on January 2, 1961, the marshal shall receive seven hundred dollars ($700) a month.

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

74805. The marshal may appoint:

Same Assistant marshal and deputies

(a) One assistant marshal who shall receive a minimum salary of four hundred fifty-four dollars ($454) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred fifty dollars ($550) monthly.

(b) Three deputy marshals III, each of whom shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred fifty-four dollars ($454) monthly.

(c) One deputy marshal II, who shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of four hundred thirteen dollars ($413) monthly.

(d) One deputy marshall I, who shall receive a minimum salary of two hundred eighty-two dollars ($282) monthly with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly.

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

Persons employed by the marshal's office on the effective date of this section shall receive credit for prior continuous service. All persons employed by the marshal on the effective date of this section shall receive credit for prior continuous service in this department and in departments superseded by it, and shall receive in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 1679

An act to amend Sections 74660, 74662, and 74663 and to add Section 74665 to the Government Code, relating to municipal court districts.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Section 74660 of the Government Code is amended to read:

Santa Clara-Cupertino Judicial District

74660. This article applies to the municipal court established in a district embracing the Cities of Santa Clara and Cupertino, designated as the Santa Clara-Cupertino Judicial District.

SEC. 2. Section 74662 of said code is amended to read:

Salaries Clerk

74662. There shall be one clerk who shall also act as secretary to the judge and who shall receive a minimum salary of seven hundred seventy-nine dollars ($779) monthly with annual increments of thirty-nine dollars ($39), forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45), forty-seven dollars ($47), fifty dollars ($50) and fifty-two dollars ($52), to a maximum of one thousand ninety-six dollars ($1,096) monthly.

SEC. 3. Section 74663 of said code is amended to read:

74663. The clerk may appoint:

Same Deputy clerks

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41) to a maximum of eight hundred fifty-nine dollars ($859) monthly.

(b) One deputy court clerk, grade III, who shall receive a minimum salary of four hundred fifty-five dollars ($455) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dol-

lars ($29), and thirty-one dollars ($31), to a maximum of six hundred forty-one dollars ($641) monthly.

(c) Three deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred thirty-eight dollars ($338) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of four hundred seventy-eight dollars ($478) monthly.

(d) Three deputy court clerks, grade I, each of whom shall receive a minimum salary of two hundred ninety-two dollars ($292) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20), to a maximum of four hundred twelve dollars ($412) monthly.

SEC. 4. Section 74665 is added to said code, to read:

Increases and decreases

74665. Notwithstanding any other provisions of law, the salaries of municipal court employees may, upon approval by the board of supervisors, be increased or decreased within the limits set forth in Sections 74662 and 74663 in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the Santa Clara County classified service, as said comparability is determined by said board.

CHAPTER 1680

An act to amend Sections 74040, 74042, and 74043, and to add Sections 74046, 74047, 74048, 74049, 74050, and 74051 to the Government Code, relating to municipal court districts.

[Approved by Governor July 7, 1959. Filed with Secretary of State July 8, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 74040 of the Government Code is amended to read:

Palo Alto-Mountain View Judicial District

74040. This article applies to the municipal court established in a district embracing the cities of Palo Alto and Mountain View designated as the Palo Alto-Mountain View Judicial District.

SEC. 2. Section 74042 of said code is amended to read:

Salaries Clerk

74042. There shall be one clerk who shall also act as secretary to the judges and who shall receive a minimum salary of seven hundred seventy-nine dollars ($779) monthly with annual increments of thirty-nine dollars ($39), forty-one dol-

lars ($41), forty-three dollars ($43), forty-five dollars ($45), forty-seven dollars ($47) fifty dollars ($50), and fifty-two dollars ($52), to a maximum of one thousand ninety-six dollars ($1,096) monthly.

SEC. 3. Section 74043 of said code is amended to read:

74043. The clerk may appoint:

Same: Deputy clerks

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37) thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred fifty-nine dollars ($859) monthly.

(b) Six deputy court clerks, grade III, each of whom shall receive a minimum salary of four hundred fifty-five dollars ($455) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28) twenty-nine dollars ($29), and thirty-one dollars ($31), to a maximum of six hundred forty-one dollars ($641) monthly.

(c) Eight deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred thirty-eight dollars ($338), monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of four hundred seventy-eight dollars ($478) monthly.

(d) Four deputy clerks, grade I, each of whom shall receive a minimum salary of two hundred ninety-two dollars ($292) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18) nineteen dollars ($19), and twenty dollars ($20), to a maximum of four hundred twelve dollars ($412) monthly.

SEC. 4. Section 74046 of said code is added, to read:

Payment and disposition of fees

74046. All per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court All fees shall be deposited in the treasury of the county to the credit of the general fund.

SEC. 5. Section 74047 of said code is added, to read:

Same

74047. Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law, the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 6. Section 74048 of said code is added, to read:

74048. In the municipal court no further fee shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcription shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case. Same

SEC. 7. Section 74049 of said code is added, to read:

74049. In any civil action or proceeding where the prayer of the complaint or petition exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of eight dollars and fifty cents ($8.50) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances: Same

(a) Upon the filing of a complaint or complaint in intervention where the prayer of the complaint exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the prayer of the complaint being answered exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the prayer of the complaint exceeds three hundred dollars ($300).

SEC. 8. Section 74050 of said code is added, to read:

74050. The fee required by Section 74049 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103. Same

On or before the first day of each calendar month the clerk of the municipal court shall transmit to the county treasurer all money paid to him pursuant to Section 74049 during the preceding calendar month, or up to the day immediately preceding the day in which he transmits such money. The money shall be deposited in the general fund of the city and county.

SEC. 9. Section 74051 of said code is added, to read:

74051. Notwithstanding any other provisions of law, the salaries of municipal court employees may, upon approval by the board of supervisors, be increased or decreased within the limits set forth in Sections 74042 and 74043, in order to provide compensation that is comparable to county employees of similar qualifications and experience, holding equal or comparable positions in the Santa Clara County classified service, as said comparability is determined by said board. Changes in compensation

CHAPTER 1681

An act to add Part 5 (commencing at Section 35700) to Division 24 of the Health and Safety Code, relating to discrimination in publicly assisted housing.

In effect September 18, 1959

[Approved by Governor July 8, 1959. Filed with Secretary of State July 8, 1959.]

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

SECTION 1. Part 5 (commencing at Section 35700) is added to Division 24 of the Health and Safety Code, to read:

PART 5. DISCRIMINATION IN PUBLICLY ASSISTED HOUSING

CHAPTER 1. FINDINGS AND DECLARATION OF POLICY

Police power

35700. This part shall be deemed an exercise of the police power of the State for the protection of the welfare, health and peace of the people of this State and the fulfillment and enforcement of the provisions of the Constitution of this State concerning civil rights.

The practice of discrimination because of race, color, religion, national origin or ancestry in any publicly assisted housing accommodations is hereby declared to be against public policy.

CHAPTER 2. DEFINITIONS

Definitions

35710. When used in this part:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious, fraternal, or charitable association or corporation not organized or operated for private profit; provided, that such accommodations are being used in furtherance of the primary purpose or purposes for which the association or corporation was formed.

3. The term "publicly assisted housing accommodation" includes any housing accommodation within the State:

(a) Which at the time of any alleged unlawful discrimination under Section 35720 is granted exemption in whole or in part from taxes levied by the State or any of its political subdivisions; provided, that nothing herein contained shall

apply to any housing accommodations solely because the owner thereof enjoys any type of tax exemption by virtue of his veteran status.

(b) Which is constructed on land sold below cost by the State or any of its political subdivisions or any agency thereof, pursuant to the Federal Housing Act of 1949.

(c) Which is constructed in whole or in part on property acquired or assembled by the State or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction; provided, that nothing herein contained shall apply to any housing accommodation constructed in whole or in part on any property acquired by the Department of Veterans Affairs under the Veterans' Farm and Home Purchase Act of 1943.

(d) Which is located in a multiple dwelling and the acquisition, construction, rehabilitation, repair or maintenance of which is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the Federal Government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

(e) Which is offered for sale by a person who owns or otherwise controls the sale of five or more housing accommodations located on land that is contiguous (exclusive of public streets), if (1) the acquisition, construction, rehabilitation, repair or maintenance of such housing accommodations is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the Federal Government or any agency thereof, or the State or any of its political subdivisions or any agency thereof, or (2) a commitment, issued by a government agency is outstanding that acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the Federal Government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

4. The term "owner" includes the lessee, sublessee, assignee, managing agent, or other person having the right of ownership or possession or the right to rent or lease housing accommodations and includes the State and any of its political subdivisions and any agency thereof.

5. The term "discriminate" includes to segregate or separate.

6. The term "multiple dwelling" means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, public institution, or a fireproof building used wholly for commercial purposes except for not more than one janitor's apartment and

not more than one penthouse occupied by not more than two families. The term "family" means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

CHAPTER 3. DISCRIMINATION PROHIBITED

35720. It shall be unlawful:

Discrimination prohibited

1. For the owner of any publicly assisted housing accommodation with knowledge of such assistance to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin, or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation with knowledge of such assistance to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any owner of any publicly assisted housing accommodation with knowledge of such assistance to make or to cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to purchase, rent or lease any publicly assisted housing accommodation for the purpose of violating any of the provisions of this part.

CHAPTER 4. ENFORCEMENT

Right of action

35730. Any person aggrieved by a violation of this part shall have a right of action in any court of appropriate jurisdiction for restraint of such violation and for other equitable remedies including such affirmative relief as may be necessary to undo the effects of such violation.

Any person aggrieved by a violation of this part shall in addition have a right of action in any court of appropriate jurisdiction for damages caused by such violation in a sum of not less than five hundred dollars ($500).

CHAPTER 5. APPLICABILITY

Applicability

35740. The provisions of this part shall not apply to privately owned housing accommodations which are not publicly assisted within the meaning of this part.

35741. Nothing in this part shall be construed to affect the title or other interest of a person who purchases, leases, or takes an encumbrance on a publicly assisted housing accommodation in good faith and without knowledge that the owner or lessor of the property has violated any provision of this part. Same

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CHAPTER 1682

An act to amend Section 753 of, to amend and renumber Sections 755, 756, 758, 759, and 760 of, to repeal Sections 754, 757, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1904, 1905, 1906, 1907, 1908, and Article 4 (commencing at Section 2001) of Chapter 2, Part 3, Division 1 of, and to add Sections 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, and 1825 to, the Revenue and Taxation Code, and to repeal Section 28 of Chapter 1466 of the Statutes of 1949, relating to property taxation.

[Approved by Governor July 8, 1959. Filed with Secretary of State July 8, 1959.] In effect September 18, 1959

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

SECTION 1. Section 753 of the Revenue and Taxation Code is amended to read:

753. Annually, on or before the first Monday in August, the board shall assess all state-assessed property required to be assessed as of the first Monday in March. Assessment dates

SEC. 2. Section 755 of said code is amended and renumbered to read:

754. Between the first and third Mondays in August, the assessments made by the board shall be open for inspection by all persons interested. Inspection

SEC. 3. Section 756 of said code is amended and renumbered to read:

755. At any time prior to the third Monday in August, the owner or assessee of any state-assessed property shall be heard by the board on a petition for reassessment. Petition for reassessment

SEC. 4. Section 758 of said code is amended and renumbered to read:

756. Immediately after the third Monday in August the board shall transmit to each county auditor a roll showing the assessments made by the board in the county and in each city and revenue district in the county; provided, however, that the roll need not show the assessments made by the board in a revenue district which did not levy a tax or assessment during the preceding year. If the roll does not show the assessments in a revenue district as herein provided and a notice of a proposed levy is furnished the board in writing, the board shall furnish an estimate of the total assessed value of state-assessed property in the district and shall transmit Assessment roll

thereafter to the county auditor a statement of roll change showing the assessments made by the board in the district. The estimate shall be regarded as establishing the total assessed value of state-assessed property in the district for the purpose of determining the tax rate of the district.

SEC. 5. Section 759 of said code is amended and renumbered to read:

Lien date

757. The board shall also immediately transmit to the auditor of each city the lien date of which is the first Monday in March a roll showing the assessments made by the board in the city and in each district for which the city assesses property and collects taxes or assessments.

SEC. 6. Section 760 of said code is amended and renumbered to read:

State assessed property

758. State-assessed property is subject to taxation to the same extent and in the same manner as other property.

SEC. 7. Section 1815 is added to said code, to read:

Survey of properties in counties

1815. To enable the board to perform its duties under this article and Sections 9 and 14 of Article XIII of the State Constitution, the board shall make a survey, not less often than triennially, in each county to determine the total full cash value of all locally assessable tangible property as of the lien date for the last equalized roll. As a basis for this determination, the board shall ascertain the full cash value of a sample of locally assessable tangible property sufficient in size and dispersion to insure an adequate representation therein of the several classes of property throughout the county. The board shall for such purposes have access by its duly authorized representatives to all records, public or otherwise, of any county assessor.

SEC. 8. Section 1816 is added to said code, to read:

Examination and discussion of appraisals

1816. As soon as appraisals have been made in any county by the board pursuant to Section 1815, the board shall give the assessor of the county a reasonable opportunity to examine and discuss the appraisals with the board's appraisers.

SEC. 9. Section 1817 is added to said code, to read:

Annual estimate of changes

1817. The board shall annually estimate any change that may have occurred in the full cash value of locally assessable tangible property between the lien date of the roll for which the last survey was made pursuant to Section 1815 and the lien date of the current roll. The board shall use as the basis for such estimate data on school enrollment, retail sales, wages, or other factors reasonably indicative of change or lack of change in the total full cash value of the property. The relationship between the total assessed value of the tangible property on the current local roll and the total full cash value of locally assessable tangible property so estimated shall be computed for each county of the State by the third Monday in July of each year. The board shall transmit promptly to each county assessor a statement of its determination relating to his county.

SEC. 10. Section 1818 is added to said code, to read:

1818. The board shall each year prepare tabulations showing for each county the ratio of assessed to full cash value of locally assessable tangible property. The tabulations shall show, in such a way as to prevent identification of individual parcels, the ratio of assessed to full cash value of each parcel of such tangible property in the sample of any survey in the county made in the last year pursuant to Section 1815. The tabulations shall also show the derivation of the total full cash value of the locally assessable tangible property on the current roll from the total full cash value of the locally assessable tangible property on the roll of a prior year pursuant to Section 1817. All such tabulations shall be open for inspection by all persons interested. Tabulations of ratio

SEC. 11. Section 1819 is added to said code, to read:

1819. As soon as tabulations have been made pursuant to Section 1818, but not later than August 1st, the board shall give the assessor of each county a reasonable opportunity to examine and discuss with it that portion of the tabulations affecting property in his county. After making any adjustment it deems appropriate as the result of such discussion, but not later than September 2d, the board shall make available for public inspection all such tabulations and shall publish the ratio of assessed to full cash value of locally assessable tangible property for each county. Examination and discussion

SEC. 12. Section 1820 is added to said code, to read:

1820. No appraisal data relating to individual properties obtained for the purposes of any survey under this chapter shall be made public, and no state or local officer gaining knowledge thereof in any action taken under this chapter shall make any disclosure with respect thereto except as that may be required for the purposes of this chapter. Nothing herein shall prohibit disclosure of appraisal data by the assessor to the assessee of the property to which the data relate. Nonpublic data

SEC. 13. Section 1821 is added to said code, to read:

1821. Equalization by the board of the valuation of taxable property in counties for the purposes of taxation shall be by raising or lowering the value of locally assessable tangible property entered upon the secured roll by the assessor of the county in accordance with Section 9, Article XIII of the State Constitution. Equalization

SEC. 14. Section 1822 is added to said code, to read:

1822. If any county, city and county, or municipal corporation desires to secure a review, equalization, or adjustment of the assessment of its property by the board in pursuance of Section 1 of Article XIII of the State Constitution, it shall apply to the board therefor in writing before the third Monday in July, or within two weeks after the completion of the local roll containing such assessment, whichever is the later. The application shall show the facts claimed to require action of Review

the board, and a copy thereof shall be filed with the assessor whose assessment is questioned.

SEC. 15. Section 1823 is added to said code, to read:

Final equalization

1823. The final action of the board in equalizing an assessment or a local roll shall be performed only at the State Capitol. On September 2d of each year, the secretary of the board shall transmit to each county auditor and the board of supervisors and each city council involved a preliminary statement of:

(a) Any changes that the board proposes to make in the local roll.

(b) The per centum that the board proposes to add to or deduct from the valuation of the roll.

Upon the request of any county that receives such a statement which desires to be heard with respect to the statement, an opportunity for such a hearing shall be afforded by the board. The request shall be submitted in writing by the board of supervisors prior to September 10th. The board shall consider all pertinent evidence offered at the hearing, and if such evidence warrants a change in the statement, it shall so find and alter the statement accordingly. Otherwise, the statement shall remain unchanged.

The preliminary statement shall become final on September 10th if no hearing is requested. If a hearing is requested the final determination shall be made by the board and the auditor shall be notified not later than September 25th.

The final statement is prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the statement.

SEC. 16. Section 1824 is added to said code, to read:

Auditor's duties

1824. As soon as the statement becomes final, the auditor shall enter the corresponding changes in a column provided with a proper heading on the roll, counting any fractional sum when more than five dollars ($5) as ten dollars ($10), and omitting it when five dollars ($5) or less, so that no separate valuation contains a fraction of ten dollars ($10), and he shall add the column to show the total value of the property in the county as corrected by the board.

SEC. 17. Section 1825 is added to said code, to read:

Adjustment of rates

1825. If the statement submitted by the board to any county or city pursuant to Section 1823 requires an increase or decrease in the valuation of property shown on the county's or city's secured roll, the board of supervisors shall adjust the rates of county and district taxes previously levied, or the city council shall adjust the rates of city and district taxes previously levied, so that no greater revenue will be produced for the current fiscal year for county, city and district purposes than was anticipated on the date of such levy. Any adjustment necessitated by a decrease in the valuation of the property may be made irrespective of any tax rate limitation prescribed elsewhere in the law.

A statement of the rates of taxation thus adjusted shall be transmitted by the clerk of the board of supervisors or of the city council to the State Controller within three days after the date of such adjustment.

SEC. 18. In making any determinations under Section 1817 of the Revenue and Taxation Code in the years 1960, 1961, and 1962, the board shall use for any county the latest comparable survey previously made by it for the county in lieu of a survey made pursuant to Section 1815 of that code. Determinations

SEC. 19. Section 754 of said code is repealed. Repeal

SEC. 20. Section 757 of said code is repealed. Repeal

SEC. 21. Section 1831 of said code is repealed. Repeal

SEC. 22. Section 1832 of said code is repealed. Repeal

SEC. 23. Section 1833 of said code is repealed. Repeal

SEC. 24. Section 1834 of said code is repealed. Repeal

SEC. 25. Section 1835 of said code is repealed. Repeal

SEC. 26. Section 1836 of said code is repealed. Repeal

SEC. 27. Section 1837 of said code is repealed. Repeal

SEC. 28. Section 1838 of said code is repealed. Repeal

SEC. 29. Section 1839 of said code is repealed. Repeal

SEC. 30. Section 1840 of said code is repealed. Repeal

SEC. 31. Section 1841 of said code is repealed. Repeal

SEC. 32. Section 1842 of said code is repealed. Repeal

SEC. 33. Section 1843 of said code is repealed. Repeal

SEC. 34. Section 1904 of said code is repealed. Repeal

SEC. 35. Section 1905 of said code is repealed. Repeal

SEC. 36. Section 1906 of said code is repealed. Repeal

SEC. 37. Section 1907 of said code is repealed. Repeal

SEC. 38. Section 1908 of said code is repealed. Repeal

SEC. 39. Article 4 (commencing at Section 2001) of Chapter 2, Part 3, Division 1 of said code is repealed. Repeal

SEC. 40. Section 28 of Chapter 1466 of the Statutes of 1949 is repealed. Repeal

SEC. 41. It is the intent of the Legislature that after the effective date of this act Sections 753, 754, 755, 756, 757, and 758 of the Revenue and Taxation Code as they existed prior to the enactment of Chapter 1466 of the Statutes of 1949 be revived and shall continue in effect as they were prior to said Chapter 1466; that Sections 1831, 1832, 1833, 1834, and 1882.5 as they existed prior to the enactment of Chapter 1466 of the Statutes of 1949 and as amended and renumbered as Sections 1839, 1840, 1842, 1843, and 1841, respectively, by said Chapter 1466 be repealed; that all sections and articles added to the Revenue and Taxation Code by Chapter 1466 be repealed; and that Sections 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824 and 1825 of the Revenue and Taxation Code added by this act shall constitute Article 1, Chapter 2, Part 3, Division 1, of the Revenue and Taxation Code. Legislative intent

CHAPTER 1683

An act to amend Section 5715 of, and to add Section 5715.1 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to maintaining of junior college classes outside of school district.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

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

SECTION 1. Section 5715 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Classes outside district boundaries

5715. The governing board of any school district which maintains a junior college may conduct junior college classes and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the school district if all of the following conditions exist:

(a) The proposed location is within the State.

(b) The activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the junior college, or elsewhere within the district.

SEC. 2. Section 5715.1 is added to said code, to read:

Courses outside the district

5715.1. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 1961.

CHAPTER 1684

An act to amend Sections 14361, 14373, 14383, 14391, 14392, 14403, 14413, 14423, 14428, 14798, and 14901 of, to repeal Section 14792 of, and to add Section 14902 to, the Revenue

and Taxation Code, relating to inheritance tax refunds, creating the Inheritance Tax Fund, and making an appropriation thereof.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 14361 of the Revenue and Taxation Code is amended to read:

Refund of tax

14361. If any tax has been paid to the county treasurer pursuant to an order fixing the tax, which order is subsequently modified or reversed by any of the methods provided by law either by the superior court which made it or by an appellate court on appeal, the State, pursuant to the order of the court, shall refund to the person who paid the tax such portion of the tax as may exceed the amount fixed by the order as modified or reversed.

SEC. 2. Section 14373 of said code is amended to read:

Payment

14373. On proof satisfactory to it that the applicant is entitled to a refund, the court shall by order direct the State to refund to the person who paid the tax the amount erroneously paid.

SEC. 3. Section 14383 of said code is amended to read:

Same

14383. On proof satisfactory to it that the applicant is entitled to a refund, the court shall by order direct the State to refund to the applicant the amount in excess of the maximum credit.

SEC. 4. Section 14391 of said code is amended to read:

Amounts allocable to gifts

14391. If a donee of a gift of a power of appointment on which a tax has been paid to the county treasurer irrevocably exercises, or obligates himself to exercise, the power, in whole or in part, in favor of a charitable beneficiary, and the superior court having jurisdiction modifies its original order fixing the tax by a new order eliminating the gift as a taxable transfer to the extent that the power is so exercised, or obliged to be exercised, the State shall refund to the person who paid the tax such portion of the tax as is allocable to the gift eliminated.

SEC. 5. Section 14392 of said code is amended to read:

Same

14392. If property subject to a power of appointment on the gift of which a tax has been paid to the county treasurer goes, in whole or in part, to a charitable beneficiary as the result of a nonexercise of the power, in whole or in part, by the donee of the power, and the superior court having jurisdiction modifies its original order fixing the tax by a new order eliminating the gift as a taxable transfer to the extent that the property goes to the charitable beneficiary, the State shall refund to the person who paid the tax such portion of the tax as is allocable to the gift eliminated.

SEC. 6. Section 14403 of said code is amended to read:

Refund

14403. On proof satisfactory to it that the applicant is entitled to a refund, the court shall by order direct the State

to refund to the applicant the amount of the difference between the tax paid and the tax that would have been paid.

SEC. 7. Section 14413 of said code is amended to read:

Payment

14413. On proof satisfactory to it that the applicant is entitled to a refund, the court shall by order direct the State to refund to the applicant the amount of the difference between the tax paid and the tax that would have been paid.

SEC. 8. Section 14423 of said code is amended to read:

14423. If the tax has not been paid to the county treasurer, the executor, administrator, or trustee shall make the refund. If the tax has been paid to the county treasurer, the State shall make the refund.

SEC. 9. Section 14428 of said code is amended to read:

Refund

14428. On proof satisfactory to it that the applicant is entitled to a refund, the court shall by order direct the State to refund to the applicant the amount of the tax paid on the transfer exempt pursuant to Article 6 of Chapter 5 of this part from the tax imposed by this part

Repeal

SEC. 10. Section 14792 of said code is repealed.

SEC. 11. Section 14798 of said code is amended to read:

Refund

14798. If, pursuant to this part, the State refunds any overpayment or erroneous payment of tax in respect to which a county treasurer has retained a commission, the Controller shall deduct the amount retained from the commissions allowable, treating the amount refunded as the last payment to the county treasurer in the year in which the overpayment or erroneous payment was made.

SEC. 12. Section 14901 of said code is amended to read:

State Treasury

14901. All taxes and other money paid or collected under this part and received by the State Treasurer shall be deposited in the State Treasury to the credit of the Inheritance Tax Fund, which fund is hereby created.

SEC. 13. Section 14902 is added to said code, to read:

Appropriation

14902. The money in the Inheritance Tax Fund is hereby appropriated as follows:

(a) To pay the refunds authorized by this part.

(b) The balance of the money in the fund shall, on order of the Controller, be transferred to the State General Fund.

CHAPTER 1685

An act to amend Section 12501 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the licensing of operators of vehicles.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

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

SECTION 1. Section 12501 of the Vehicle Code as enacted at the 1959 Regular Session is amended to read:

12501. The following persons are not required to obtain a driver's license:

(a) An officer or employee of the United States, while operating a motor vehicle owned or controlled by the United States on the business of the United States.

(b) Any person while driving or operating implements of husbandry incidentally operated or moved over a highway.

CHAPTER 1686

An act to amend Section 63.5 of the Agricultural Code, relating to county agricultural commissioners.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

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

SECTION 1. Section 63.5 of the Agricultural Code is amended to read:

63.5. For the purpose of securing more uniform and adequate enforcement of the provisions of this code throughout the State the director may enter into co-operative agreements with the board of supervisors of any county relating to the increase of the salary of the county agricultural commissioner of the county, or relating to compensation of the commissioner for services performed for the department. For the purpose of this section the base salary of a commissioner is the salary, or where a salary range is established, the lowest step in such range, which was established for the position for the month of January, 1959. In such agreement the board of supervisors shall agree not to reduce the salary of the commissioner to less than the base salary. The director may agree to pay to the county a sum not to exceed three thousand, three hundred dollars ($3,300) per year to be used to increase the salary of the commissioner, or to compensate the commissioner for services performed for the department, but in no event shall the amount so paid to a county exceed two-thirds of the amount of the salary paid to its commissioner.

The director may agree with the board of supervisors of any county in which no salary was established for the position of commissioner for January, 1959, that the State will pay not to exceed three thousand three hundred dollars ($3,300) of the amount to be used for payment of the salary of a commissioner for such county, or of a commissioner employed for such county in accordance with the provisions of Section 52.5, but in no event shall the amount so paid the county exceed two-thirds of the amount of the salary paid to the commissioner.

CHAPTER 1687

An act to amend and renumber Section 96, as added by Chapter 1471 of the Statutes of 1957, of the Agricultural Code, relating to horserace meetings at state and agricultural district fairs.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

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

SECTION 1. Section 96 of the Agricultural Code, as added by Chapter 1471 of the Statutes of 1957, is amended and renumbered to read:

97. Whenever the Board of Directors of the California State Fair or the board of directors of any district agricultural association finds that it is necessary, in order to conduct a successful horserace meeting with adequate competition and a sufficient number of competent jockeys and exercise boys, it may purchase suitable accident and disability insurance for the benefit of the jockeys and exercise boys participating in the horserace meeting to protect them from the physical hazards of such participation. Such insurance shall be in addition to the workmen's compensation insurance required to be carried by licensed horse owners. The Legislature hereby finds and declares that expenditure of funds for such insurance is a public purpose and is in furtherance of the purposes for which state and district fairs are conducted.

CHAPTER 1688

An act to amend Sections 6549, 6550.5, 6566, 6625, 6627.5, 6627.6, and 6630 of, and add Section 6549.1 to, the Business and Professions Code, relating to the practice of barbering.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

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

SECTION 1. Section 6549 of the Business and Professions Code is amended to read:

Certificates

6549. Certificates of registered barber or of registered apprentice or of registered instructor shall be issued by the board to any applicant who satisfactorily passes an examination making a grade of not less than 75 percent, and who possesses the other qualifications required by law.

A certificate to conduct a barbershop shall be issued to any owner of a barbershop upon receipt by the board of an application accompanied by the required fee, and in the case of a new shop or an existing shop at a new location, upon compliance with the provisions of Sections 6549.5 and 6549.6.

SEC. 1.5. Section 6549.1 is added to said code, to read:

6549.1. The fee for a certificate to conduct a new barbershop, or an existing shop at a new location, is the inspection fee prescribed by this chapter. The fee for a certificate to conduct an existing barbershop under new ownership is the fee prescribed for such certificate by this chapter. Fee

SEC. 2. Section 6550.5 of said code is amended to read:

6550.5. The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following: Prerequisites for issuance of certificate

(a) Files an application with the board in such form as it may prescribe, accompanied by the examination fee.

(b) Is of good moral character.

(c) Holds a valid certificate as a registered barber in this State and either: (1) Has had at least two years' experience as a registered barber in this State or in another state or country whose requirements for licensing barbers are substantially equivalent to those in this State, or (2) Has affidavits from at least two persons stating that he has had at least four years practice as a barber in another state or country whose requirements for licensing barbers are not substantially equivalent to those in this State.

(d) Successfully passes a written and oral examination on the theory of barbering.

(e) Has paid the certificate fee required by this chapter.

SEC. 3. Section 6566 of said code is amended to read:

6566. The board shall prepare copies of the provisions of this chapter and of the board's rules and regulations which pertain to sanitary requirements applicable to barbershops and barber colleges, and shall furnish to the owner or manager of each barbershop and college one copy thereof to be posted by him in a conspicuous place in the barbershop or college. Posting of sanitary requirements

The willful failure by any owner or manager of a barbershop or barber college to display such copy constitutes a violation of this chapter.

SEC. 4. Section 6625 of said code is amended to read:

6625. Every registered barber and every registered apprentice, who continues in active practice or service, shall annually on or before July 1st of each year renew his certificate of registration and pay the required fee. Renewal of certificate

Every certificate of registration, which has not been renewed by August 31st in any year, shall expire on the first day of September in that year.

SEC. 5. Section 6627.5 of said code is amended to read:

6627.5. (a) Application for renewal of a certificate of registration for a barber college shall be made annually on or before July 1st, accompanied by the renewal fee required by this chapter. A certificate which has not been renewed by August 31st expires September 1st and may be restored only upon payment of the restoration fee required by this chapter. Same. Fee

(b) Application for renewal of a certificate to operate a facility at which the practice of barbering or any part thereof is taught by a college in the same central area as the main establishment of the college shall be made annually on or before July 1st, accompanied by the renewal fee required by this chapter. A certificate which has not been renewed by August 31st expires September 1st and may be restored only upon payment of the restoration fee required by this section

The fee for the issuance of a certificate to operate and maintain a facility at which the practice of barbering or any part thereof is taught by a college in the same central area of the main establishment of the college is one hundred dollars ($100). The annual renewal fee for such certificate is one hundred dollars ($100), and the fee for the restoration of an expired certificate is two hundred dollars ($200).

SEC. 6. Section 6627.6 of said code is amended to read:

Same. Time

6627.6. Application for renewal of a certificate of registration as an instructor in a barber college shall be made annually on or before July 1st, accompanied by the renewal fee required by this chapter. A certificate which has not been renewed by August 31st expires September 1st and may be restored only upon payment of the restoration fee required by this chapter.

SEC. 7. Section 6630 of said code is amended to read:

Schedule of fees

6630. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is fifteen dollars ($15) and for the issuance of the certificate three dollars ($3).

(b) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is seven dollars ($7) and for the issuance of a certificate two dollars ($2).

(c) The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars ($3).

(d) The fee to be paid for the renewal of a certificate of registration to practice barbering shall be set by the board annually at not more than five dollars ($5) and not less than two dollars ($2), and the fee for the restoration of an expired certificate is five dollars ($5).

(e) The fee to be paid for the renewal of a certificate of registration to practice as an apprentice shall be set by the board annually at not more than three dollars ($3) and not less than one dollar ($1), and the fee for the restoration of an expired certificate is three dollars ($3).

(f) The inspection fee to be paid by an applicant to conduct a new barbershop or an existing shop at a new location is twenty-five dollars ($25). The fee to be paid by an applicant to conduct an existing barbershop under new ownership is three dollars ($3). The fee to be paid for the annual renewal of a certificate to conduct a barbershop is three dollars ($3).

(g) The restoration fee for an expired license is five dollars ($5).

(h) The fee for the issuance of a certificate of registration for a barber college is one hundred dollars ($100). The annual renewal fee for such certificate is one hundred dollars ($100) and the fee for the restoration of an expired certificate two hundred dollars ($200).

(i) The examination fee for a certificate of registration as an instructor in a barber college is twenty-five dollars ($25) and for the issuance of a certificate ten dollars ($10). The annual renewal fee for such certificate is ten dollars ($10) and the fee for the restoration of an expired certificate twenty dollars ($20).

A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, and submitting one signed photograph, and upon the payment of a fee of one dollar ($1) for the issuance of the certificate. Each duplicate certificate shall have the word "Duplicate" stamped across the face thereof, and bear the same number as the certificate in lieu of which it is issued.

CHAPTER 1689

An act to amend Section 12304 of the Government Code, relating to the organization and administration of the Office of the State Treasurer, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 12304 of the Government Code is amended to read:

12304. Every employee of the Treasurer's Office when performing assigned duties as a guard or messenger has the powers and authority of a peace officer.

The State Police shall make routine inspections of the premises of the State Treasurer's Office after normal working hours each day, and on Saturdays, Sundays, and holidays.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Changes in personnel in the State Treasurer's Office will leave vacancies in watchman positions in that office. This act will enable guards and messengers in the office to act as peace officers, thereby eliminating the need to fill those watchmen's positions, resulting in substantial savings to the State. In order that this may be accomplished, it is essential that this act go into effect immediately.

CHAPTER 1690

An act to amend Section 16486 of the Government Code, relating to the sale or transfer of bonds by state agencies.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16486 of the Government Code is amended to read:

16486. For the purposes of this article, the following definitions shall apply:

(a) "Investing authority," with respect to any State Treasury fund, means the state agency authorized by law to purchase or sell bond investments on behalf of such fund;

(b) "Effective date" means the date on which the sale or transfer of bonds is to take effect;

(c) "Market value" means the market value of the bonds to be sold, purchased, or transferred, as such value is jointly determined by the respective investing authorities of the funds affected by the transaction, plus the accrued interest on such bonds, as of the effective date. If the respective investing authorities fail to agree, the "market value" of the bonds shall be determined by the State Board of Control;

(d) "Bond" means any bond, note, or other form of indebtedness that is a legal investment for any state fund affected by the transaction.

CHAPTER 1691

An act to amend Section 7049 of, and to add Sections 7026.3 and 7085 to, the Business and Professions Code, relating to contractors.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7026.3 is added to the Business and Professions Code, to read:

"Contractor"

7026.3. The term contractor includes any person engaged in the business of drilling, digging, boring, or otherwise constructing, deepening, repairing, reperforating, or abandoning water wells, but does not include a person, or the employees thereof, who drills, digs, bores, or otherwise constructs, deepens, repairs, reperforates, or abandons a water well for his own use.

SEC. 2. Section 7049 of said code is amended to read:

Limits to applicability

7049. This chapter does not apply to any construction or operation incidental to the construction and repair of irriga-

tion and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon the land in rural districts for fire prevention purposes, except when performed by a licensee under this chapter.

The provisions of this chapter do apply to the business of drilling digging, boring, or otherwise constructing, deepening, repairing, reperforating, or abandoning water wells.

SEC. 3. Section 7085 is added to said code, to read:

Requirements for license

7085. The board shall issue a water well drilling contractor's license to any person who files an application with the board prior to October 1, 1960, and who for four years out of the last 10 years immediately preceding the filing of his application has been engaged in the full-time business of drilling, digging, boring, or otherwise constructing, deepening, repairing, reperforating, or abandoning water wells.

SEC. 4. Section 7049 of said code is amended to read:

7049. Where the cost is less than one thousand dollars ($1,000), this chapter does not apply to any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon land including, but not limited to, land leveling except when performed by a licensee under this chapter.

The provisions of this chapter do apply to the business of drilling, digging, boring, or otherwise constructing, deepening, repairing, reperforating, or abandoning of water wells.

Effect, Stats 1959, A. B 470

SEC. 5. Section 4 of this act shall become operative only if Assembly Bill No. 470 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Assembly Bill No. 470 takes effect, at which time Section 2 of this act is repealed.

CHAPTER 1692

An act to amend Section 18940 of the Government Code, relating to state civil service examinations.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 18940 of the Government Code is amended to read:

18940. (1) When an examination is scheduled to be given during the period from sundown on a Friday until sundown on the following day, and it is the practice of an applicant, based upon his religious convictions, to observe the Sabbath during such period, and the applicant therefore objects to

taking the examination during such period, he may elect to avail himself of the procedure provided for in subdivision (2) of this section.

(2) On or before the final date for filing applications for an examination the applicant shall advise the board of his objections, his desire for the deferred examination and for surveillance described in subdivision (3) of this section, and his preference between individual and group surveillance. If, in the opinion of the board, the security of examination material does not require surveillance, the applicant may be given a deferred examination without surveillance.

(3) An applicant who gives notice to the board in accordance with subdivision (2) of this section unless surveillance is waived by the board shall be entitled to receive such surveillance by a representative of the board, either individually or as part of a group, depending on the facilities of the board and the preference of the applicant, as will render it impossible for the candidate to learn of the contents of the examination. The surveillance shall continue from the time of commencement of the general examination until the commencement of the deferred examination of said applicant, which deferred examination shall be given promptly after the close of the Sabbath observed by said applicant. During the period of surveillance the board may require the presence of the applicant at such place or places as it deems appropriate, but the applicant shall be allowed the greatest freedom of movement consistent with the purposes of this section.

CHAPTER 1693

An act to amend Sections 1050 and 1382 of, and to repeal Section 681a of, the Penal Code, relating to the time within which a criminal prosecution must be brought to trial.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 681a of the Penal Code is repealed.

SEC. 2. Section 1050 of said code is amended to read:

Precedence of criminal cases

1050. The welfare of the people of the State of California requires that all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time, and it shall be the duty of all courts and judicial officers and of all prosecuting attorneys to expedite such proceedings to the greatest degree that is consistent with the ends of justice. In accordance with this policy, criminal cases shall be given precedence over, and set for trial and heard without regard to the pendency of, any civil matters or proceedings.

No continuance of a criminal trial shall be granted except upon affirmative proof in open court, upon reasonable notice, that the ends of justice require a continuance. Provided, that upon a showing that the attorney of record at the time of the defendant's first appearance in the superior court is a Member of the Legislature of this State and that the Legislature is in session or that a legislative interim committee of which the attorney is a duly appointed member is meeting or is to meet within the next seven days, the defendant shall be entitled to a reasonable continuance not to exceed 30 days. No continuance shall be granted for any longer time than it is affirmatively proved the ends of justice require. Whenever any continuance is granted, the facts proved which require the continuance shall be entered upon the minutes of the court or, in a justice court, upon the docket. Whenever it shall appear that any court may be required, because of the condition of its calendar, to dismiss an action pursuant to Section 1382 of this code, the court must immediately notify the chairman of the Judicial Council.

SEC. 3. Section 1382 of said code is amended to read:

1382. The court, unless good cause to the contrary is shown, must order the action to be dismissed in the following cases: Dismissal

1. When a person has been held to answer for a public offense and an information is not filed against him within 15 days thereafter.

2. When a defendant is not brought to trial in a superior court within 60 days after the finding of the indictment or filing of the information or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the superior court, within 60 days after such mistrial has been declared, after entry of the order granting the new trial, or after the filing of the remittitur in the trial court; except that an action shall not be dismissed under this subdivision if it is set for trial on a date beyond the 60-day period at the request of the defendant or with his consent, express or implied, or because of his neglect or failure to appear and if the defendant is brought to trial on the date so set for trial or within 10 days thereafter.

3. When a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he is arrested and brought within the jurisdiction of the court or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the inferior court, within 30 days after such mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final; except that an action shall not be dismissed under this subdivision

if it is set for trial on a date beyond the 30-day period at the request of the defendant or with his consent, express or implied, or because of his neglect or failure to appear and if the defendant is brought to trial on the date so set for trial or within 10 days thereafter.

If the defendant is not represented by counsel, he shall not be deemed under this section to have consented to the date for his trial unless the court has explained to him his rights under this section and the effect of his consent.

CHAPTER 1694

An act to amend Section 18 of the Water Conservation Act of 1931 (Ch. 1020, Stats. 1931), relating to financial statements and district liability.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 18 of the Water Conservation Act of 1931 (Ch. 1020, Stats. 1931), is amended to read:

Sec. 18. The board of directors shall hold regular meetings in their office on the first Tuesday in March, June, September and December, and such special meetings as may be required for the proper transaction of business. Special meetings may be ordered by the president or by a majority of the members of the board, specifying in writing the business to be transacted, which call for such special meeting shall be entered in the minutes of the board. Three days' notice to any member not joining in the order must be given by the secretary, by mailing same to him at his last address, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, annually, make and render a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Such statement shall be placed on file in the office of the district and be open to public inspection during office hours.

CHAPTER 1695

An act to add Part 2.5 (commencing at Section 34600) to Division 24 of the Health and Safety Code, relating to community redevelopment and housing.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Part 2.5 (commencing at Section 34600) is added to Division 24 of the Health and Safety Code, to read:

PART 2.5. CONTRACTS OF REDEVELOPMENT AGENCIES AND HOUSING AUTHORITIES

Applicability of provisions

34600. This part applies only to redevelopment agencies organized under Part 1 (commencing at Section 33000) and housing authorities organized under Part 2 (commencing at Section 34200) of this division which are existing and functioning in counties with a population of more than 80,000 and less than 90,000, as determined by the 1950 Federal Census.

Agency contracts with school districts

34601. A redevelopment agency or housing authority which has acquired by purchase or gift any temporary housing project or projects, including temporary veterans' emergency housing projects, from the Federal Government or its assigns may, with respect to any such projects only, enter into a contract with any school district to provide for the furnishing of improvements, services, and facilities by the school district for the benefit of the housing project.

Contents of contract

34602. The contract shall fix the sum which the redevelopment agency or housing authority is to pay during any period for such improvements, services, and facilities. This sum may be in addition to any payments in lieu of taxes which are to be made by the redevelopment agency or housing authority to the school district. The sum shall not exceed the difference between the estimated cost to the school district of furnishing the improvements, services, and facilities and any amount to be received by the school district in lieu of taxes. The contract may provide that payments by the redevelopment agency or housing authority may be made in cash or in services and facilities to be rendered or supplied by the redevelopment agency or housing authority to the school district or both. The contract may fix the value of such services and facilities.

Deposit of payments

34603. Any payment received pursuant to the provisions of this part may be deposited by the governing board of the school district in any fund but the general fund of the district.

Duties of school districts

34604. The absence of any contract authorized by Section 34601 of this act does not relieve any school district from the duty to furnish for the benefit of any housing project the customary improvements, services, and facilities that the school district usually furnishes without a service fee.

Limitations

34605. The provisions of this part pertain to temporary housing projects only and may not be applied to permanent low-rent housing projects.

Effective period

34606. This part shall remain in effect until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature. While this part is in effect, it supersedes any existing provisions of law which are in conflict with this part, but such provisions will not be repealed by this part and after this part is no longer effective, they shall have the same force as though this part had not been enacted; and this part shall not constitute a precedent.

CHAPTER 1696

An act to amend Sections 25608 and 25852 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to deaf and blind pupils.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25608 of the Education Code is amended to read:

State support

25608. Except as provided in Sections 25602 to 25607, inclusive, all pupils in the school shall be maintained at the expense of the State.

SEC. 2. Section 25852 of said code is amended to read:

Same

25852. Except as provided in Sections 25853 to 25856, inclusive, all pupils in the school shall be maintained at the expense of the State.

CHAPTER 1697

An act to add Part 4 (commencing at Section 12000) to Division 6 of the Water Code, relating to co-operation and contracts between private entities and the United States with respect to water development.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Part 4 (commencing at Section 12000) is added to Division 6 of the Water Code, to read:

PART 4. CO-OPERATION AND CONTRACTS BETWEEN PRIVATE ENTITIES AND THE UNITED STATES

"Person"

12000. As used in this part, "person" means any person, firm, association, organization, partnership, business trust, corporation, or company, but not including any public corporation or other public entity.

12001. As used in this part, "United States" means the United States of America, and in relation to any particular matter includes the officers, agents, employees, agencies, or instrumentalities authorized to act in relation thereto. "United States"

12002. If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part, or the application of said provision to other persons or circumstances, shall not be affected thereby. Severability of provisions

12003. Any person may co-operate and contract with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or under any other act of Congress heretofore or hereafter enacted permitting co-operation or contracts for any or all of the purposes set forth in Section 12004, whether under said federal reclamation laws, or otherwise. Federal co-operation

12004. The co-operation or contract may be for any or all of the following purposes: Purposes

(a) Construction, acquisition, purchase, extension, operation or maintenance of works and facilities for irrigation, storage, drainage, flood control and generation and distribution of electric energy or either or any of these, or the use or enjoyment of any such works or facilities, or any rights or interests therein.

(b) A water supply.

(c) Assumption or creation, as principal or guarantor or otherwise, of indebtedness to the United States.

(d) To receive or borrow money from the United States and provide for the repayment thereof, for the purpose of constructing projects, distribution systems or other works for the storage, regulation, control, development and distribution of water for the irrigation of land or for any other lawful use, or for the use, control and distribution of drainage water, or for flood control purposes, or for the generation or distribution of electric energy.

12005. Any person has all powers, rights, and privileges necessary to enable such person to enter into any contract referred to in this part, and to carry out and perform the terms of any contract so made by such person, and may agree to impose and collect, and may impose and collect, any and all lawful assessments and charges required to carry out and perform any contract so made by such person. Powers of contract

12006. Any person, for the purpose of performing the obligations of any contract entered into by such person under the provisions of this part, or for the purpose of obtaining any of the rights, benefits or privileges or assuming and performing any of the obligations or duties created or contemplated by the contracts referred to in this part, and either through the agency of or in co-operation with any other person or public entity or agency, may contract with any other person, or the United States, or the State of California, or any public corporation or agency, in relation thereto, including, but not by way Purposes

of limitation, the financing thereof, or any other matter of performance thereof, or any other matter incident thereto.

Validation proceeding

12007. Any person, by an action brought pursuant to the provisions of this part, may submit any contract or proposed contract entered into, or proposed to be entered into, by such person under the provisions of this part to the superior court of either the county in which such person resides or in which such person has its principal office for the transaction of business or in which such contract was made or is to be performed in whole or part, to determine the validity of such contract and each and all of its terms and provisions, and the authority of such person to make and perform the contract, and the authority for and validity of any purchase, acquisition, sale or conveyance under the contract; provided, that if the contract provides for a water supply such decree shall not be construed to be an adjudication that the United States owns, or does not own, such water supply.

Action in rem

12008. The validation proceeding shall be an action in rem.

Jurisdiction

12009. Jurisdiction of all parties interested may be had by the publication of summons for at least once a week for three successive weeks in a newspaper of general circulation, published in the county where the action is pending and designated by the court in which the proceedings are pending. Jurisdiction shall be complete 10 days after the completion of the publication of summons. Anyone interested may, before the expiration of said 10 days, appear and contest the validity of the contract.

Rules of pleading and practice

12010. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this part are applicable to all actions or proceedings provided for by this part.

Irregularities

12011. In any proceeding provided for by this part, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties.

Speedy trial

12012. The action shall be speedily tried.

Judgment

12013. The judgment shall declare the contract either valid or invalid.

Motion for new trial

12014. Any motion for a new trial of any proceeding provided for by this part shall be made by proper notice, within 10 days after service of notice of entry of judgment, and such motion shall be speedily heard and determined.

Costs

12015. The costs of any hearing or contest provided for by this part may be apportioned to the parties or taxed to the losing party in the discretion of the court.

Appeal

12016. Any party may appeal at any time within 30 days after the rendition of the judgment. The appeal shall be speedily heard and shall be entitled to preference.

Cumulative provisions

12017. The provisions of this part are cumulative and are not intended to and they shall not be construed as repealing, amending, or otherwise affecting any other provisions of law.

CHAPTER 1698

An act making an appropriation for an investigation of power sources for state water project pumping and other purposes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Investment Fund to the Department of Water Resources the sum of seventy thousand dollars ($70,000) for expenditure during the 1959-60 and 1960-61 Fiscal Years by the department either independently or in co-operation with any person or any county, federal, state, or other agency, including persons and agencies of other states, for an investigation of possible sources of electric power in the Pacific Northwest, including the Bonneville Power Administration and other public and private utility systems in the States of Washington and Oregon, for possible use in the State of California.

SEC. 2. Such investigation shall include a feasibility study of the costs and benefits of a possible intertie between the California power systems and the Pacific Northwest systems, with particular emphasis on the use of such power for state water project pumping.

SEC. 3. Such investigation may include the employment of such private consulting engineering and other technical services as the department deems necessary to assist it in carrying out this act.

SEC. 4. The department, on or before January 1, 1961, shall report to the Legislature the results of the investigation authorized by this act.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

The United States Department of the Interior is considering the possibility of an intertie between the Pacific Northwest hydroelectric power systems of the Federal Government and power systems in California. The Senate Interior and Insular Affairs Committee, by resolution adopted May 19, 1959, has asked the Secretary of the Interior to direct the Bonneville Power Administration to conduct a study and analysis of such an intertie in consultation with the Governors of the States of California, Oregon, Washington, Idaho and Montana, and to report its conclusions and recommendations not later than July 15, 1959. In order that the interests of the State may be adequately considered and required study by the State be pursued promptly, it is necessary that this act take effect immediately.

CHAPTER 1699

An act to amend Section 28110 of the Government Code, relating to compensation for public service in a county of the tenth class.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 28110 of the Government Code is amended to read:

28110. In a county of the tenth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office nine thousand six hundred dollars ($9,600) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Each grand juror shall receive for each day's attendance, five dollars ($5) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be allowed but once during each session the juror is required to attend. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, three dollars ($3).

The compensation provided by this section shall be paid to incumbent officers.

CHAPTER 1700

An act to amend Section 1170 of the Harbors and Navigation Code, relating to bar pilotage rates for the Bays of San Francisco, San Pablo and Suisun.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1170 of the Harbors and Navigation Code is amended to read:

Rate of pilotage

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo and Suisun:

Six dollars and twenty-five cents ($6.25) per draft foot of the vessel's deepest draft and fractions of a foot pro rata. The vessel's deepest draft shall be the maximum draft attained, on

a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

SEC. 2. The Board of Pilot Commissioners shall take such steps as may be necessary to prepare and submit, at the opening of the 1961 Legislature, its recommendation for the adoption of legislation concerning the regulation of pilotage rates similar to that now in force in the State of Oregon.

Recommendations for legislation

CHAPTER 1701

An act to amend Section 9802 of the Education Code, and amend Section 6904 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to education of mentally retarded minors, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 9802 of the Education Code is amended to read:

Education of mentally retarded minors

9802. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 9801.1 and who are not in attendance upon other special training schools or classes maintained under the provisions of this chapter.

The governing board of any elementary, high school, or unified school district may provide for the education of mentally retarded minors residing in the district who come within the provisions of Section 9801.2.

SEC. 2. Section 6904 of the Education Code as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Same

6904. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6902 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

The governing board of any elementary, high school, or unified school district may provide for the education of

mentally retarded minors residing in the district who come within the provisions of Section 6903.

Operative date

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code as enacted by the Legislature at its 1959 Regular Session, at which time Section 9802 as amended by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists a critical need for facilities and personnel for the education of mentally retarded minors who come within the provisions of Section 9801.2 of the present Education Code and Section 6903 of the 1959 Education Code, and in order to authorize high school districts to undertake such education and receive an apportionment of state funds for the current school year, it is necessary that this act become effective immediately.

CHAPTER 1702

An act to amend Sections 31530.1, 31626, 31629, 31635, 31636, 31640, 31680, 31709, 31730 and 31770.1 of, to add Sections 31568.1, 31594, 31595 and 31634.1 to, to add Chapter 2.1 (commencing at Section 31580) to Part 1, Division 18 of, and to repeal Section 31571 of, the Streets and Highways Code, relating to the Vehicle Parking District Law of 1943.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 31530.1 of the Streets and Highways Code is amended to read:

Assessable lands

31530.1. For the purpose of applying Section 31530, assessable lands shall be deemed to be those lands which will be assessed if the district is formed and the acquisitions made as proposed in the petition, and if any of the lands within the proposed district are public lands of the type described in Section 31626 such lands shall be deemed assessable lands only if the governing body of the owner of such lands shall have filed its consent to the assessment of such lands on or before the date of filing with the clerk of the petition, or supplemental petitions, if any.

SEC. 2. Section 31568.1 is added to said code, to read:

Time to bring action

31568.1. Any action or proceeding to attack, review, set aside, avoid or annul the ordinance ordering the acquisition and improvement and declaring the district formed, or any of the proceedings, acts or determinations pursuant to this part taken, done or made prior to the adoption of such ordinance

shall not be maintained by any person unless such action or proceeding is commenced within sixty (60) days after the date of adoption of such ordinance. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity of such ordinance or of such proceedings, acts or determinations.

Repeal

SEC. 3. Section 31571 of said code is repealed.

SEC. 4. Chapter 2.1 (commencing at Section 31580) is added to Part 1, Division 18, of said code, to read:

CHAPTER 2.1. USE OF CITY LANDS AS PARKING PLACES

"City lands"

31580. As used in this chapter, the term "city lands" means lands already owned by the city and which are either being used for the purpose of public offstreet parking or are not needed by the city for any other purpose and are available for such use.

Ordinance declaring city lands parking places

31581. The legislative body, at any time after the filing of a petition for the formation of such district, may by ordinance declare and agree that after the time fixed or determined therein city lands shall for all purposes of said district be held, used and treated in all respects the same as parking places acquired with the proceeds of collections of paid assessments and bonds issued under this part. The ordinance shall describe the city lands to be so held, used and treated and shall state the amount of compensation, if any, to be paid the city therefor and the manner in which said compensation is to be paid.

Improvements and compensation

31582. The petition for the formation of the district under this part may propose that the legislative body shall adopt such an ordinance with respect to any city lands, and may propose improvements to be made or constructed thereon and shall state the amount of compensation, if any, to be paid to the city therefor and the manner in which compensation is to be paid. In the event that the petition proposes that the legislative body adopt such an ordinance with respect to any such city lands, the legislative body either shall reject the petition or, prior to the adoption of the ordinance of intention, shall adopt with respect to such city lands the ordinance authorized by this chapter for the compensation, if any, provided in the petition. Failure of the petition to propose such an ordinance, or to propose such improvements, shall not prevent the legislative body from adopting such an ordinance at any time after the petition shall have been filed. If such ordinance is adopted prior to the adoption of the ordinance of intention, whether such ordinance is in response to a proposal made in the petition or otherwise, the ordinance of intention, in addition to the other matters required by the part, shall refer to the ordinance, shall contain a general description of such city lands and a general description of the improvements, if any, proposed to be made or constructed thereon, and shall state

the amount and manner of payment of any compensation provided for in the ordinance.

Adoption of ordinance

31583. If such ordinance is adopted after the hearing on the ordinance of intention, it shall be adopted in the manner provided in this section. If no compensation is to be paid to the city for such city lands, the legislative body at any time, without further notice and hearing, may adopt such an ordinance. If a proposed ordinance provides for compensation to be paid to the city for such city lands, before adopting such proposed ordinance the legislative body shall adopt a resolution proposing the adoption of such ordinance. This resolution shall describe the city lands to be covered by the proposed ordinance, shall specify the amount and manner of payment of the compensation to be paid the city, and shall fix a time and place for hearing objections to the adoption of the proposed ordinance. The resolution shall be published twice in a newspaper of general circulation printed and published in the city. The first publication shall be at least thirty (30) days prior to the date of the hearing. In cities where no such newspaper is published, the resolution shall be posted in three public places in the proposed district at least thirty (30) days prior to the date of hearing. At the hearing the legislative body shall hear and pass upon all objections and protests against the adoption of the proposed ordinance, and the decisions of the legislative body thereon shall be final and conclusive. If all protests and objections have been overruled and denied, the legislative body may adopt the ordinance.

Compensation

31584. Compensation to be paid the city for such city lands shall be paid only from contributions which may be made to the city for that purpose or from revenues theretofore or thereafter derived from such city lands or other lands acquired for the district as parking places.

Modifications

31585. Whenever an ordinance is adopted pursuant to this chapter, whether in response to a proposal made in the petition or otherwise, the legislative body may, at the hearing on the ordinance of intention or subsequent thereto, increase, decrease, eliminate, change or otherwise modify the lands to be so held, used and treated, the improvements to be made or constructed thereon, or the compensation to be paid the city for such city lands, in the same manner and by the same procedure as provided in the part for increasing, decreasing, changing or otherwise modifying the acquisitions and improvements to be made, and in that event the legislative body shall adopt a new ordinance pursuant to this section consistent with such changes and repealing the prior ordinance.

SEC. 5. Section 31594 is added to said code, to read:

Waiver of objections

31594. In proceedings taken pursuant to Section 31593, any objections or protests not made in writing at or prior to the hour set for hearing are deemed waived voluntarily and such proceedings shall not be attacked after the hearing upon any ground not stated in a written objection or protest so

filed. The legislative body may sustain or deny any or all objections and protests and its determination is final.

SEC. 6. Section 31595 is added to said code, to read:

Time to bring action

31595. When proceedings have been taken pursuant to Section 31593, any action or proceeding to review, set aside, avoid or annul the ordinance amending the ordinance ordering the acquisition and improvement and declaring the district formed, or any of the proceedings, acts or determinations pursuant to said Section 31593 taken, done or made prior to the adoption of such amending ordinance shall not be maintained by any person unless such action or proceeding is commenced within sixty (60) days after the date of adoption of such amending ordinance. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity of such amending ordinance or of such proceedings, acts or determinations.

SEC. 7. Section 31626 of said code is amended to read:

Non-assessable public lands

31626. Any lot or parcel of land in any public use belonging to the State or to any county, city, district, or other public corporation, public agent, mandatory of the government, school board, educational, penal, or reform institution, or institution for the feebleminded or insane, in use in the performance of a public function and lying within the district is not subject to assessment unless the consent of its governing body to the assessment is filed with the legislative body at or prior to the confirmation of the assessment. If such consent is filed, the land is subject to assessment in the same manner as other land within the district.

SEC. 8. Section 31629 of said code is amended to read:

Assessment procedure

31629. The assessment shall be made, notice given, hearing held, and the assessment confirmed and recorded substantially in the manner provided in Chapter 11 (commencing with Section 4270 of this code) of the Street Opening Act of 1903, and the provisions of that chapter relating to the method of making or spreading the assessment, the giving of notice, the making and waiving of objections, appeals or protests, the holding of the hearing, the finality and conclusiveness of the decisions and determinations of the legislative body, and the confirmation and recordation of the assessment are adopted as the procedure to be followed pursuant to this part. Except as provided by this part, all of the powers and authority granted in Chapter 11 of the Street Opening Act of 1903 are applicable to any assessment to be levied pursuant to this part.

SEC. 9. Section 31634.1 is added to said code, to read:

Attacking the proceedings Estoppel

31634.1. Proceedings under this part shall not be attacked upon any ground not stated in an objection or protest filed pursuant to this part. Any landowner or person interested in any land within the district is estopped to attack the proceedings upon any ground not stated in an objection or protest filed by him pursuant to this part.

SEC. 10. Section 31635 of said code is amended to read:

Notice of recordation of assessment

31635. The officer with whom the assessment is recorded shall give notice that the assessment has been recorded in his office and that all sums assessed in it became due and payable upon the recordation of the assessment, stating the date of recordation and that the payment of the sums, in whole or in part, is to be made to him within thirty (30) days after the date of recordation.

SEC. 11. Section 31636 of said code is amended to read:

Same: Contents

31636. The notice shall also contain a statement that bonds to represent each assessment, or the unpaid balance thereof, remaining unpaid after thirty (30) days will issue in the manner and form provided in the chapter of this part as fixed and designated in the ordinance of intention, and shall state the period over which the bonds extend and the rate or rates of interest payable on them.

SEC. 12. Section 31640 of said code is amended to read:

Procedure when assessment paid

31640. When any payment is made upon an assessment, the street superintendent shall mark opposite the assessment "Paid in full" or "Paid in part," as the case may be, the date of payment, the amount of payment, and the name of the person by or for whom the assessment is paid. If so requested, he shall give receipt for the payment.

SEC. 13. Section 31680 of said code is amended to read:

Date of bonds

31680. The date of the bonds shall be the date selected and specified for that purpose by the legislative body in the resolution or order calling for sealed bids upon the bonds. The date shall be a date between the date of recordation of the assessment and the date of delivery of the bonds to the purchaser thereof. The bonds shall bear interest from their date.

SEC. 14. Section 31709 of said code is amended to read:

Special fund surplus

31709. If there is a surplus in the special fund for the improvement, the surplus may be used for any purpose for which revenues from fees, charges and rentals for the use of parking places of the district may be used, provided that any such surplus shall not be applied as a credit upon any assessments except those assessments from which the surplus resulted.

SEC. 15. Section 31730 of said code is amended to read:

Reassessment

31730. A reassessment shall be issued in any of the following events:

(a) When an assessment made, issued, or filed in the office of the clerk, or any bonds issued to represent the amounts of any such assessment, have been set aside by a court of competent jurisdiction, or when the court has refused to enforce an assessment or has decreed any such bonds not to constitute or represent valid and subsisting liens against the lots or parcels of land upon which the assessments represented by them have been levied.

(b) If for any reason the assessments or bonds, or both, are not effective and the curative and waiver provisions of

this part or any curative act passed by the Legislature in relation to them fail to make them valid and enforceable.

(c) Upon the initiative of the legislative body if the legislative body is of the opinion that all or any part of the assessments or bonds are not enforceable.

SEC. 16. Section 31770.1 of said code is amended to read:

Ordinance providing appointment, etc.

31770.1. At its discretion, the legislative body of any city may, by ordinance, provide for the appointment, removal, qualifications, terms of office and number of members of parking place commissioners for such city. Such board shall have all of the powers and duties of parking place commissioners appointed under this part. Such board, so appointed, may be an existing board created by city charter or ordinance or a new board created by ordinance. Such board may act for all vehicle parking districts established within the city under this part.

CHAPTER 1703

An act to add Section 21157 to the Government Code, relating to legislative employment.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 21157 is added to the Government Code, to read:

21157. The Legislature, or either house, or a legislative committee, may appoint a person who has been retired under this part to a position deemed by such appointing power to be temporary in nature without reinstatement from retirement, or loss or interruption of benefits under this part.

CHAPTER 1704

An act to add Section 2265 to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to the replacement of California Highway Patrol employees' uniforms.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2265 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

2265. The Department of the California Highway Patrol shall not assess against any member of the department the cost of replacing any article of uniform clothing or accessories

which employees are required to wear when the replacement is necessary as a result of a change in uniform regulations by the department after the effective date of this section.

CHAPTER 1705

An act to add Section 12521 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to chauffeurs' licenses for special highway construction equipment operators.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12521 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

12521. Any person operating any piece of special highway construction equipment upon a highway when its dimensions are such that permission of the authorities having jurisdiction of the highway must be obtained prior to its movement thereon and when such permission has been obtained shall have an appropriately endorsed drivers' license issued by the department.

CHAPTER 1706

An act to add Section 25209.5 to the Government Code, relating to powers of board of supervisors.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25209.5 is added to the Government Code, to read:

25209.5. The board of supervisors in a county which has not adopted a master plan may adopt a tentative master plan by ordinance notwithstanding the provisions of Article 8 (commencing at Section 65500), Chapter 3, Title 7 of the Government Code.

This section shall be operative only until the ninety-first day after final adjournment of the 1963 General Session.

CHAPTER 1707

An act to add Section 152.5 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 152.5 is added to the Business and Professions Code, to read:

152.5. For purposes of distributing the reregistration work of the department uniformly throughout the year as nearly as practicable, the boards in the department may, with the approval of the director, extend by not more than six months the date fixed by law for the renewal of any license, certificate or permit issued by them, except that in such event any renewal fee which may be involved shall be prorated in such manner that no person shall be required to pay a greater or lesser fee than would have been required had the change in renewal dates not occurred.

CHAPTER 1708

An act to add Section 26467 to the Health and Safety Code, relating to food labeling.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26467 is added to the Health and Safety Code, to read:

26467. It is unlawful to sell packaged dehydrated food sealed and labeled as "emergency food pack," "disaster pack," or "civil defense pack," or with language of similar import, unless the label states the contents of the package; the number of items of food contained therein, stated by quantity of each product, by weight of each, and the number of servings of each; and the nutritional value of each.

The Department of Public Health shall by regulations establish the minimum nutritional values of such packages and the manner of stating the nutritional values upon the labels of such packages.

CHAPTER 1709

An act to amend Section 7397 of the Business and Professions Code, relating to the practice of cosmetology.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7397 of the Business and Professions Code is amended to read:

7397. Every school shall keep a daily record of the attendance of each student and the time devoted by each student to the various practices or branches of cosmetology and electrology. It shall establish grades, and hold examinations before issuing diplomas.

No student shall be required or permitted to attend more than e ght hours of instruction or practice, or any combination thereof, in any one day, except that a student may be permitted to complete a service in process, but not to exceed 30 consecutive minutes.

CHAPTER 1710

An act to amend Sections 73682, 73683, and 73684 of the Government Code, relating to officers and attaches of the municipal court established in the Fresno Judicial District.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 73682 of the Government Code is amended to read:

Salary: Clerk

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the secretary of the court. He shall receive a minimum salary of five hundred thirty-two dollars ($532) a month, and upon the recommendation of the judges, increments of thirty-one dollars ($31) after six months of service, thirty-two dollars ($32) after one and one-half years, thirty-four dollars ($34) after two and one-half years, thirty-six dollars ($36) to a maximum salary of six hundred sixty-five dollars ($665) after four and one-half years of service.

SEC. 2. Section 73683 of said code is amended to read:

73683. The clerk may appoint:

Same Clerk's appointees

(a) One assistant clerk who shall receive a minimum salary of four hundred twenty-six dollars ($426) a month, and upon the recommendation of the clerk, increments of twenty-four dollars ($24) after six months service, twenty-six dollars

($26) after one and one-half years, twenty-seven dollars ($27) after two and one-half years, and twenty-nine dollars ($29) to a maximum salary of five hundred thirty-two dollars ($532) after four and one-half years of service.

(b) One legal process clerk who shall receive a minimum salary of four hundred three dollars ($403) a month, and upon the recommendation of the clerk, increments of twenty-three dollars ($23) after six months of service, twenty-four dollars ($24) after one and one-half years, twenty-six dollars ($26) after two and one-half years, and twenty-seven dollars ($27) to a maximum salary of five hundred three dollars ($503) after four and one-half years of service.

(c) Four clerks IV, each of whom shall receive a minimum salary of three hundred sixty dollars ($360) a month, and upon the recommendation of the clerk, increments of twenty-one dollars ($21) after six months of service, twenty-two dollars ($22) after one and one-half years, twenty-three dollars ($23) after two and one-half years, and twenty-four dollars ($24) to a maximum salary of four hundred fifty dollars ($450) after four and one-half years of service.

(d) One senior account clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, twenty-one dollars ($21) after one and one-half years, twenty-two dollars ($22) after two and one-half years, and twenty-three dollars ($23) to a maximum salary of four hundred twenty-six dollars ($426) after four and one-half years.

(e) One senior clerk who shall receive a minimum salary of three hundred twenty-two dollars ($322) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, nineteen dollars ($19) after one and one-half years, twenty-one dollars ($21) after two and one-half years, and twenty-two dollars ($22) to a maximum salary of four hundred three dollars ($403) after four and one-half years of service.

(f) Two clerks III, each of whom shall receive a minimum salary of three hundred five dollars ($305) a month, and upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, nineteen dollars ($19) after one and one-half years, nineteen dollars ($19) after two and one-half years, and twenty-one dollars ($21) to a maximum salary of three hundred eighty-one dollars ($381) after four and one-half years of service.

SEC. 3. Section 73684 of said code is amended to read:

73684. The clerk may also appoint:

(a) Two intermediate stenographer clerks, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) a month, and upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, seventeen dollars ($17) after one and one-half years, nineteen dollars ($19) after two and one-half years, Same

and nineteen dollars ($19) to a maximum salary of three hundred sixty dollars ($360) after four and one-half years of service.

(b) Twelve clerks II, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) a month, and upon the recommendation of the clerk, increments of fifteen dollars ($15) after six months of service, seventeen dollars ($17) after one and one-half years, seventeen dollars ($17) after two and one-half years, and nineteen dollars ($19) to a maximum salary of three hundred forty-one dollars ($341) after four and one-half years of service.

(c) Four clerks I, each of whom shall receive a minimum salary of two hundred forty-four dollars ($244) a month, and upon the recommendation of the clerk, increments of fourteen dollars ($14) after six months of service, fifteen dollars ($15) after one and one-half years, fifteen dollars ($15) after two and one-half years, and seventeen dollars ($17) to a maximum salary of three hundred five dollars ($305) after four and one-half years of service.

CHAPTER 1711

An act to add Section 6359 to the Public Resources Code, relating to grants of tide and submerged lands.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6359 is added to the Public Resources Code, to read:

6359. Whenever by legislative enactment tide or submerged lands of the State are granted or conveyed or authorized to be granted or conveyed or whenever a previous enactment is amended, and no prior survey has been made, and such act does not contain a description of such lands by metes and bounds, the commission shall within two years following the effective date of such act survey, monument, and record a plat and a metes and bounds description of such lands in the office of the county recorder in the county or counties in which such lands are located. Upon recordation, the survey, monuments, plat and description shall be binding upon the State, the grantee, and their successors in interest.

No such grant or conveyance or amended grant or conveyance shall be effective until completion of the survey and recordation. The cost of such survey and recordation shall be paid by the person or entity to which the grant or conveyance is made.

CHAPTER 1712

An act to amend Section 1642 of the Welfare and Institutions Code, relating to maternity care for expectant unmarried mothers.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1642 of the Welfare and Institutions Code is amended to read:

1642. Any county maintaining a licensed county adoption agency may enter into an agreement with a licensed physician and surgeon, a hospital operated by the Regents of the University of California, or a licensed hospital other than a county hospital to pay all or part of the expense of prenatal care, delivery and postnatal care including hospitalization in connection therewith given to any expectant unmarried mother, when such expectant mother is in the opinion of the licensed county adoption agency financially unable to provide such care.

Nothing in this section shall be construed as to require the execution of any agreement on the part of the county. No agreement to pay shall be entered into, nor shall the expense of such care be paid by any county or licensed county adoption agency unless the mother has requested such county agency to study the child with a view to accepting a relinquishment for adoptive placement.

CHAPTER 1713

An act making an appropriation for the acquisition of real property for the State Park System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 9, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The unexpended balance of that part of the appropriation set forth in Schedule (f) and in Schedule (oo) of Item 400.1 of the Budget Act of 1956 is hereby reappropriated to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of real property at Thornton, Miramontes, Francis to Dunes, Montara, Pomponio, and Pescadero Beaches in the County of San Mateo for the State Park System.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are: The land values of these properties are subject to rapid increase and the public interest will suffer if acquisition before the ninetieth day after this session is impossible. It is, therefore, necessary in order to protect the public interest in the prompt and economical acquisition of these properties for park purposes, that this act take effect immediately.

CHAPTER 1714

An act to create the Golden Gate Authority Commission, prescribing its organization, government, powers, duties, and functions.

In effect September 18, 1959

[Approved by Governor July 8, 1959. Filed with Secretary of State July 9, 1959.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby created the Golden Gate Authority Commission which shall be composed of seven commissioners, six of whom shall be residents of the San Francisco Bay area and shall be appointed by the Governor, and the seventh shall be the Director of Public Works. No commissioner appointed by the Governor shall be entitled to any compensation for his services as a commissioner but each shall be reimbursed for the actual necessary traveling and other expenses incurred by him in the performance of his duties.

SEC. 2. The commission shall elect a chairman, vice-chairman, secretary, and treasurer.

SEC. 3. The commission may maintain an office and appoint and fix the salaries of an executive director and such other employees as it may deem necessary to carry out the provisions of this section. These employees may be removed from office at the discretion of the commission. The commission may contract with such persons, groups, agents, and agencies, public and private, for services necessary to carry out its duties and responsibilities. The commission shall make the fullest possible use of all facilities of state, county, city, and other governmental agencies which may be available to it with the objective of operating as economically as efficiency will permit.

SEC. 4. The commission shall study and investigate port, harbor, airport, bridge, and other metropolitan transportation facilities in the San Francisco Bay area and harbor facilities outside the San Francisco Bay area but having a direct effect on trade and commerce in the San Francisco Bay area, and the advisability of operating any or all such facilities under a single agency. The commission may, from time to time, submit reports to the Legislature with respect to the desirability and economic feasibility of the acquisition or lease and operation of any such facilities by such an agency and recommended

legislation establishing such an agency, specifying the powers, duties, and functions of such an agency and the manner in which the governing body of such an agency should be chosen. The committee shall submit its final report to the Legislature within 30 days after the commencement of the 1961 Regular Session.

SEC. 5. The commission may appoint committees from its membership and other interested public and private groups.

SEC. 6. The commission may accept contributions and appropriations from any public agency.

SEC. 7. The existence of the commission shall terminate December 31, 1961.

SEC. 8. The commission, in conducting any studies or investigations which relate to the acquisition, by lease or otherwise, of any governmental agency's transportation facilities, including bridges, airports, ports or publicly owned metropolitan transportation facilities, shall consult with and obtain the advice and recommendations of the agency.

SEC. 9. The commission shall give written notice to any governmental agency of any meeting at which a proposal to acquire transportation facilities owned or operated by the agency is to be studied or investigated.

SEC. 10. The commission shall conduct its meetings in accordance with Chapter 9 (commencing at Section 54950) of Part 1, Division 2, Title 5 of the Government Code, except that notice of every meeting shall be given by publication in a newspaper of general circulation published in the San Francisco Bay area at least 24 hours before the time of the meeting pursuant to Section 6061 of the Government Code, in addition to the notice specified in Section 54956 of the Government Code.

SEC. 11. The commission shall be assisted by an advisory council of 14 members appointed by the Governor. The members shall be appointed to represent the cities, counties, and city and counties in the San Francisco Bay area, the Golden Gate Bridge and Highway District, labor and business. The members shall serve without compensation and without expenses. The members shall serve at the pleasure of the Governor.

CHAPTER 1715

An act to repeal Article 2 (commencing with Section 1980) of Chapter 6 of Division 4 of Title 1, Part 1 (commencing with Section 16000) of Division 4 of Title 2, and Sections 2003 and 53053 of the Government Code, to add Chapters 1 (commencing with Section 600) and 3 (commencing with Section 800) to Division 3.5 of Title 1 of the Government Code, and

to amend Section 53052 of the Government Code, relating to claims against the State, local public entities and public officers and employees.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

Repeals

SECTION 1. Article 2 (commencing with Section 1980) of Chapter 6 of Division 4 of Title 1, Part 1 (commencing with Section 16000) of Division 4 of Title 2, and Sections 2003 and 53053 of the Government Code are hereby repealed.

SEC. 2. Chapter 1 (commencing with Section 600) is added to Division 3.5 of Title 1 of the Government Code, to read:

CHAPTER 1. CLAIMS AGAINST THE STATE

Article 1. General

"Board"

600. As used in this chapter, "board" means the State Board of Control.

Claims

601. Claims for expenses of either house of the Legislature or members or committees thereof, and claims for official salaries fixed by statute, are exempt from this article and Section 13920.

Presentment of claims

602. Any person having a claim against the State for which appropriations have been made, or for which state funds are available, may present it to the Controller in the form and manner prescribed by the general rules and regulations adopted by the board for the presentation and audit of claims.

Procedure for drawing warrant

603. The Controller shall not draw his warrant for any claim until it has been audited by him in conformity with law and the general rules and regulations adopted by the board, governing the presentation and audit of claims. Whenever the Controller is directed by law to draw his warrant for any purpose, the direction is subject to this section, unless it is accompanied by a special provision exempting it from this section.

Drawing of warrant

604. If the Controller approves a claim he shall draw his warrant for the amount approved in favor of the claimant.

Disapproval of claim

605. If he disapproves a claim, he shall file it and a statement of his disapproval and his reasons with the board as prescribed in the rules and regulations of the board.

Same: Second presentment

606. The Controller shall not entertain for a second time a claim against the State once rejected by him or by the Legislature unless such facts are subsequently presented to the board as in suits between individuals would furnish sufficient ground for granting a new trial.

Appeal

607. Any person who is aggrieved by the disapproval of a claim by the Controller, may appeal to the board. If the board finds that facts are presented justifying such action, the Controller shall reconsider his rejection of the claim.

608. After final rejection of a claim by the Controller following reconsideration any person interested may appeal to the Legislature by filing with the board a notice of appeal. Upon receipt of such notice the board shall transmit to the Legislature the rejected claim, all papers accompanying it, and a statement of the evidence taken before the board. Final rejection appeal

609. Whenever a governmental agency of the United States, in the collection of taxes or amounts owing to it, is authorized by federal law to levy administratively on credits owing to a debtor, it may avail itself of the provisions of this section and claim credits owing by the State to such debtor, in manner as follows: Federal credit claims

It shall file a certification of the facts with the state department, board, office or commission owing such credit to said debtor prior to the time said state agency presents the claims of such debtor therefor to the State Controller or to the State Personnel Board. Said state agency in presenting the claim of the debtor shall note thereon the fact of the filing of such certificate and shall also note any amounts owed by the debtor to the State by reason of advances or for any other purpose.

Subject to the provisions of Section 12419.5 of this code, the State Controller shall issue his warrant payable to the United States Treasurer for the net amount due the debtor, after offsetting for any amounts advanced to the debtor or by him owing to the State, or as much thereof as will satisfy in full the amount owing by the debtor to the United States as so certified; any balance shall be paid to the debtor.

Article 2. Filing With State Board of Control

620. There shall be presented to the board and it shall audit claims against the State for which settlement is provided by law but for which: Claims presented to board

(a) No appropriation has been made,

(b) No fund is available, or

(c) An appropriation or fund has been exhausted.

Upon approval of such a claim by unanimous vote of the board, it shall with the consent of the Governor be transmitted to the Legislature with a brief statement of the reasons for approval.

621. Any person having a claim against the State, the settlement of which is not otherwise provided for by law, shall present it to the board at least four months before the meeting of the Legislature, accompanied by a statement showing the facts constituting the claim, and verified in the same manner as complaints in civil actions. Notice of the time and place of hearing shall be mailed to the claimant at least 15 days prior to the date set for final action by the board. Claims not covered by law

622. At the time designated the board shall examine and adjust such claims. It may hear evidence for and against them and, with the approval of the Governor, report to the Legislature such facts and recommendations concerning them as Adjustment of claims

it deems proper. In making recommendations the board may state and use any official or personal knowledge which any member may have touching any claim.

Payment

623. Upon the allowance by the board of all or part of a claim arising under Sections 17000 to 17003, inclusive, of the Vehicle Code, and the execution and presentation of documents in such form as the board prescribes, which discharge the State of all liability under the claim, the claim so allowed shall be paid in accordance with law out of money appropriated or collected for payment of such claims.

Insured claims

624. If the State elects to insure its liability, the board may automatically deny any claim covered by insurance.

Article 3. Actions

Applicability

640. This article is not applicable to actions on claims for the taking or damaging of private property for public use, within the meaning of Section 14 of Article I of the Constitution, which were pending prior to September 13, 1941.

Actions on claims

641. Any person who has a claim against the State (1) on express contract, (2) for negligence, or (3) for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution, shall present the claim to the board in accordance with Section 621. If the claim is rejected or disallowed by the board, the claimant may bring an action against the State on the claim and prosecute it to final judgment, subject to the conditions prescribed by this article.

Rules applicable

642. Except as otherwise provided in this article, the rules of practice in civil actions apply to all actions brought under this article.

Time limitations

643. A claim arising under Sections 17000 to 17003, inclusive, of the Vehicle Code shall be presented to the board within one year after the claim first arose or accrued. An action on such a claim shall be brought either within the time prescribed by the Code of Civil Procedure within which such an action may be brought or within six months after the claim is rejected or disallowed in whole or in part.

Same

644. A claim not arising under Sections 17000 to 17003, inclusive, of the Vehicle Code shall be presented to the board within two years after the claim first arose or accrued. An action on such a claim shall be brought within six months after the claim is rejected or disallowed in whole or in part.

Portions of claims

645. An action may not be maintained on a portion of a claim arising under Sections 17000 to 17003, inclusive, of the Vehicle Code, but if the amount allowed is not accepted in full settlement of the claim and an action is brought, it shall be brought on the entire claim and the allowance is ineffective. If any other claim is rejected or is allowed only in part, an action may be maintained only on the portion of the claim rejected or disallowed.

646. Claims of a minor or insane person, a person imprisoned on a criminal charge or undergoing execution of sentence of a criminal court, a married woman if her husband is a necessary party with her in commencing action thereon, or an incompetent person shall be presented to the board as prescribed by this article within two years after the disability ceases. An action on such a claim shall be brought within six months after the claim is rejected or disallowed in whole or in part by the board. Persons under disability

647. At the time of filing the complaint in any action against the State, the plaintiff shall file therewith an undertaking in such sum, but not less than five hundred dollars ($500), as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court. The undertaking shall be conditioned upon payment by the plaintiff of all costs incurred by the State in the suit, including a reasonable counsel fee to be fixed by the court, if plaintiff fails to recover judgment in the action. Costs

648. In actions for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution on claims arising out of work done by the Department of Public Works: Actions based upon public works

(a) Service of summons shall be made on the Director of Public Works.

(b) The defense shall be conducted by the attorney for the department.

649. Except actions in which service is required to be made on the Director of Public Works: Other actions

(a) Service of summons shall be made on the Governor and Attorney General.

(b) The Attorney General shall defend all actions on claims against the State.

650. Notwithstanding the provisions of Sections 648 and 649, in actions for the taking or damaging of private property for public use within the meaning of Section 14 of Article I of the Constitution on claims arising out of work done by the Department of Water Resources: Actions against Department of Water Resources

(a) Service of summons shall be made on the Director of Water Resources and the Attorney General.

(b) The defense shall be conducted by the legal counsel of the department, if authorized by the Attorney General pursuant to Section 127 of the Water Code; otherwise the defense shall be conducted by the Attorney General.

651. The proper court for trial of actions for the taking or damaging of private property for public use is a court of competent jurisdiction in the county in which the property is situate. Court of jurisdiction

Upon written demand of the Attorney General made on or before answering, the place of trial in other actions shall be changed to Sacramento County.

652. If judgment is rendered for the plaintiff, it shall be for the legal amount actually found due from the State to Judgment for plaintiff

the plaintiff, with legal interest from the time the claim or obligation first arose or accrued, and without costs.

Payment of judgment

653. Without presentation to or approval by the board, the Controller shall draw his warrant for the payment of any judgment against the State upon a claim arising under Sections 17000 to 17003, inclusive, of the Vehicle Code upon money appropriated by the Legislature or collected from special funds for the payment of such claims.

Warrants

654. The Controller shall draw his warrant for the payment of any other judgments against the State whenever a sufficient appropriation for such payment exists. Claims upon such judgments are exempt from Section 603.

Report of claims

655. The Governor shall report to the Legislature, at each session, all judgments against the State upon claims not arising under Sections 17000 to 17003, inclusive, of the Vehicle Code and not theretofore reported

SEC. 3. Chapter 3 (commencing with Section 800) is added to Division 3.5 of Title 1 of the Government Code, to read:

CHAPTER 3. PRESENTATION OF CLAIM AS PREREQUISITE TO SUIT AGAINST PUBLIC OFFICER OR EMPLOYEE

800. As used in this chapter:

Definitions

(a) "Person" includes any pupil attending the public schools of any school or high school district.

(b) In addition to the definition of public property as contained in Section 1951, "public property" includes any vehicle, implement or machinery whether owned by the State, a school district, county, or municipality, or operated by or under the direction, authority or at the request of any public officer.

(c) "Officer" or "officers" includes any deputy, assistant, agent or employee of the State, a school district, county or municipality acting within the scope of his office, agency or employment.

Presentment of claim

801. Whenever it is claimed that any person has been injured or any property damaged as a result of the negligence or carelessness of any public officer or employee occurring during the course of his service or employment or as a result of the dangerous or defective condition of any public property, alleged to be due to the negligence or carelessness of any officer or employee, within 90 days after the accident has occurred a verified claim for damages shall be presented in writing and filed with the officer or employee and the clerk or secretary of the legislative body of the school district, county, or municipality, as the case may be. In the case of a state officer the claim shall be filed with the officer and the Governor.

Contents of claim

802. The claim shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received.

803. A cause of action against an employee of a district, county, city, or city and county for damages resulting from any negligence upon the part of such employee while acting within the course and scope of such employment shall be barred unless a written claim for such damages has been presented to the employing district, county, city, or city and county in the manner and within the period prescribed by law as a condition to maintaining an action therefor against such governmental entity.

Action against public employee

SEC. 4. Section 53052 of the Government Code is amended to read:

53052. When it is claimed that a person has been injured or property damaged as a result of the dangerous or defective condition of public property, a written claim for damages shall be presented in conformity with and shall be governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code.

Dangerous or defective public property

SEC. 5. The provisions of this act, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

Statutory construction

CHAPTER 1716

An act to amend Section 20330 of, and to add Section 22210.1 to, the Government Code, and to amend Sections 3306 and 3332 of, the Welfare and Institutions Code, relating to social security coverage for state employees not covered by a retirement system.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20330 of the Government Code is amended to read:

20330. The following persons are excluded from membership in this system:

Exclusion from membership

(a) Inmates of state or public agency institutions who are allowed compensation for such service as they are able to perform.

(b) Independent contractors who are not employees.

(c) Persons employed as student assistants in the state colleges or the university and persons employed as student aids in the special schools of the State Department of Education and in the public schools of the State.

(d) Blind persons and other physically handicapped persons employed by the California Industries for the Blind.

SEC. 2. Section 22210.1 is added to said code, to read:

22210.1. Notwithstanding Section 22210 or any other provision of this part the board shall execute a modification of

Social security coverage

the agreement in conformity with the provisions of Section 218 of Title II of the Social Security Act and applicable federal regulations adopted pursuant thereto to include the services of all state employees in positions not covered by a retirement system other than those engaged in performing services in connection with a proprietary function.

SEC. 3. Section 3306 of the Welfare and Institutions Code is amended to read:

California Industries for the Blind

3306. Blind persons and other physically handicapped persons employed by California Industries for the Blind are not inmates of a state institution or employed to be relieved from unemployment but are employees of the State for all purposes other than Parts 1 and 2 of Division 5 of Title 2 of the Government Code.

SEC. 4. Section 3332 of said code is amended to read:

California Industries for the Blind Manufacturing Fund

3332. There is hereby constituted in the State Treasury a permanent revolving fund to be known as the California Industries for the Blind Manufacturing Fund to be administered by the Department of Education. The fund shall be used for the purchase of materials and purchase or rental of equipment needed in the manufacturing, fabricating or assembly of products, and for the payment of salaries of blind workers engaged in such manufacturing, fabricating or assembly at any state training center or industrial workshop for the blind operated under the jurisdiction of the Department of Education. The fund may be used for the payment of other costs of such manufacturing, fabricating and assembly, the cost of administration of the work program and cost of distribution of products. The fund may also be used for the refund of overpayment to any person making such overpayment, whatever the amount, to the California Industries for the Blind. Any amount due to any person for merchandise returned to the California Industries for the Blind for credit shall be deemed to be an "overpayment" within the meaning of this section.

The Controller shall transfer all balances in the revolving funds created by Sections 3259, 3304, and 3304.5 of the Welfare and Institutions Code and the Workshops for the Blind Manufacturing Fund to the California Industries for the Blind Manufacturing Fund, and all other assets and all liabilities of said revolving funds shall be assets and liabilities of the revolving fund herein created.

The Controller shall transfer from the fund to the Old Age and Survivors Insurance Revolving Fund, from time to time, an amount sufficient to pay all costs incurred by the State in the administration of the Old Age and Survivors Insurance System as it affects blind and handicapped persons employed by the California Industries for the Blind, and to pay, with respect to such person, the contributions required of an employer under the provisions of Section 3111 of the Internal Revenue Code of 1954.

Money hereafter received from the manufacture, fabrication, assembly or distribution of products at any state training center or industrial workshop for the blind shall be paid to the State Treasurer monthly and shall be credited to the California Industries for the Blind Manufacturing Fund.

Whenever in the opinion of the Director of Education or the Director of Finance the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section either shall so inform the State Controller and request a transfer of the unneeded balance from the said revolving fund to the General Fund. The Controller is hereby authorized to transfer such balances upon the request of the Director of Finance.

CHAPTER 1717

An act to amend Section 3332 of, and to add Section 3306.1 to, the Welfare and Institutions Code, to amend Sections 135 and 633 of, and to add Section 605.5 to the Unemployment Insurance Code, relating to unemployment compensation benefits and unemployment compensation disability benefits for employees of certain public agencies.

[Approved by Governor July 9, 1959 Filed with Secretary of State July 10, 1959]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3306.1 is added to the Welfare and Institutions Code, to read:

Persons included as employees

3306.1. Blind persons and other physically handicapped persons employed by California Industries for the Blind shall be deemed to be employees of the State for the purposes of unemployment compensation insurance and unemployment compensation disability insurance.

SEC. 2. Section 3332 of said code is amended to read:

California Industries for the Blind Manufacturing Fund

3332. There is hereby constituted in the State Treasury a permanent revolving fund to be known as the California Industries for the Blind Manufacturing Fund to be administered by the Department of Education. The fund shall be used for the purchase of materials and purchase or rental of equipment needed in the manufacturing, fabricating or assembly of products, and for the payment of salaries of blind workers engaged in such manufacturing, fabricating or assembly at any state training center or industrial workshop for the blind operated under the jurisdiction of the Department of Education, and for the payment of employer and worker contributions, penalties and interest, with respect to the services of blind and physically handicapped workers, required under the Unemployment Insurance Code. The fund may be used for the payment of other costs of such manufacturing, fabricating and assembly, the cost of administration of the work program and

cost of distribution of products. The fund may also be used for the refund of overpayment to any person making such overpayment, whatever the amount, to the California Industries for the Blind. Any amount due to any person for merchandise returned to the California Industries for the Blind for credit shall be deemed to be an "overpayment" within the meaning of this section.

The Controller shall transfer all balances in the revolving funds created by Sections 3259, 3304, and 3304.5 of the Welfare and Institutions Code and the Workshops for the Blind Manufacturing Fund to the California Industries for the Blind Manufacturing Fund, and all other assets and all liabilities of said revolving funds shall be assets and liabilities of the revolving fund herein created.

The Controller shall transfer from the fund to the Old Age and Survivors Insurance Revolving Fund, from time to time, an amount sufficient to pay all costs incurred by the State in the administration of the Old Age and Survivors Insurance System as it affects blind and handicapped persons employed by the California Industries for the Blind, and to pay, with respect to such person, the contributions required of an employer under the provisions of Section 3111 of the Internal Revenue Code of 1954.

Money hereafter received from the manufacture, fabrication, assembly or distribution of products at any state training center or industrial workshop for the blind shall be paid to the State Treasurer monthly and shall be credited to the California Industries for the Blind Manufacturing Fund.

Whenever in the opinion of the Director of Education or the Director of Finance the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section either shall so inform the State Controller and request a transfer of the unneeded balance from the said revolving fund to the General Fund. The Controller is hereby authorized to transfer such balance upon the request of the Director of Finance.

SEC. 3. Section 135 of the Unemployment Insurance Code is amended to read:

"Employing unit"

135. "Employing unit," means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, public housing administration agency, whether operated by state or local governmental subdivisions, the State of California with respect to service performed by a blind or physically handicapped worker, who does not hold a civil service or permanent tenure position, in connection with his employment by the State of California for work in the California Industries for the Blind, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has, or subsequent to January 1, 1936, had, in its employ one or more individuals performing services for it within this State. All

individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this division.

SEC. 4. Section 605.5 is added to said code, to read:

605.5. (a) "Employment" includes all services performed by a blind or physically handicapped worker, who does not hold a civil service or permanent tenure position, in connection with his employment by the State of California for work in the California Industries for the Blind. "Employment"

(b) For the purposes of this division, the Department of Education shall be considered the employer of persons performing the services described in subdivision (a) of this section.

(c) The employer and worker contributions, penalties and interest required of the State for services performed under this section shall be paid from the California Industries for the Blind Manufacturing Fund. The State Controller shall determine quarterly the amount of employer and withheld worker contributions, penalties and interest required and shall issue a warrant for such amount which shall be transmitted to the Director of Employment by the Department of Education pursuant to this division.

(d) The director may require from the State Controller and the Department of Education such employment, financial, statistical or other information and reports as may be deemed necessary by the director to carry out his duties under this section. Such information and reports shall be filed with the director at the time and in the manner prescribed by the director.

(e) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the state agency.

(f) The State Controller and the Department of Education shall keep such work records as may be prescribed by the director for the proper administration of this section.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply.

SEC. 5. Section 633 of said code is amended to read:

633. Except as provided in Section 605, 605.5, 709, and 710, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions. Exemptions

SEC. 6. The provisions of Sections 135, 605.5, and 633 of the Unemployment Insurance Code as added and amended at the 1959 Regular Session by this act shall be operative with respect to wages paid on and after October 1, 1959. The provisions of said sections of the Unemployment Insurance Code amended by this act as in effect prior to such amendments shall continue to be applicable to wages paid prior to October 1, 1959. Operative date

CHAPTER 1718

An act to amend Sections 633, 705, and 709 of, and to add Section 710 to, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 633 of the Unemployment Insurance Code is amended to read:

State employment

633. Except as provided in Sections 605, 709, and 710, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

SEC. 2. Section 705 of said code is amended to read:

Elective coverage

705. (a) Except as provided by subdivision (b) of this section, an elective coverage agreement approved by the director pursuant to any section of this article may be terminated as of January 1st of any calendar year only if the agreement has been in effect for two calendar years and if the employing unit, or the State, or any governmental entity as defined in subdivision (a) of Section 710, or departments or units thereof, on or before the thirty-first day of January of that year, has filed with the director a written application for termination.

(b) An election under Section 709 by a political subdivision or instrumentality of this State or by an instrumentality of one or more political subdivisions or departments or units thereof, may be terminated as of the end of any calendar quarter, without regard to whether its elective coverage agreement has been in effect for two calendar years, by filing with the director a written application for termination on or before the last day of the month following the close of such calendar quarter.

SEC. 3. Section 709 of said code is amended to read:

Same State departments or units

709. The State may file with the director a written election to become an employer subject to this division for not less than two calendar years, or to have any of its departments or units become employers subject to this division for not less than two calendar years, and to have the services performed by its employees constitute employment subject to this division for such period. It shall post and maintain printed notices of such election on its premises, as prescribed by authorized regulations. If the director finds that a majority of the employees to be affected by the election to become an employer have voted in favor thereof, such state or department or unit thereof shall, upon the written approval of the election by the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees shall constitute employment subject to this division.

This section shall not apply to employees holding civil service or permanent tenure positions.

SEC. 4. Section 710 is added to Article 4 of Chapter 3 of Part 1 of Division 1 of said code, to read:

710. (a) For the purpose of this section, "governmental entity" means political subdivisions or instrumentalities of this State or instrumentalities of one or more political subdivisions or departments or units thereof. "Governmental entity" does not include the State. "Governmental entity"

(b) A governmental entity may, when requested by a written petition signed by a majority of the employees (including those with civil service or tenure positions) elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees, and may file its written election with the director. If the director finds that a majority of the employees to be affected by the election to become an employer have signed the petition, the governmental entity shall, upon the written approval of the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees, including those with civil service or tenure positions, shall constitute employment subject to this division. Beginning at that time it shall withhold from the wages of employees the contributions required for unemployment compensation disability benefits.

(c) In lieu of the contributions required of employers, each governmental entity that has elected coverage shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (d) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits paid with respect to employment for the governmental entity. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid pursuant to this section shall be borne solely by the appropriate governmental entity. If benefits are based on wages paid by two or more governmental entities, the benefits shall be borne by each of the governmental entities in the proportion that the total wages paid to the individual in employment by each governmental entity bears to the total wages paid to the individual in employment by all governmental entities during the base period. "Total wages paid" as used in this subdivision include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930.

After the termination of an election under this section, governmental entities shall remain liable for their proportionate share of benefits paid which are based on wages paid for services during the period of election.

(d) In making the payments prescribed by subdivision (c) of this section, there shall be paid or credited to the Unem-

ployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each governmental entity under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the governmental entity the amount determined with respect to it. The contributions due from the governmental entities shall be paid to the Unemployment Fund by the appropriate governmental entity.

(e) The director may require from each governmental entity, such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(f) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the governmental entity.

(g) Each governmental entity shall keep such work records as may be prescribed by the director for the proper administration of this division.

(h) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

Savings clause

SEC. 5. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

Applicability

SEC. 6. The provisions of subdivision (b) of Section 705 of the Unemployment Insurance Code as amended by this act shall apply only to elections which have been approved under Section 709 of said code prior to the effective date of this act. The provisions of Section 710 of the Unemployment Insurance Code as added by this act may apply to any governmental entity as defined in said section which has terminated, pursuant to subdivision (b) of Section 705 as amended by this act, an election approved under Section 709 of said code as the provisions of that section existed prior to the amendments made by this act.

CHAPTER 1719

An act to add Section 143.3 to the Streets and Highways Code, relating to city streets and county roads in urban areas.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 143.3 is added to the Streets and Highways Code, to read:

143.3. The commission and the department may include in the annual budget prepared under Section 143.1 amounts not to exceed the equivalent of the amounts made available by the Federal Government annually for projects on extensions of federal-aid primary or federal-aid secondary highways within urban areas for allocation to cities or counties for the construction of city streets or county roads within urban areas which would qualify as extensions of federal-aid secondary highways. The design standards of such projects shall be such as would qualify the project for the expenditure of such federal funds.

Upon the written request of any city or county, the commission and the department may include an allocation for the city or county in the next succeeding annual budget. Not more than five hundred thousand dollars ($500,000) shall be allocated for such purpose to any city or county in any one year. Any amounts allocated to a city or county shall be paid from the State Highway Fund and shall be included in the computation of compliance with the requirements of Sections 188 and 188.4. No allocation shall be made to a city or county for any project unless the city or county has made provision, to the satisfaction of the commission and the department, for the expenditure on such project of amounts from any other sources available for such purpose at least equal to the amounts to be allocated by the commission and the department.

The projects for which funds are made available pursuant to this section may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

CHAPTER 1720

An act to add Section 1252.1 to the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1252.1 is added to the Unemployment Insurance Code, to read:

1252.1. With respect to individuals hired as commercial fishermen a "totally unemployed individual" means an individual who, during a particular week, while still attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship; earned no wages and performed no services because his employer's boat was tied up for one or more of the following reasons:

(1) Inclement weather.
(2) Absence of fish in fishable waters.
(3) Lack of orders for fish from buyers.
(4) Boat is laid up for repairs.

CHAPTER 1721

An act to add Section 1252.1 to the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1252.1 is added to the Unemployment Insurance Code, to read:

1252.1. With respect to individuals hired as commercial fishermen a "totally unemployed individual" means an individual who, during a particular week, while still attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship, earned no wages and performed no services because his employer's boat was tied up for one or more of the following reasons:

(1) Inclement weather;
(2) Absence of fish in fishable waters;
(3) Lack of orders for fish from buyers;
(4) Boat is laid up for repairs.

CHAPTER 1722

An act to amend Sections 576 and 578 of, to add Section 575.1 to, and to repeal Sections 577 and 578.1 of, the Welfare and Institutions Code, relating to juvenile court referees.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 575.1 is added to the Welfare and Institutions Code, to read:

575.1. In counties having three or more judges a referee of a juvenile court may be appointed. Appointment of a referee

(a) The office of referee of a juvenile court is exempt from civil service.

(b) The salary of a juvenile court referee shall be fixed by the board of supervisors, with such annual increments, if any, as may be provided for in the county's civil service system for county employees with commensurate duties and responsibilities. The referee shall also receive such actual and necessary traveling expenses as he may incur in the performance of his duties.

(c) A juvenile court referee shall hold office at the pleasure of the juvenile court judge who appointed him, and his term of office shall continue only so long as that judge holds the office of juvenile court judge. This subdivision shall not preclude the reappointment of a juvenile court referee by a succeeding juvenile court judge.

(d) Where such county has more than one juvenile court judge, the juvenile court referee shall be appointed by the juvenile court judge who has seniority in time served in that capacity.

(e) Persons appointed as referee shall have a broad background in and ability for appraisal of juvenile law offenders and delinquency, the circumstances of delinquency, and evaluation of the individual's progress towards reformation. Insofar as practicable the referee shall have experience and interest in youth correctional work as well as experience and background in one of the following fields of correction: sociology, law, education or probation.

This section shall not apply to counties of the first, second and third classes.

SEC. 2. Section 576 of said code is amended to read:

576. Each referee appointed by the judge of the juvenile court shall have the usual powers of referees in chancery cases in all cases referred to him by the court, and he shall have such additional powers as may be given him upon such reference. The referee shall hear the testimony of witnesses and shall certify to the judge of the juvenile court his findings, together with his recommendation as to the judgment or order to be made in the case in question. Where a case is submitted to a Powers

referee without any previous order having been made for temporary custody of a person subject to the jurisdiction of the court, the referee shall also, from time to time, recommend to the court such orders for temporary custody as seem necessary.

SEC. 3. Section 578 of said code is amended to read:

Utilization of findings and recommendations

578. Upon the presentation of the findings and recommendations of the referee, the court may make such order in the case as it deems proper, or, after such notice as it deems proper to the persons interested in the case, may hear additional testimony or evidence and may approve or set aside the findings and recommendations of the referee, or may re-refer the case for the taking of further testimony or the making of further recommendations by the referee.

Repeals

SEC. 4. Sections 577 and 578.1 of said code are repealed.

CHAPTER 1723

An act to add Section 752 to the Welfare and Institutions Code, relating to the expunging of juvenile court records and other records relating to wards of the juvenile court.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 752 is added to the Welfare and Institutions Code, to read:

752. In any case in which a person became a ward of the juvenile court for the reasons described in subdivisions (f), (g), (h), (i), (j), (k), (m), or (n) of Section 700, or any other reason involving misconduct by such person, such person, or the county probation officer, may, five years or more after the jurisdiction of the juvenile court has terminated as to such person, petition the court for expungement of the records, including records of arrest, relating to such person's case, in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner, of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order expunged all records, papers, and exhibits in such person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case, in the custody of such

other agencies and officials as are named in the order. Thereafter the proceedings in such case shall be deemed never to have occurred. The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall expunge records in its custody as directed by the order.

CHAPTER 1724

An act to add Division 3.5 (commencing with Section 700) to Title 1 of the Government Code, to repeal Section 342 of the Code of Civil Procedure and to add Sections 313 and 342 to said code, relating to claims against the State, local public entities and public officers and employees.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Division 3.5 (commencing with Section 700) is added to Title 1 of the Government Code, to read:

DIVISION 3.5. CLAIMS AGAINST THE STATE, LOCAL PUBLIC ENTITIES AND OFFICERS AND EMPLOYEES

CHAPTER 2. CLAIMS AGAINST LOCAL PUBLIC ENTITIES

Article 1. General

"Local public entity"

700. As used in this chapter, "local public entity" includes any county or city and any district, local authority or other political subdivision of the State but does not include the State or any office, officer, department, division, bureau, board, commission or agency thereof claims against which are paid by warrants drawn by the Controller.

Adoption of constitutional amendment

701. Until the adoption by the people of an amendment to the Constitution of the State of California confirming the authority of the Legislature to prescribe procedures governing the presentation, consideration and enforcement of claims against chartered counties, chartered cities and counties and chartered cities and against officers, agents and employees thereof, this chapter shall not apply to causes of action founded on contract against a chartered city and county or chartered city while it has an applicable claims procedure prescribed by charter or pursuant thereto.

Causes of action affected

702. This chapter applies only to claims relating to causes of action which accrue subsequent to its effective date.

Exemptions

703. Articles 1 and 2 of this chapter apply to all claims for money or damages against local public entities except:

(a) Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification or adjustment of

any tax, assessment, fee or charge or any portion thereof, or of any penalties, costs or charges related thereto.

(b) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any provision of law relating to mechanics', laborers' or materialmen's liens.

(c) Claims by public officers and employees for fees, salaries, wages, mileage or other expenses and allowances.

(d) Claims for which the workmen's compensation authorized by Division 4 (commencing with Section 3201) of the Labor Code is the exclusive remedy.

(e) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions or other assistance rendered for or on behalf of any recipient of any form of public assistance.

(f) Applications or claims for money or benefits under any public retirement or pension system.

(g) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness.

(h) Claims which relate to a special assessment constituting a specific lien against the property assessed and which are payable from the proceeds of such an assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it.

(i) Claims by the State or a department or agency thereof or by another local public entity.

(j) Claims arising under any provision of the Unemployment Insurance Code, including but not limited to claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed.

(k) Claims for the recovery of penalties or forfeitures made pursuant to Article 1 of Chapter 1 of Part 7 of Division 2 of the Labor Code (commencing at Section 1720).

Claim made under prior law

704. A claim against a local public entity presented in substantial compliance with any other applicable claims procedure established by or pursuant to a statute, charter or ordinance in effect immediately prior to the effective date of this chapter shall satisfy the requirements of Articles 1 and 2 of this chapter, if such compliance takes place before the repeal of such statute, charter or ordinance or before July 1, 1964, whichever occurs first. Section 716 is applicable to claims governed by this section.

Claim procedure as established by agreement

705. The governing body of a local public entity may include in any written agreement to which the entity, its governing body, or any board or officer thereof in an official capacity is a party, provisions governing the presentation, by or on behalf of any party thereto, of any or all claims arising

out of or related to the agreement and the consideration and payment of such claims. The written agreement may incorporate by reference claim provisions set forth in a specifically identified ordinance or resolution theretofore adopted by the governing body. A claims procedure established by an agreement made pursuant to this section exclusively governs the claims to which it relates, except that the agreement may not require a shorter time for presentation of claims than the time provided in Section 715, and that Section 716 is applicable to all such claims.

Article 2. Presentation, Consideration and Enforcement of Claims

Necessity of written claim

710. No suit for money or damages may be brought against a local public entity on a cause of action for which this chapter requires a claim to be presented until a written claim therefor has been presented to the entity in conformity with the provisions of this article.

Contents

711. A claim shall be presented by the claimant or by a person acting on his behalf and shall show:

(a) The name and post office address of the claimant;

(b) The post office address to which the person presenting the claim desires notices to be sent;

(c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim; and

(e) The amount claimed as of the date of presentation of the claim, together with the basis of computation thereof.

The claim shall be signed by the claimant or by some person on his behalf.

A claim may be amended at any time, and the amendment shall be considered a part of the original claim for all purposes.

Insufficiency of claim. Notice

712. If in the opinion of the governing body of the local public entity a claim as presented fails to comply substantially with the requirements of Section 711 the governing body may, at any time within fifty (50) days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein.

Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which the person presenting the claim desires notices to be sent. If no such address is stated in the claim, the notice may be mailed to the address, if any, of the claimant as stated in the claim.

The governing body may not take action on the claim for a period of twenty (20) days after such notice is given. A failure or refusal to amend the claim shall not constitute a defense to any action brought upon the cause of action for which the claim was presented if the court finds that the claim as presented complied substantially with Section 711.

Waiver of defense

713. Any defense based upon a defect or omission in a claim as presented is waived by failure of the governing body to mail notice of insufficiency with respect to such defect or omission as provided in Section 712, except that no notice need be mailed and no waiver shall result when the claim as presented fails to state either an address to which the person presenting the claim desires notices to be sent or an address of the claimant.

Presentment of claim

714. A claim may be presented to a local public entity (1) by delivering the claim to the clerk, secretary or auditor thereof within the period of time prescribed by Section 715 or (2) by mailing the claim to such clerk, secretary or auditor or to the governing body at its principal office not later than the last day of such period. A claim shall be deemed to have been presented in compliance with this section even though it is not delivered or mailed as provided herein if it is actually received by the clerk, secretary, auditor or governing body within the time prescribed.

Time of presentment

715. A claim relating to a cause of action for death or for physical injury to the person or to personal property or growing crops shall be presented as provided in Section 714 not later than the one hundredth day after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Section 714 not later than one year after the accrual of the cause of action.

For the purpose of computing the time limit prescribed by this section, the date of accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.

Persons under disability

716. The superior court of the county in which the local public entity has its principal office shall grant leave to present a claim after the expiration of the time specified in Section 715 if the entity against which the claim is made will not be unduly prejudiced thereby, where no claim was presented during such time and where:

(a) Claimant was a minor during all of such time; or

(b) Claimant was physically or mentally incapacitated during all of such time and by reason of such disability failed to present a claim during such time; or

(c) Claimant died before the expiration of such time.

Application for such leave must be made by verified petition showing the reason for the delay. A copy of the proposed claim shall be attached to the petition. The petition shall be filed within a reasonable time, not to exceed one year, after the time specified in Section 715 has expired. A copy of the petition and the proposed claim and a written notice of the time and place of hearing thereof shall be served on the clerk or secretary or governing body of the local public entity not less than 10 days before such hearing. The application shall be determined upon the basis of the verified petition, any affidavits in support of or in opposition thereto, and any additional evidence received at such hearing.

717. The governing body shall act on a claim in one of the following ways: Action on claim

(a) If the governing body finds the claim is not a proper charge against the local public entity, it shall reject the claim.

(b) If the governing body finds the claim is a proper charge against the local public entity and is for an amount justly due, it shall allow the claim.

(c) If the governing body finds the claim is a proper charge against the local public entity but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance. If the governing body allows the claim in part and rejects it in part it may require the claimant, if he accepts the amount allowed, to accept it in settlement of the entire claim.

Notice of any action taken under this section rejecting a claim in whole or in part shall be given in writing by the clerk, secretary or auditor of the local public entity to the person who presented the claim.

718. Where this chapter requires that a claim be presented to the local public entity and a claim is presented and action thereon is taken by the governing body: Allowance of claim

(a) If the claim is allowed in full and the claimant accepts the amount allowed no suit may be maintained on any part of the cause of action to which the claim relates.

(b) If the claim is allowed in part and the claimant accepts the amount allowed, no suit may be maintained on that part of the cause of action which is represented by the allowed portion of the claim.

(c) If the claim is allowed in part no suit may be maintained against such entity on any portion of the cause of action where, pursuant to a requirement of the governing body to such effect, the claimant has accepted the amount allowed in settlement of the entire claim.

Nothing in this article shall be construed to deprive a claimant of the right to resort to writ of mandamus or other proceeding against the local public entity or the governing body or any officer thereof to compel it or him to pay the claim when and to the extent that it has been allowed.

719. Except where a different statute of limitations is specifically applicable to a local public entity, any suit brought against a local public entity on a cause of action for which this chapter requires a claim to be presented must be commenced within the period of time prescribed by the statute of limitations which would be applicable thereto if the suit were being brought against a private party. Statute of limitations

720. Nothing in this chapter shall prohibit the governing body of a local public entity from compromising any suit based on a cause of action for which this chapter requires a claim to be presented. Compromising claim

Article 3. Claims Procedures Established by Local Public Entities

Claims procedures established by local public entities

730. Claims against a local public entity for money or damages which are excepted by Section 703 from Articles 1 and 2 of this chapter, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter, ordinance or regulation adopted by the local public entity. The procedure so prescribed may include a requirement that a claim be presented as a prerequisite to suit thereon, but may not require a shorter time for presentation of any claim than the time provided in Section 715 of this code, and Section 716 of this code shall be applicable to all claims governed thereby.

Repeal

SEC. 2. Section 342 of the Code of Civil Procedure is hereby repealed.

SEC. 3. Section 313 is added to the Code of Civil Procedure, to read:

General procedure

313. The general procedure for the presentation of claims as a prerequisite to commencement of actions for money or damages against the State of California, counties, cities, cities and counties, districts, local authorities, and other political subdivisions of the State, and against the officers and employees thereof, is prescribed by Division 3.5 (commencing with Section 600) of Title 1 of the Government Code.

Prior claims

SEC. 4. Nothing in this act shall be deemed to allow suit or reinstate claims which have been denied or barred prior to the effective date of this act, including but not limited to claims under the Revenue and Taxation Code which have been denied or barred by the provisions of the Government Code.

CHAPTER 1725

An act to repeal Sections 29700, 29700.1, 29701, 29702, 29703, 29704, 29705, 29707, 29711, 29713, 29714, 29714.1, 29715, 29716, 29720, to add Sections 29700 and 29706, to renumber Section 29719, to renumber and amend Sections 29706, 29708, 29709, 29710, 29712, 29717, 29718, 29721 and to amend Sections 29741, 29744 and 29748 of the Government Code, and to amend Section 439.56 of the Agricultural Code and Section 945 of the Military and Veterans Code, all relating to claims against counties.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Sections 29700, 29700.1, 29701, 29702, 29703, 29704, 29705, 29707, 29711, 29713, 29714, 29714.1, 29715, 29716, and 29720 of the Government Code are hereby repealed.

SEC. 2. Section 29700 is added to said code, to read:

29700. Except as otherwise provided herein, this chapter applies to all claims for money or damages against counties including claims which are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of this code. Application

SEC. 3. Section 29706 of said code is renumbered and amended to read:

29701. The board shall not consider a claim unless it is presented not less than three days or, if prescribed by ordinance, five days prior to the date of the meeting of the board at which it is considered. Time of presentment

SEC. 4. Section 29708 of said code is renumbered and amended to read:

29702. A claim based upon an expenditure directed to be made by any officer shall be approved by such officer before it is considered by the board. Approval by officer

SEC. 5. Section 29709 of said code is renumbered and amended to read:

29703. When the board acts upon a claim the clerk of the board shall file a memorandum of the action taken and endorse on the claim a statement thereof. If the claim is allowed in whole or in part, the memorandum and endorsement shall state the date of the allowance, the amount of the allowance, and from what fund allowed and whether the board requires the claimant to accept the amount allowed in settlement of the entire claim. The endorsement shall be attested by the clerk with his signature and countersigned by the chairman and the claim, when duly endorsed, attested and countersigned, shall be transmitted by the clerk to the auditor. Clerk's duties

SEC. 6. Section 29710 is renumbered and amended to read:

29704. If the auditor approves the action taken upon the claim, he shall endorse on the claim "approved" and attest the endorsement with his signature. He shall then issue and tender to the claimant his warrant for the amount allowed. Where the board has required the claimant to accept the amount allowed in settlement of the entire claim, the warrant shall not be delivered to the claimant until there has been delivered to the auditor a duly executed release or other instrument evidencing acceptance of the amount tendered in settlement of the entire claim. Auditor's approval

SEC. 7. Section 29712 of said code is renumbered and amended to read:

29705. The board may adopt forms for the submission and payment of claims and may prescribe and adopt warrant forms separate from claim forms, to the end that the approved claims may be permanently retained in the auditor's office as vouchers supporting the warrants issued. The forms so adopted may not be inconsistent with the provisions of this article or of any other statutes or regulations expressly governing any such claims or the presentation thereof, and shall provide: Adoption of forms

(a) For the approval of the officer directing the expenditure. In counties having a system under which expenditures

may be initiated by requisition, the approval may be omitted from claims initiated by requisition.

(b) For the approval of the purchasing agent or other officers issuing the purchase order under which the charge was incurred, or having charge of contracts or schedules of salaries under which the claim arose.

(c) For the approval of at least one member of the board. In lieu of the supervisor's approval on each claim there may be substituted duplicate lists of claims allowed, showing, as to each claim, the name of the claimant, the amount allowed, and the date of allowance. The lists shall be certified to the board by the clerk of the board or other competent officer or employee designated by it for the purpose, as being a true list of claims properly and regularly coming before the board. Upon allowance of claims each of the lists, after amendment if necessary, shall be certified to as having been allowed by the board, the date allowed, and that such lists are correct by one member of the board or by the clerk of the board and filed, one in the office of the clerk of the board and one in the office of the auditor. When filed the lists constitute respectively the "allowance book" and the "warrant book."

(d) For the certificate of the clerk of the board as to the date and amount of allowance of the claim by the board. If the duplicate lists of claims allowed are filed, the certificate may be omitted, but in its stead there shall appear on each claim a reference by date, number, or otherwise to the list on which the claim appears listed as allowed.

(e) For the certificate of the clerk of the board or of the auditor as to the correctness of the computations.

(f) For the auditor's approval.

SEC. 8. A new Section 29706 is added to said code, to read:

Use of wrong form

29706. Failure of a claimant to use a form prescribed by the board pursuant to Section 29705 is not a defense to a suit against the county on a claim for which Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of this code requires a claim to be presented.

SEC. 9. Section 29717 of the said code is renumbered and amended to read:

Claims of supervisors

29707. Any claim against the county presented by a member of the board for per diem and mileage or for service rendered by him shall be itemized, verified, and state that the expense was actually incurred or the service was actually rendered. Before allowance, any such claim shall be presented to the district attorney or county counsel, who shall endorse upon it his written opinion as to its legality. If the district attorney or county counsel declares the claim or any part thereof illegal, he shall state specifically wherein it is illegal, and the claim or such part shall be rejected by the board.

SEC. 10. Section 29718 of the said code is renumbered and amended to read:

Limitations on officers

29708. Except for his own service, no county officer or employee may present any claim for allowance against the

county. No county officer or employee may in any way, except in the discharge of his official duty, advocate the relief asked in a claim made by any other person.

SEC. 11. Section 29719 of the said code is renumbered to read:

29709. Any person may appear before the board and oppose the allowance of any claim made against the county. Appearance before supervisors

SEC. 12. Section 29721 of the said code is renumbered and amended to read:

29710. No fee or charge shall be made or collected by any officer for verifying or receiving any claim against the county. Fees

SEC. 13. Section 29741 of the said code is amended to read:

29741. The auditor shall audit and allow or reject claims in lieu of, and with the same effect as, allowance or rejection by the board of supervisors in any of the following cases: Allowance or rejection by auditor

(a) The expenditures have been authorized by purchase orders issued by the purchasing agent or other officer authorized by the board.

(b) The expenditures have been authorized by contract, ordinance, resolution, or order of the board.

(c) Expenditures under the Welfare and Institutions Code have been ordered by the board.

SEC. 14. Section 29744 of the said code is amended to read:

29744. If the claimant is unwilling to receive the amount tendered in full payment, he shall return the warrant to the auditor within 30 days after the tender together with his written refusal to accept the amount in full payment of the claim. The auditor shall immediately transmit the claim to the board, together with a statement of his action, his reasons therefor, and claimant's refusal. The board shall consider and take action upon the claim within 10 days after its receipt. It shall allow such an amount in payment thereof as is a proper county charge, not to exceed the amount claimed, and may require the claimant to accept the amount allowed in settlement of the entire claim. Sections 29703 and 29704 of the Government Code shall be applicable thereto. Refusal of amount allowed

SEC. 15. Section 29748 of the said code is amended to read:

29748. The board may prescribe, by resolution, additional procedures for the audit and disposition of claims but the procedures so prescribed may not be inconsistent with the provisions of this chapter, of Chapter 2 (commencing at Section 700) of Division 3.5 of Title 1 of the Government Code, or of any other statutes or regulations expressly governing any such claims or the payment thereof. Additional procedure

SEC. 16. Section 439.56 of the Agricultural Code is amended to read:

439.56. Each such claim is governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except that the claim as presented shall be accompanied by the affidavits of two disinterested witnesses executed within four days after the finding of the carcasses Claims

of each animal. The affidavits shall fix the value of the livestock and establish the fact beyond reasonable doubt that the animal was killed by a dog or dogs. When allowed, such claims shall be paid from the fund provided for in this chapter in the same manner as other claims against the county are paid. The word "livestock" as used in this article includes domestic fowls and rabbits.

SEC. 17. Section 945 of the Military and Veterans Code is amended to read:

Burial expenses

945. The expenses to the county of each burial or contribution shall not exceed the sum of two hundred fifty dollars ($250). Claims therefor are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code.

CHAPTER 1726

An act to amend Sections 37201 and 39586 of the Government Code, relating to claims against cities.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 37201 of the Government Code is amended to read:

Presentation of demands

37201. Demands against the city for money or damages are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of this code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 2. Section 39586 of the Government Code is amended to read:

Damage due to negligence

39586. If the legislative body finds that property damage was caused by the negligence of a city officer or employee in connection with the abatement of a nuisance pursuant to this article, a claim for such damages may be paid from the city general fund. Claims therefor are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of this code.

CHAPTER 1727

An act to amend Section 903 of the Education Code, Sections 6370 and 6960 of the Harbors and Navigation Code, Section 14164 of the Health and Safety Code, Sections 5553 and 5784.19 of the Public Resources Code, Section 27182 of the Streets and Highways Code and Section 56117 of the Water Code; to repeal Sections 61628, 61630, and 61631 of the Government Code, Sections 4817, 5617, and 6096 of the Health and Safety Code, Sections 16682, 16683, 16684, 16685, 16686, Article 5a (commencing with Section 12830)

of Chapter 6 of Division 6 and Article 6 (commencing with Section 29060) of Chapter 6 of Part 2 of Division 10 of the Public Utilities Code, Sections 22727, 22728, 22729, 31084, 31085, 31086, 31087, 35752, 35753 and 35754 of the Water Code; and to add Article 1.5 (commencing with Section 926) to Chapter 1 of Division 4 of, Article 2.5 (commencing with Section 27591) to Chapter 4 of Division 20 of Article 3.5 (commencing with Section 27891) to Chapter 5, Division 20, of, Article 8.5 (commencing at Section 28381) to Chapter 6, Division 20 of, and Sections 16978 to, the Education Code, Section 61628 to the Government Code, Chapter 4 (commencing with Section 5790) to Part 1.5 of Division 8, Chapter 3.5 (commencing with Section 5905) to Part 2 of Division 8, Chapter 3.5 (commencing with Section 6095) to Part 3 of Division 8 and Article 3 (commencing with Section 6680) to Chapter 5 of Part 5 of Division 8 of the Harbors and Navigation Code, Sections 954, 4817, 5617, 4665.6, 6096, 14163.5, Article 5.5 (commencing with Section 2320) to Chapter 5 of Division 3, Article 4.5 (commencing with Section 2880) to Chapter 8 of Division 3, Article 4.5 (commencing with Section 4130) to Chapter 1 of Part 2 of Division 5, Article 5.5 (commencing with Section 4185.1) to Chapter 1 5 of Part 2 of Division 5, Article 5.5 (commencing with Section 5745) to Chapter 9 of Part 3 of Division 5, Article 8 (commencing with Section 6805) to Chapter 7 of Part 1 of Division 6, Article 5 (commencing with Section 9010) to Chapter 8 of Part 4 of Division 8, Article 6.5 (commencing with Section 14363) to Chapter 1a of Part 3 of Division 12, Article 7.1 (commencing with Section 14488) to Chapter 2 of Part 3 of Division 12, Article 4.1 (commencing with Section 20115) to Chapter 1 of Part 1 of Division 14, Article 2.5 (commencing with Section 24232) to Chapter 2 of Division 20, Article 16 (commencing with Section 24374) to Chapter 2.5 of Division 20, Chapter 7 (commencing with Section 32492) to Division 23, Article 6 (commencing with Section 33340) to Chapter 2 of Part 1 of Division 24 and Article 6 (commencing with Section 34380) to Chapter 1 of Part 2 of Division 24 of the Health and Safety Code, Article 2.5 (commencing with Section 1209) to Chapter 1 of Division 6 of the Military and Veterans Code, Section 5553 5, Article 3 (commencing with Section 9420) to Chapter 4 of Division 9 and Article 1.5 (commencing with Section 11520) to Chapter 7 of Division 10 of the Public Resources Code, Section 16682, Article 5a (commencing with Section 12830) to Chapter 6 of Division 6, Article 6 (commencing with Section 29060) to Chapter 6 of Part 2 of Division 10, Chapter 4.5 (commencing with Section 22601) to Part 2 of Division 9 and Article 9 (commencing with Section 25951) to Chapter 6 of Part 1 of Division 10 of the Public Utilities Code, Sections 31867, 33550, 35707, Chapter 10.5 (commencing with Section 27190) to Part 3 of Division 16,

Chapter 9.5 (commencing with Section 8230) to Part 2 of Division 9, Chapter 10.5 (commencing with Section 19190) to Part 4 of Division 14, Chapter 15.5 (commencing with Section 25360) to Part 1 of Division 16 and Chapter 13.5 (commencing with Section 26225) to Part 2 of Division 16 of the Streets and Highways Code, Sections 8991, 22727, 31084, 35752, 44457, Article 4.5 (commencing with Section 50145) to Chapter 2 of Part 1 of Division 15 and Chapter 4 (commencing with Section 55720) to Part 4 of Division 16 of the Water Code, relating to claims against the State, local public entities and public officers and employees.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 903 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

District liability

903. The governing board of any school district is liable as such in the name of the district for any judgment against the district on account of injury to person or property arising because of the negligence of the district, or its officers or employees.

SEC. 2. Article 1.5 (commencing with Section 926) is added to Chapter 1 of Division 4 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 1.5. Claims

Claims

926. All claims for money or damages against a school district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 3. Section 16978 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Same

16978. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 4. Article 2.5 (commencing with Section 27591) is added to Chapter 4 of Division 20 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 2.5. Claims

Same

27591. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except

as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 5. Article 3.5 (commencing with Section 27891) is added to Chapter 5 of Division 20 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 3.5. Claims

27891. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 6. Article 8.5 (commencing with Section 28381) is added to Chapter 6 of Division 20 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 8.5. Claims

28381. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 7. Sections 61628, 61630 and 61631 of the Government Code are repealed. Repeal

SEC. 8. Section 61628 is added to the Government Code, to read:

61628. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

SEC. 9. Section 6370 of the Harbors and Navigation Code is amended to read:

6370. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein or by other statutes or regulations expressly applicable thereto. All claims not governed thereby shall be filed with the auditor on forms and blanks prescribed by him. A claim shall not be paid without the endorsement of the auditor certifying to its correctness. Same

The auditor shall keep a record, which shall be a public record, of all claims against the district showing by whom made, for what purpose, the amount thereof and when paid.

SEC. 10. Section 6960 of the Harbors and Navigation Code is amended to read:

6960. All claim for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein or by other statutes or regulations ex- Same

pressly applicable thereto. All claims not governed thereby shall be filed with the auditor on forms and blanks prescribed by him. A claim shall not be paid without the endorsement of the auditor certifying to its correctness.

The auditor shall keep a record, which shall be a public one, of all claims against the district showing by whom made, for what purpose, the amount thereof and when paid.

SEC. 11. Chapter 4 (commencing with Section 5790) is added to Part 1.5 of Division 8 of the Harbors and Navigation Code, to read:

CHAPTER 4. CLAIMS

Same

5790. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 12. Chapter 3.5 (commencing with Section 5905) is added to Part 2 of Division 8 of the Harbors and Navigation Code, to read:

CHAPTER 3.5. CLAIMS

Same

5905. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 13. Chapter 3.5 (commencing with Section 6095) is added to Part 3 of Division 8 of the Harbors and Navigation Code, to read:

CHAPTER 3.5. CLAIMS

Same

6095. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 14. Article 3 (commencing with Section 6680) is added to Chapter 5 of Part 5 of Division 8 of the Harbors and Navigation Code, to read:

Article 3. Claims

Same

6680. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 15. Section 14163.5 is added to the Health and Safety Code, to read:

14163.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 16. Section 14164 of the Health and Safety Code is amended to read:

14164. Subject to the provisions of Section 14163.5, claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented. District procedures

SEC. 17. Section 4817 of the Health and Safety Code is repealed. Repeal

SEC. 18. Section 4817 is added to the Health and Safety Code, to read:

4817. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. Claims

SEC. 19. Section 5617 of the Health and Safety Code is repealed. Repeal

SEC. 20. Section 5617 is added to the Health and Safety Code, to read:

5617. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. Claims

SEC. 21. Section 6096 of the Health and Safety Code is repealed. Repeal

SEC. 22. Section 6096 is added to the Health and Safety Code, to read:

6096. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and Claims

presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 23. Section 954 is added to the Health and Safety Code, to read:

Same

954. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 24. Article 5.5 (commencing with Section 2320) is added to Chapter 5 of Division 3 of the Health and Safety Code, to read:

Article 5.5. Claims

Same

2320. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 25. Article 4.5 (commencing with Section 2880) is added to Chapter 8 of Division 3 of the Health and Safety Code, to read:

Article 4.5. Claims

Same

2880. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 26. Article 4.5 (commencing with Section 4130) is added to Chapter 1 of Part 2 of Division 5 of the Health and Safety Code, to read:

Article 4.5. Claims

Same

4130. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 27. Article 5.5 (commencing with Section 4185.1) is added to Chapter 1.5 of Part 2 of Division 5 of the Health and Safety Code, to read:

Article 5.5. Claims

Same

4185.1. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 28. Section 4665.6 is added to the Health and Safety Code, to read:

4665.6. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700 of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 29. Article 5.5 (commencing with Section 5745) is added to Chapter 9 of Part 3 of Division 5 of the Health and Safety Code, to read:

Article 5.5. Claims

5745. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 30. Article 8 (commencing with Section 6805) is added to Chapter 7 of Part 1 of Division 6 of the Health and Safety Code, to read:

Article 8. Claims

6805. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 31. Article 5 (commencing with Section 9010) is added to Chapter 8 of Part 4 of Division 8 of the Health and Safety Code, to read:

Article 5. Claims

9010. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3 5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 32. Article 6.5 (commencing with Section 14363) is added to Chapter 1a of Part 3 of Division 12 of the Health and Safety Code, to read:

Article 6.5. Claims

14363. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 33. Article 7.1 (commencing with Section 14488) is added to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, to read:

Article 7.1. Claims

Same

14488. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 34. Article 4.1 (commencing with Section 20115) is added to Chapter 1 of Part 1 of Division 14 of the Health and Safety Code, to read:

Article 4.1. Claims

Same

20115. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 35. Article 2.5 (commencing with Section 24232) is added to Chapter 2 of Division 20 of the Health and Safety Code, to read:

Article 2.5. Claims

Same

24232. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 36. Article 16 (commencing with Section 24374) is added to Chapter 2.5 of Division 20 of the Health and Safety Code, to read:

Article 16. Claims

Same

24374. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 37. Chapter 7 (commencing with Section 32492) is added to Division 23 of the Health and Safety Code, to read:

CHAPTER 7. CLAIMS

Same

32492. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 38. Article 6 (commencing with Section 33340) is added to Chapter 2 of Part 1 of Division 24 of the Health and Safety Code, to read:

Article 6. Claims

33340. All claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 39. Article 6 (commencing with Section 34380) is added to Chapter 1 of Part 2 of Division 24 of the Health and Safety Code, to read:

Article 6. Claims

34380. All claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 40. Article 2.5 (commencing with Section 1209) is added to Chapter 1 of Division 6 of the Military and Veterans Code, to read:

Article 2.5. Claims

1209. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 41. Section 5553 of the Public Resources Code is amended to read:

5553. The accountant shall install and maintain a system of auditing and accounting, which will completely and at all times show the financial condition of the district. He shall draw all warrants to pay claims made against the district after the claims have been first approved by a majority of the board at a meeting thereof, and he shall perform such other duties as may be imposed upon him by this article or by the board. Auditing system

SEC. 42. Section 5553.5 is added to the Public Resources Code, to read:

5553.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

SEC. 43. Section 5784.19 of the Public Resources Code is amended to read:

5784.19. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except Same

as provided therein, or by other statutes or regulations expressly applicable thereto. All claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

SEC. 44. Article 3 (commencing with Section 9420) is added to Chapter 4 of Division 9 of the Public Resources Code, to read:

Article 3. Claims

Same

9420. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 45. Article 1.5 (commencing with Section 11520) is added to Chaper 7 of Division 10 of the Public Resources Code, to read:

Article 1.5. Claims

Same

11520. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Repeal

SEC. 46. Article 5a (commencing with Section 12830) of Chapter 6 of Division 6 of the Public Utilities Code is repealed.

SEC 47. Article 5a (commencing with Section 12830) is added to Chapter 6 of Division 6 of the Public Utilities Code, to read:

Article 5a. Claims

Claims

12830. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Repeal

SEC. 48. Sections 16682, 16683, 16684, 16685 and 16686 of the Public Utilities Code are repealed.

SEC. 49. Section 16682 is added to the Public Utilities Code, to read:

Claims

16682. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 50. Article 6 (commencing with Section 29060) of Chapter 6 of Part 2 of Division 10 of the Public Utilities Code is repealed. Repeal

SEC. 51. Article 6 (commencing with Section 29060) is added to Chapter 6 of Part 2 of Division 10 of the Public Utilities Code, to read:

Article 6. Claims

29060. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

SEC. 52. Chapter 4.5 (commencing with Section 22601) is added to Part 2 of Division 9 of the Public Utilities Code, to read:

CHAPTER 4.5. CLAIMS

22601. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 53. Article 9 (commencing with Section 25951) is added to Chapter 6 of Part 1 of Division 10 of the Public Utilities Code, to read:

Article 9. Claims

25951. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 54. Chapter 10.5 (commencing with Section 27190) is added to Part 3 of Division 16 of the Streets and Highways Code, to read:

CHAPTER 10.5. CLAIMS

27190. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 55. Section 27182 of the Streets and Highways Code is amended to read:

27182. The auditor under the direction of the general manager shall install and maintain a system of auditing and accounting which shall completely show the financial condition of the district at all times. He shall draw warrants to pay those claims made against the district which have been Auditing system

approved by the general manager, and the auditing committee, consisting of at least three members of the board, and passed by the board.

SEC. 56. Chapter 9.5 (commencing with Section 8230) is added to Part 2 of Division 9 of the Streets and Highways Code, to read:

CHAPTER 9.5. CLAIMS

Claims

8230. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 57. Chapter 10.5 (commencing with Section 19190) is added to Part 4 of Division 14 of the Streets and Highways Code, to read:

CHAPTER 10.5. CLAIMS

Same

19190. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 58. Chapter 15.5 (commencing with Section 25360) is added to Part 1 of Division 16 of the Streets and Highways Code, to read:

CHAPTER 15.5. CLAIMS

Same

25360. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 59. Chapter 13.5 (commencing with Section 26225) is added to Part 2 of Division 16 of the Streets and Highways Code, to read:

CHAPTER 13.5. CLAIMS

Same

26225. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 60. Section 31867 is added to the Streets and Highways Code, to read:

Same

31867. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 61. Section 33550 is added to the Streets and Highways Code, to read:

33550. All claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 62. Section 35707 is added to the Streets and Highways Code, to read:

35707. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Same

SEC. 63. Section 56117 of the Water Code is amended to read:

56117. Payment from the operating fund shall be made upon claims allowed by the district board. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims, shall be prepared and presented to the board and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. Same

SEC. 64. Sections 22727, 22728 and 22729 of the Water Code are repealed. Repeal

SEC. 65. Section 22727 is added to the Water Code, to read:

22727. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

SEC. 66. Sections 31084, 31085, 31086 and 31087 of the Water Code are repealed. Repeal

SEC. 67. Section 31084 is added to the Water Code, to read:

31084. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

SEC. 68. Sections 35752, 35753 and 35754 of the Water Code are repealed. Repeal

SEC. 69. Section 35752 is added to the Water Code, to read:

35752. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except Claims

as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 70. Section 8991 is added to the Water Code, to read:

Same

8991. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 71. Section 44457 is added to the Water Code, to read:

Same

44457. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 72. Article 4.5 (commencing with Section 50145) is added to Chapter 2 of Part 1 of Division 15 of the Water Code, to read:

Article 4.5. Claims

Same

50145. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 73. Chapter 4 (commencing with Section 55720) is added to Part 4 of Division 16 of the Water Code, to read:

CHAPTER 4. CLAIMS

Same

55720. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

CHAPTER 1728

An act to amend Section 3 of Chapter 349 of the Statutes of 1873-74, Section 9 of Chapter 201 of the Statutes of 1895, Section 11 of Chapter 310 of the Statutes of 1905, Section 19 of the Storm Water District Act of 1909 (Chapter 222, Statutes of 1909), Section 53 of the Solvang Municipal Improvement District Act (Chapter 1635, Statutes of 1951), Section 53 of the Fairfield-Suisun Sewer District Act (Chapter 303, Statutes of 1951), Section 53 of the Montalvo Municipal Improvement District Act (Chapter 549, Statutes of 1955), and Section 11 of the Lower San Joaquin Levee District Act (Chapter 1075, Statutes of 1955); to add Section 3 1 to Chapter 349 of the Statutes of 1873-74, Section 9.5 to Chapter 63 of the Statutes of

1880, Section 12.5 to Chapter 158 of the Statutes of 1885, Section 49.5 to the Drainage Act of 1903 (Chapter 238, Statutes of 1903), Section 46.5 to Chapter 25 of the Statutes of 1907, Section 19.1 to the Storm Water District Act of 1909 (Chapter 222, Statutes of 1909), Section 8.5 to Chapter 99 of the Statutes of 1913, Section 8.5 to Chapter 361 of the Statutes of 1915, Section 29.5 to the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923), Section 34.5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), Section 3.1 to the Orange County Flood Control District Act (Chapter 723, Statutes of 1927), Section 20.5 to the American River Flood Control District Act (Chapter 808, Statutes of 1927), Section 10.5 to Chapter 641 of the Statutes of 1931, Section 21.1 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), Section 20.5 to the Orange County Water District Act (Chapter 924, Statutes of 1933), Section 8 is added to the San Bernardino County Flood Control Act (Chapter 73, Statutes of 1939), Section 15.1 is added to the Monterey Peninsula Airport District Act (Chapter 52, Statutes of 1941), Section 135.5 to the California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941), Section 15 5 to the County Water Authority Act (Chapter 545, Statutes of 1943), Section 17.5 to the San Diego County Flood Control District Act (Chapter 1372, Statutes of 1945), Section 2.5 to the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of the First Extraordinary Session of 1952), Section 9.5 to the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953), Section 11.5 to the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), and Section 48 to the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289, Statutes of 1955); and to repeal and add Section 20 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), Section 14½ of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915), Section 6.1 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927), Section 13 of the Ventura County Flood Control Act (Chapter 44, Statutes of the Fourth Extraordinary Session of 1944), Section 31 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945), Section 15 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122, Statutes of 1945), Section 8.1 of the Santa Barbara County Water Agency Act (Chapter 1501, Statutes of 1945), Section 30 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945), Section 30 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947), Section 8 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), Section 8 of

the Mendocino Flood Control and Water Conservation District Act (Chapter 995, Statutes of 1949), Section 29 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), Section 30 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), Section 30 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), Section 34 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951), Section 30 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), Section 8.1 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951), Section 8 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951), Section 8.1 of the Sacramento County Water Agency Act (Chapter 10, Statutes of the First Extraordinary Session of 1952), Section 29 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953), Section 34 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953), Section 8 of the Morrison Creek Flood Control District Act (Chapter 1771, Statutes of 1953), Section 31 of the Del Norte County Flood Control District Act (Chapter 166, Statutes of 1955), Section 31 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955), Section 154 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955) Section 20 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957) and Section 4.23 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes of 1957), relating to claims against the State, local public entities and public officers and employees.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 349 of the Statutes of 1873-74 is amended to read:

Sec. 3. The term of office of directors of the district shall be four years. At the general election for the election of state and county officers to be held next after the effective date of this act and at the general election to be held each fourth year thereafter three directors (who shall hold office for four years after the first Monday in March following their election and until their successors have been elected and qualify) shall be elected.

The directors shall each, within 10 days after their election, take the usual oath of office, and at their first meeting shall elect a chairman and a clerk from their number. A majority of the members of the board of directors shall constitute a quorum for the transaction of any business. The board of directors are hereby constituted and declared to be the legal representatives and successors to the Board of Supervisors of Sutter County, in all matters appertaining to Levee District No. 1, and are hereby authorized to take absolute charge, control and possession of all levees, or other works of reclamation, and all property, real and personal, belonging to said district, and to perform all the duties appertaining to said levee district heretofore devolving on said board of supervisors, except as herein provided. Each director of said district shall, before taking office and within 10 days after his election or appointment, file a bond in the sum of five hundred dollars ($500), with sufficient sureties, conditions for the faithful performance of his official duties, said bond to be approved by the judge of the superior court of said Sutter County and to be filed in the office of the county clerk of said county. The board of directors of said district shall, in addition to the duties now required of them by law, keep all necessary and proper books of account in which shall be entered all receipts and expenditures, with the source and nature of the same, for or on behalf of said district, and shall keep a minute book in which shall be entered the proceedings of each meeting of said board. The books and accounts of the district shall be experted once a year and the said board shall annually publish, in a newspaper printed and published in said district, a complete statistical report showing in detail the financial transactions for and on behalf of the district for the preceding year and the financial condition of the district. The board shall keep an office in said district for the transaction of the business thereof, and all books, maps, records, papers and contracts relating to the affairs of the district shall at all times be open to the inspection of the taxpayers of the district and all persons interested therein. The board shall hold regular meetings on the second Monday of each and every month and special meetings may be held at any time, all of the members of the board being present; or special meetings may be ordered by a majority of the board by an order in writing signed by the members calling such meeting. At least one day's notice of such special meeting must be given, personally or by mail, to the members not joining in the order. All meetings must be held at the office of the board. No member of the board shall be interested, directly or indirectly, in any property purchased for the use of the district, nor in the purchase or sale of any property belonging to the district, nor in any contract made by the board, or other person, on behalf of the district, for the construction or repair of any levee or other improvement for the district. The board shall annually cause to be prepared, and shall adopt, plans

and specifications of all necessary repairs to the levees of said district and of any new levees to be constructed and all other works of improvement for the benefit of the district, and shall divide such work into convenient sections. Said plans and specifications shall be filed in the office of the board not later than the first day of July of each year and shall be subject to inspection by any person interested therein for at least two weeks prior to the letting of any contract for work in accordance with such plans and specifications. If the cost of repair or construction in any one of said sections will exceed the sum of five hundred dollars ($500) the board must, not later than the first day of July in each year, give notice by publication at least once a week for two consecutive weeks in one or more newspapers printed and published in said Sutter County, that sealed proposals will be received and opened at the office of said board, at a time in said notice specified, for the construction of repairs, new levees and other works of improvement in each separate section of said work, and for the whole work, in accordance with said plans and specifications. At the time and place specified in said notice the board shall publicly open said bids and let the contract or contracts to the lowest responsible bidder or bidders; provided, however, that the board may reject any and all bids. If any or all such bids are rejected the board shall immediately readvertise for bids, as in the first instance, for such work as has not been let and upon the opening and consideration of such new bids the board shall have the right to reject any or all of them and have such work done by day's work. Every person, firm or corporation to whom a contract shall be awarded shall enter into a bond with sufficient sureties, to be approved by the board, in a sum equal to one-half of the contract price, conditioned for the faithful performance of said contract in accordance with said plans and specifications. In cases of great emergency the board may, by the unanimous consent of all the members, proceed at once to replace or repair any and all levees in the district without notice.

In case of vacancy in the office of any director or directors of said district by reason of death, resignation or other cause (whether the same shall occur before or after the effective date of this act), the board of supervisors of Sutter County shall have power to fill the same by appointment. The person or persons so appointed to fill such vacancy or vacancies shall hold office until the first Monday in March following the next election in the district at which directors are to be elected and until his or their successor or successors have been elected and qualify.

SEC. 2. Section 3.1 is added to Chapter 349 of the Statutes of 1873-74, to read:

Sec. 3.1. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other

statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as similar claims against the county. The county auditor shall draw his warrant on the county treasurer for the amount of any claim allowed in whole or in part in the same manner as if ordered by the board of supervisors.

SEC. 3. Section 9.5 is added to Chapter 63 of the Statutes of 1880, to read:

Sec. 9.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 4. Section 12.5 is added to Chapter 158 of the Statutes of 1885, to read:

Sec. 12.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 5. Section 9 of Chapter 201 of the Statutes of 1895 is amended to read:

Sec. 9. All such charges and expenses shall be deemed as expenses of said work or improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereafter. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 6. Section 49.5 is added to the Drainage Act of 1903 (Chapter 238, Statutes of 1903), to read:

Sec. 49.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 7. Section 11 of Chapter 310 of the Statutes of 1905 is amended to read:

Sec. 11. All moneys collected from such district for such taxes, and all moneys received from any source for the benefit of such district shall be by the county treasurer placed in a fund, to be called the "Levee District Fund"; and all payments of any of the expenses of the work or improvements or other expenses of such district shall be made upon warrants drawn by the county auditor upon such fund, and paid by

said treasurer. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 8. Section 46.5 is added to Chapter 25 of the Statutes of 1907, to read:

Sec. 46.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 9. Section 19 of the Storm Water District Act of 1909 (Chapter 222, Statutes of 1909) is amended to read:

Sec. 19. All moneys paid upon such assessments, either by property owners or by the county or counties affected, shall be placed in the county treasury of the county in which such storm water district was organized, to the credit of a special fund to be known as the _____ storm water district improvement fund; and shall be used only to pay the expense and cost of constructing the improvements described in the map, plans and specifications adopted by the board of trustees. Any surplus remaining after the construction thereof shall be paid into the current expense fund. All payments from said fund shall be made upon claims prepared in the manner required by Section 19.1.

SEC. 10. Section 19.1 is added to the Storm Water District Act of 1909 (Chapter 222, Statutes of 1909), to read:

Sec. 19.1. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

For the purposes of the claims procedures required by this section, the board of supervisors of the county in which the storm water district was organized shall be deemed the governing body of the district, and payments of claims allowed in whole or in part by said board of supervisors shall be paid upon a warrant drawn by the auditor of the said county upon the order of said board in the same manner as claims upon the county treasury.

SEC. 11. Section 20 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911) is repealed.

SEC. 12. Section 20 is added to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), to read:

Sec. 20. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 13. Section 8.5 is added to Chapter 99 of the Statutes of 1913, to read:

Sec. 8.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 14. Section 8.5 is added to Chapter 361 of the Statutes of 1915, to read:

Sec. 8.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 15. Section 14½ of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915) is repealed.

SEC. 16. Section 14½ is added to the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), to read:

Sec. 14½. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 17. Section 29.5 is added to the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923), to read:

Sec. 29.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 18. Section 34.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

Sec. 34.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 19. Section 6.1 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) is repealed.

SEC. 20. Section 6.1 is added to the Metropolitan Water District Act (Chapter 429, Statutes of 1927), to read:

Sec. 6.1. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 21. Section 3.1 is added to the Orange County Flood Control District Act (Chapter 723, Statutes of 1927), to read:

Sec. 3.1. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 22. Section 20.5 is added to the American River Flood Control District Act (Chapter 808, Statutes of 1927), to read:

Sec. 20.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 23. Section 10.5 is added to Chapter 641 of the Statutes of 1931, to read:

Sec. 10.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 24. Section 21.1 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 21.1. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 25. Section 20.5 is added to the Orange County Water District Act (Chapter 924, Statutes of 1933), to read:

Sec 20.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 26. Section 8 is added to the San Bernardino County Flood Control Act (Chapter 73, Statutes of 1939), to read:

Sec. 8. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 27. Section 15.1 is added to the Monterey Peninsula Airport District Act (Chapter 52, Statutes of 1941), to read:

Sec. 15.1. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 28. Section 135.5 is added to the California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941), to read:

Sec. 135.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 29. Section 15.5 is added to the County Water Authority Act (Chapter 545, Statutes of 1943), to read:

Sec. 15.5. All claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3 5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 30. Section 13 of the Ventura County Flood Control Act (Chapter 44, Statutes of the Fourth Extraordinary Session of 1944) is repealed.

SEC. 31. Section 13 is added to the Ventura County Flood Control Act (Chapter 44, Statutes of the Fourth Extraordinary Session of 1944), to read:

Sec. 13. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 32. Section 31 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945), is repealed.

SEC. 33. Section 31 is added to the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945), to read:

Sec. 31. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 34. Section 15 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122, Statutes of 1945) is repealed.

SEC. 35. Section 15 is added to the Riverside County Flood Control and Water Conservation District Act (Chapter 1122, Statutes of 1945), to read:

Sec. 15. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 36. Section 17.5 is added to the San Diego County Flood Control District Act (Chapter 1372, Statutes of 1945), to read:

Sec. 17.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 37. Section 8.1 of the Santa Barbara County Water Agency Act (Chapter 1501, Statutes of 1945) is repealed.

SEC. 38. Section 8.1 is added to the Santa Barbara County Water Agency Act (Chapter 1501, Statutes of 1945), to read:

Sec. 8.1. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 39. Section 30 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945) is repealed.

SEC. 40. Section 30 is added to the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945), to read:

Sec. 30. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 41. Section 30 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947) is repealed.

SEC. 42. Section 30 is added to the Monterey County Flood Control and Water Conservation District Act (Chapter 699, Statutes of 1947), to read:

Sec. 30. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 43. Section 8 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949) is repealed.

SEC. 44. Section 8 is added to the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), to read:

Sec. 8. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 45. Section 8 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995, Statutes of 1949) is repealed.

SEC. 46. Section 8 is added to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995, Statutes of 1949), to read:

Sec. 8. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 47. Section 29 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is repealed.

SEC. 48. Section 29 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), to read:

Sec. 29. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other

statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 49. Section 30 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951) is repealed.

SEC. 50. Section 30 is added to the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405, Statutes of 1951), to read:

Sec. 30. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 51. Section 30 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951) is repealed.

SEC. 52. Section 30 is added to the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), to read:

Sec. 30. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 53. Section 34 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951) is repealed.

SEC. 54. Section 34 is added to the Lake County Flood Control and Water Conservation District Act (Chapter 1544, Statutes of 1951), to read:

Sec. 34. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3 5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 55. Section 30 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951) is repealed.

SEC. 56. Section 30 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), to read:

Sec. 30. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 57. Section 53 of the Solvang Municipal Improvement District Act (Chapter 1635, Statutes of 1951) is amended to read:

Sec. 53. The district may issue warrants in payment of district obligations. The warrants shall be registerable as provided for county warrants when not paid for want of funds. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. All claims shall be free of the limitation of any budget law.

SEC. 58. Section 53 of the Fairfield-Suisun Sewer District Act (Chapter 303, Statutes of 1951) is amended to read:

Sec. 53. The district may issue warrants in payment of district obligations. When not paid for want of funds, the warrants shall be registerable as provided in the Government Code for registration of county warrants when not paid for want of funds. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. All claims shall be free of the limitation of any budget law.

SEC. 59. Section 15 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is repealed.

SEC. 60. Section 15 is added to the Kings River Conservation District Act (Chapter 931, Statutes of 1951), to read:

Sec. 15. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. The district may employ counsel to defend any action brought against it or any of its directors, officers, agents or employees on account of any taking, injury, damage or destruction to any property or injury or damage to any person, and the fees and expenses involved therein shall be a lawful charge against the district.

SEC. 61. Section 8.1 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951) is repealed.

SEC. 62. Section 8.1 is added to the Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951), to read:

Sec. 8.1. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 63. Section 8 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951) is repealed.

SEC. 64. Section 8 is added to the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951), to read:

Sec. 8. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 65. Section 8.1 of the Sacramento County Water Agency Act (Chapter 10, Statutes of the First Extraordinary Session of 1952) is repealed.

SEC. 66. Section 8.1 is added to the Sacramento County Water Agency Act (Chapter 10, Statutes of the First Extraordinary Session of 1952), to read:

Sec. 8.1. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700)

of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 67. Section 2.5 is added to the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of the First Extraordinary Session of 1952), to read:

Sec. 2.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 68. Section 29 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953) is repealed.

SEC. 69. Section 29 is added to the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953), to read:

Sec. 29. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 70. Section 9.5 is added to the Contra Costa County Storm Drainage District Act (Chapter 1532, Statutes of 1953), to read:

Sec. 9.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 71. Section 34 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953) is repealed.

SEC. 72. Section 34 is added to the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953), to read:

Sec. 34. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited

and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 73. Section 8 of the Morrison Creek Flood Control District Act (Chapter 1771, Statutes of 1953) is repealed.

SEC. 74. Section 8 is added to the Morrison Creek Flood Control District Act (Chapter 1771, Statutes of 1953), to read:

Sec. 8. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 75. Section 31 of the Del Norte County Flood Control District Act (Chapter 166, Statutes of 1955) is repealed.

SEC. 76. Section 31 is added to the Del Norte County Flood Control District Act (Chapter 166, Statutes of 1955), to read:

Sec. 31. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 77. Section 11.5 is added to the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), to read:

Sec. 11.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 78. Section 53 of the Montalvo Municipal Improvement District Act (Chapter 549, Statutes of 1955) is amended to read:

Sec. 53. The district may issue warrants on any moneys with the county treasurer in payment of district obligations. The warrants shall be registerable as provided for county warrants when not paid for want of funds. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against

the county. All claims shall in every respect be free of the limitation of any budget laws.

SEC. 79. Section 31 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955) is repealed.

SEC. 80. Section 31 is added to the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955), to read:

Sec. 31. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 81. Section 11 of the Lower San Joaquin Levee District Act (Chapter 1075, Statutes of 1955) is amended to read:

Sec. 11. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the County of Merced. For the purposes of this section the County Auditor and the County Treasurer of Merced County are ex officio the auditor and treasurer of the district. Any reasonable and necessary expenses actually incurred by Merced County in carrying out any of the provisions of this act relating to the district shall be paid out of the funds of the district applicable thereto.

SEC. 82. Section 48 is added to the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289, Statutes of 1955), to read:

Sec. 48. All claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 83. Section 154 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955) is repealed.

SEC. 84. Section 154 is added to the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955), to read:

Sec. 154. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by

other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 85. Section 20 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957) is repealed.

SEC. 86. Section 20 is added to the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957), to read:

Sec. 20. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 87. Section 4.23 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes of 1957) is repealed.

SEC. 88. Section 4.23 is added to the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes of 1957), to read:

Sec. 4.23. Claims for money or damages against the authority are governed by Chapter 2 (commencing with Chapter 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

CHAPTER 1729

An act to amend Sections 318, 319, 320, 708, 991, 1028, 1562, 1585, 1956, 2053, 2055, 2902, 3004, and 3254 of, to add Sections 20, 930.5, and 1179.5 to, to add an article heading to Article 2 of Chapter 2, Part 1, Division 1 of, to, and to repeal Section 138 of, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 20 is added to the Unemployment Insurance Code, to read:

References to persons, etc

20. Whenever any reference is made to any person, officer, board, or agency by any provision of this code, the reference applies to any other person, officer, board, or agency to whom the functions vested in the person, officer, board, or agency referred to are transferred.

SEC. 2. Section 138 of said code is hereby repealed. Repeal

SEC. 3. Section 318 of said code is amended to read:

318. The director shall comply with all applicable provisions of the Government Code relating to contracts, budgets and other fiscal matters, including Sections 13320 to 13324, inclusive, of that code, in the same manner and to the same extent as other state agencies, insofar as such provisions are not inconsistent with the provisions of the Social Security Act and the rules and regulations of the Secretary of Labor. Contracts, budgets, etc.

SEC. 4. Section 319 of said code is amended to read:

319. The director shall, as soon as practicable after the end of each calendar quarter, file with the Governor, the Department of Finance, and the controller an abstract or statement showing the resources and liabilities and a summary statement of the transactions affecting any of the funds maintained pursuant to this part and the various accounts thereof. The Department of Finance shall audit such abstracts and statements. Any expenses incurred by the Department of Finance in auditing and publishing such reports shall be paid for out of money granted to this State for this purpose by the Secretary of Labor. Quarterly financial abstract

SEC. 5. Section 320 of said code is amended to read:

320. The director shall make such reports in such form and containing such information as the Secretary of Labor may from time to time require, and shall comply with such provisions as the secretary may from time to time find necessary to assure the correctness and verification of such reports. Additional reports

SEC. 6. An article heading is added to Article 2 of Chapter 2 of Part 1 of Division 1 of said code, immediately preceding Section 355, to read:

Article 2. State Advisory Council

SEC. 7. Section 708 of said code is amended to read:

708. Any individual who is an employer under this division or any two or more individuals who have so qualified may file with the director a written election that their services shall be deemed to be services performed by individuals in employment. Upon the approval of the election by the director and to the extent that reports are filed and contributions paid with respect to such individuals, their services shall be deemed to constitute employment. Regardless of their actual earnings, for the purposes of computing benefit rights and contributions, they shall be deemed to have received remuneration for each calendar quarter in the higher of the maximum amounts stated in Column A of Section 1280 or Column A of Section 2655. Contributions required under this division are payable on and after the date stated in the approval of the director. Employer's elective benefit coverage

SEC. 8. Section 930.5 is added to Article 1 of Chapter 4 of Part 1 of Division 1, of said code, to read:

930.5. Beginning on January 1, 1958, "wages," for the purposes of Sections 984 and 985 only, does not include re- "Wages," etc.

muneration in excess of three thousand six hundred dollars ($3,600) paid to an individual by an employer during any calendar year after December 31, 1957, with respect to employment. If an employer during any calendar year after December 31, 1957, acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of three thousand six hundred dollars ($3,600) to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, 937, and 938.

SEC. 9. Section 991 of said code is amended to read:

Erroneous payments. To another governmental entity

991. (a) Any contributions paid to the Unemployment Fund or Disability Fund either with respect to wages on which contributions previously have been paid in error and without negligence on the part of the employing unit to another state having an unemployment compensation law, or with respect to wages on which contributions computed under the Federal Unemployment Tax Act previously have been paid in error and without negligence on the part of the employing unit to an agency of the Federal Government, shall be deemed for the purposes of this division to have been paid to the department at the time of the erroneous payment to the other state or to the federal agency, if payment is made to the department by the employing unit within 30 days after the employing unit is given notice by the director of the determination that payment shall be made to the department. The 30-day period for payment may be extended by the director for good cause for a period not to exceed an additional 90 days.

(b) Any contributions paid to the Unemployment Fund or Disability Fund with respect to wages on which contributions computed under this division previously have been paid in error and without negligence on the part of the employing unit to an admitted disability insurer, to trustees administering a voluntary plan for the employing unit, to a self-insured plan of the employing unit, to another agency of this State, or to an agency of the Federal Government shall be deemed, solely to the extent of the amount of contributions previously paid in error and without negligence, for the purposes of this division to have been paid to the department at the time of the erroneous payment to the admitted disability insurer, to trustees administering a voluntary plan for the employing

unit, to a self-insured plan of the employing unit, to another agency of this State, or to the federal agency, if payment is made to the department by the employing unit within 30 days after the employing unit is given notice by the director of the determination that payment shall be made to the department. The 30-day period for payment may be extended by the director for good cause for a period not to exceed an additional 90 days. As used in this subdivision "paid" includes credits made to a self-insured plan of the employing unit With respect to payments by an employing unit to an admitted disability insurer, to trustees administering a voluntary plan for the employing unit, or to a self-insured plan of the employing unit, this subdivision shall apply only if one or more of the following conditions are met:

(1) At the time of payment the employing unit has or prior to the time of payment had an approved voluntary plan with the recipient of the payment.

(2) Prior to the time of payment the employing unit had applied to the department for a voluntary plan which was subsequently approved by the department.

(3) At the time of payment the employing unit is a subsidiary or affiliate of an employing unit having an approved voluntary plan.

(4) At the time of payment the employing unit believed that a voluntary plan had been acquired pursuant to Section 3254.5.

(c) If payment is not made within the 30-day period or within the period for which an extension is granted, this section shall not apply and Articles 7 and 8 of Chapter 4 of, and Chapter 7 of, Part 1 of this division with respect to the payment of reported contributions, and the assessment and collection of contributions shall apply.

(d) Notices under subdivisions (a) and (b) of this section may be served personally or by mail. In case of service by mail, the notice shall be addressed to the employing unit at the same address that appears on the records of the department. The service by mail is complete at the time of deposit in the United States mail.

(e) If the director finds that the collection of any contributions will be jeopardized by delay this section shall not apply and the director may make a jeopardy assessment and collect the contributions pursuant to Article 8 of Chapter 4 of, and Chapter 7 of, Part 1 of this division.

SEC. 10. Section 1028 of said code is amended to read:

Employer account charges

1028. The charge of unemployment compensation benefits to an employer's account required by Section 1026 shall be made in such manner as to include as of each computation date all unemployment compensation benefit payments made on or before the computation date. In computing the charge to employers' accounts, a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar ($0.50) or more, in which case it shall be increased to one dollar ($1).

SEC. 11. Section 1179.5 is added to Article 9 of Chapter 4 of Part 1 of Division 1 of said code, to read:

Payment under protest

1179.5. If a petitioner pays under protest the amount of contributions, penalties and interest assessed under Article 8 of Chapter 4 of Part 1 of this division:

(a) With or after the filing of a petition for reassessment to a referee and before the referee issues his decision upon the petition, the payment under protest shall constitute a claim for refund, the claim for refund shall be deemed denied by the director, and the petition for reassessment shall also be deemed a petition to review a denial of a claim for refund. The referee shall consolidate the two petitions for consideration and decision pursuant to this division.

(b) With or after an appeal to the Appeals Board from a referee's decision on a petition for reassessment and before the Appeals Board issues its decision, the payment under protest shall constitute a claim for refund, the claim shall be deemed denied by the director, the denial shall be deemed affirmed by the referee, and the appeal shall also be deemed an appeal from a referee's decision upholding the director's denial of the claim for refund. The Appeals Board shall consolidate the two appeals for consideration and decision pursuant to this division.

SEC. 12. Section 1562 of said code is amended to read:

Obligation of State to replace federal advances

1562 This State recognizes its obligations to replace, and pledges the faith of this State that funds will be provided in the future, and applied to the replacement of, any money received after July 1, 1941, from the Federal Government under Title 3 of the Social Security Act, any unencumbered balances in the Unemployment Administration Fund as of that date and any money thereafter granted to this State pursuant to the provisions of the Wagner-Peyser Act, which the Secretary of Labor finds have, because of any action or contingency, been lost or expended for purposes other than, or in amounts in excess of, those found necessary by the Secretary of Labor for the proper administration of this part and Part 3 of this division. Such money shall be replaced within a reasonable time by money appropriated by the Legislature from the general funds of this State to the Unemployment Administration Fund. The director shall report to the Director of Finance, in the same manner as is provided generally for the submission of financial requirements for the ensuing year, and the Governor shall include in his budget report to the next regular session of the Legislature, the amount required for such replacement.

SEC. 13. Section 1585 of said code is amended to read:

Department of Employment Contingent Fund

1585. The Department of Employment Contingent Fund is continued in existence as a special fund in the State Treasury. There shall be deposited in or transferred to this fund:

(a) All interest on contributions collected under this division.

(b) All penalties collected under this division.

(c) Rental payments or proceeds attributable to property derived from amounts expended from this fund.

(d) Interest on amounts expended from this fund.

SEC. 14. Section 1956 of said code is amended to read:

1956. Witnesses subpoenaed pursuant to this division shall be allowed the same fees which are prescribed in Section 68093 of the Government Code relative to proceedings in the superior court. Such fees and all expenses incurred in any proceeding, hearing, review or investigation by the director or the Appeals Board or the representative of either, except charges for services by counsel or other agent representing claimant, employer, or other interested person, shall be part of the expenses of administering this division, and no individual claiming benefits shall be charged by the Appeals Board, or its representative, fees of any kind in any procedure under this division. Witness fees

SEC. 15. Section 2053 of said code is amended to read:

2053. All money received by the State under the Wagner-Peyser Act and paid into the Unemployment Administration Fund shall be expended as provided by this division and by that act of Congress. Unemployment Administration Fund

SEC. 16. Section 2055 of said code is amended to read:

2055. Free public employment offices shall be maintained in the Cities of San Francisco, Los Angeles, Oakland and Sacramento, and, whenever the director deems it necessary, in other cities. Public employment offices

SEC. 17. Section 2902 of said code is amended to read:

2902. Notwithstanding any other provision of this division, any individual who adheres to the faith or teaching of any bona fide religious sect, denomination, or organization, and in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion, upon filing with the department and with each of his employers a statement declaring such adherence and dependence and disclaiming any benefits under this part, shall be exempt from contributions under this division in respect to any wages paid to him by any such employer in the calendar quarter in which such statement is filed, in all subsequent calendar quarters while such statement is in effect, and, if the individual so elects, in any prior calendar quarter for which wages are reported to the department on or after the date such statement is filed. Such individual shall be ineligible to receive benefits under this part based upon such wages. Self-exemption on religious grounds

SEC. 18. Section 3004 of said code is amended to read:

3004. The Disability Fund consists of all contributions required of individuals under Section 984 with respect to wages paid by employers for employment; all money received for the purpose of disability benefits from the United States of America or any agency thereof, or from any other source; and any property or securities acquired through the use of money belonging to the Disability Fund and all earnings of such money or securities. Disability Fund

SEC. 19. Section 3254 of said code is amended to read:

Requirements for approval of voluntary plans

3254. The director shall approve any voluntary plan, except one filed pursuant to Section 3255, as to which he finds that there is at least one employee in employment and all of the following exist:

(a) The rights afforded to the covered employees are greater than those provided for in Chapters 2 and 3 of this part.

(b) The plan has been made available to all of the employees of the employer employed in this State or to all employees at any one distinct, separate establishment maintained by the employer in this State. "Employees" as used in this subdivision includes such individuals in partial or other forms of short-time employment and employees not in employment as the director shall prescribe by authorized regulations.

(c) A majority of the employees of the employer employed in this State or a majority of the employees employed at any one distinct, separate establishment maintained by the employer in this State have consented to the plan.

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e) The employer has consented to the plan and has agreed to make the payroll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of future employees.

(g) The plan will be in effect for a period of not less than one year and thereafter continuously unless the director finds that the employer or a majority of his employees employed in this State covered by the plan have given notice of the termination of the plan. The notice shall be filed in writing with the director and shall be effective on the date indicated in the notice, but in any event not less than 60 days from the time of the filing of the notice.

(h) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund.

Operative date

SEC 20. The provisions of Section 708 of the Unemployment Insurance Code as amended by Section 7 of this act shall be applicable to periods on and after January 1, 1960. The provisions of said Section 708 as they existed prior to the effective date of the amendments enacted by Section 7 of this act shall remain applicable to periods prior to January 1, 1960.

CHAPTER 1730

An act to add Section 4754.5 to the Labor Code, relating to workmen's compensation.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4754.5 is added to the Labor Code, to read:

4754.5. Nothing in this article shall impair the right of the Attorney General to release by compromise any claims brought under the provisions of this article. Such compromise and release agreement shall be submitted by the Attorney General to the Department of Finance for its review and recommendation prior to the filing thereof with the commission. No such compromise and release agreement is valid unless it is approved by the commission or a panel thereof; however, the provisions of Sections 5000 to 5004, inclusive, of this code, shall not apply to such compromise and release agreements.

CHAPTER 1731

An act to repeal Section 327 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 327 of the Unemployment Insurance Code is repealed.

CHAPTER 1732

An act to add Sections 35717, 35718, 35719, 35720, and 35721 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the restricting of highways by counties.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35717 is added to the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, to read:

35717. Notwithstanding any provision to the contrary, any county may by ordinance prohibit the use of any street, road or highway by any commercial vehicle exceeding a maximum

Prohibited use of street by county

gross weight of 14,000 pounds if, by accepted engineering standards, the street, road or highway cannot support such vehicle.

SEC. 2. Section 35718 is added to said code, to read:

Required signs

35718. No ordinance adopted pursuant to Section 35717 shall be effective until appropriate signs are erected indicating either the streets, roads or highways affected by the ordinance or the streets, roads or highways not affected, as the board of supervisors may determine will best serve to give notice of the ordinance.

SEC. 3. Section 35719 is added to said code, to read:

Intercounty roads

35719. No ordinance adopted pursuant to Section 35717 shall be effective with respect to any street, road or highway which connects with, or is a continuation of, any street, road or highway of an adjoining county unless the board of supervisors of each county in which the street, road or highway is a through highway, by concurrent action and like limitation, prohibit the use of such street, road or highway pursuant to this section.

SEC. 4. Section 35720 is added to said code, to read:

Effective scope of ordinances

35720. No ordinance adopted pursuant to Section 35717 shall be effective with respect to:

(a) Any vehicle which is subject to the provisions of Article 2 (commencing at Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code or any farm labor truck or farm labor bus.

(b) Any street, road or highway which is not under the exclusive jurisdiction of the board of supervisors enacting such ordinance, except as otherwise provided in Section 35719, or, in the case of any state highway, until such proposed ordinance has been submitted by the board of supervisors to and approved in writing by the Department of Public Works. In submitting such a proposed ordinance to the department for approval, the board of supervisors shall designate therein, an alternate route or routes for the use of such vehicles which shall remain unrestricted by any local regulation as to weight limits or types of vehicles so long as the ordinance proposed shall remain in effect. The approval of such proposed ordinances by the Department of Public Works shall constitute an approval by the department of such alternate route or routes so designated.

(c) Any commercial vehicle coming from an unrestricted street, road or highway having ingress and egress by direct route to and from such restricted streets, roads, and highways when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, roads or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted street, road or highway for which a building permit, if required, has previously been obtained therefor, or vehicles,

machinery, or construction equipment used in connection with, the construction, repair or maintenance of such restricted street or public work projects located thereon.

(d) Any vehicle operated as an incident to any industrial, commercial or agricultural enterprise conducted upon any such street, road or highway.

(e) Any vehicle owned, operated, controlled, or used by a public utility or licensed contractor in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities or public works projects.

(f) The operation of ambulances or hearses.

SEC. 5. Section 35721 is added to said code, to read:

Notice and hearing required

35721. No ordinance shall be adopted pursuant to Section 35717 except upon notice and hearing in the manner prescribed in this section.

Notice of hearing shall be published as prescribed in Section 6064 of the Government Code. The notice shall advise all interested parties that they may submit written or oral objections to the proposed action and shall designate a time and place for presentation of such objections. The time for submission of objections shall not expire, and the hearing may not be held, less than 60 days after the first publication of notice. The hearing shall be held before the board of supervisors and interested parties shall be afforded an adequate opportunity to be heard with respect to their objections.

CHAPTER 1733

An act to amend Section 80 of, and to add Section 80.5 to, the Agricultural Code, relating to district agricultural associations.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 80 of the Agricultural Code is amended to read:

Agricultural districts

80. The several counties of this State constitute agricultural districts numbered as follows:

District 1. The County of Alameda.

District 1a. The City and County of San Francisco and the County of San Mateo.

District 2. The County of San Joaquin.

District 3. The County of Butte.

District 4. The Counties of Sonoma and Marin.

District 6. All that portion of Los Angeles County not included in Agricultural District Number 48, Agricultural District Number 50 and Agricultural District 51.

District 7. The County of Monterey.

District 9. The County of Humboldt.

District 10. That portion of the County of Siskiyou not included in District 10a.

District 10a. All that portion of Siskiyou and Modoc Counties described as follows:

Beginning at the intersection of west longitude 122 degrees 10 minutes with the Oregon-California boundary line, thence southerly along said line of longitude to north latitude 41 degrees 30 minutes, thence easterly along said line of latitude to the point where it intersects west longitude 121 degrees 10 minutes, thence northerly along said line of longitude to the Oregon state line, thence westerly along said state line to the point of beginning.

District 12. The County of Mendocino.

District 13. The Counties of Sutter and Yuba.

District 14. The County of Santa Cruz.

District 15. The County of Kern.

District 16. The County of San Luis Obispo.

District 17. The County of Nevada.

District 18. The Counties of Mono, Inyo, and Alpine.

District 19. All that portion of Santa Barbara County lying east of Gaviota and south of the Santa Ynez Mountains.

District 20. The County of Placer.

District 21. The County of Fresno.

District 21a. The County of Madera.

District 22. The County of San Diego.

District 23. The County of Contra Costa.

District 24. The County of Tulare.

District 24a. The County of Kings.

District 25. The County of Napa.

District 26. The County of Amador.

District 27. The County of Shasta.

District 28. The County of San Bernardino.

District 29. The County of Tuolumne.

District 30. The County of Tehama.

District 31. The County of Ventura.

District 32. The County of Orange.

District 33. The County of San Benito

District 34. That portion of the County of Modoc not included in District 10a.

District 35. The County of Merced.

District 35a. The County of Mariposa.

District 36. The County of Solano.

District 37. All that portion of Santa Barbara County not included in Agricultural District Number 19.

District 38. The County of Stanislaus.

District 39. The County of Calaveras.

District 40. The County of Yolo.

District 41. The County of Del Norte.

District 42. The County of Glenn.

District 44. The County of Colusa.

District 45. The County of Imperial.

District 46. The County of Riverside.

District 48. All that portion of Los Angeles County described as follows:

Beginning at the intersection of a southerly extension of the east line of Avalon Boulevard with the Pacific Ocean, proceed north to the east line of Avalon Boulevard; thence north along the east line of Avalon Boulevard to its intersection with the south line of Slauson Avenue; thence west along the south line of Slauson Avenue to La Brea Boulevard; thence north along west line of La Brea Boulevard to north line of Exposition Boulevard; thence east along north line of Exposition Boulevard to west line of Crenshaw Boulevard; thence south along the west line of Crenshaw Boulevard to south line of Vernon Avenue; thence east along south line of Vernon Avenue to Main Street; thence north along the west line of Main Street to the north line of Valley Boulevard; thence east along the north line of Valley Boulevard to the east line of San Gabriel Boulevard; thence south along the east line of San Gabriel Boulevard to the north line of Whittier Boulevard; thence east along the north line of Whittier Boulevard to the Orange county line; thence south along the Orange county line to its intersection with the Pacific Ocean; thence west along the Pacific Coast to point of beginning.

District 49. The County of Lake.

District 50. All that portion of Los Angeles County lying north of the south line of Township 5 North, San Bernardino base.

District 52. The County of Sacramento.

SEC. 2. Section 80.5 is added to said code, to read:

80.5. The 51st District Agricultural Association is abolished. All property, both real and personal, of the district is transferred to the Department of Finance to be held by it until the Legislature determines, by appropriate act, that the property should be used to meet the educational needs of San Fernando Valley State College or devoted to some other urgent educational use. Pending the determination by the Legislature pursuant to this section, the Department of Finance may lease or otherwise use such property, on such terms and conditions as the Director of Finance deems to be in the best interests of the State. **District abolished**

SEC. 3. This act shall become operative on January 1, 1960. **Operative date**

CHAPTER 1734

An act to add Section 2802.5 to the Elections Code, relating to state central committees of political parties.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2802.5 is added to the Elections Code, to read:

2802.5. The immediate past chairman and the immediate past northern and southern section chairmen of the state central committee of a political party with which are affiliated more than 3,000,000 registered voters shall be members of the state central committee of that party.

CHAPTER 1735

An act to amend Section 3287 of the Civil Code, relating to interest as damages.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3287 of the Civil Code is amended to read:

3287. Every person who is entitled to recover damages certain, or capable of being made certain by calculation, and the right to recover which is vested in him upon a particular day, is entitled also to recover interest thereon from that day, except during such time as the debtor is prevented by law, or by the act of the creditor from paying the debt. This section is applicable to recovery of damages and interest from any such debtor, including the State or any county, city, city and county, municipal corporation, public district, public agency, or any political subdivision of the State.

CHAPTER 1736

An act to amend Sections 370 and 370.1 of the Elections Code, relating to indexes of voter registrations.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 370 of the Elections Code is amended to read:

Index of voter registration

370. At least once, and oftener if he deems it necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county clerk or registrar of voters shall have printed a complete index, by precinct, to the affidavits of registration current at the date of printing. The index shall contain the name, address, and political affiliation of each voter, and also a ruled space, to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters. The name shall include the given name, and the middle name or initials, if any. If the name is that of a woman, the

given name shall be preceded by designation of "Miss" or "Mrs." The index shall be printed in eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters. A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet. Supplements of the same content and style may be printed as need for them appears.

SEC. 2. Section 370.1 of said code is amended to read:

Continuing index

370.1. In addition to printing a complete index within and for each two-year period, as provided in Section 370 of this code, the county clerk or registrar of voters may print and maintain one complete and continuing index, by precinct, to the affidavits of registration and keep the index current by supplements and deletions as provided in Sections 370 and 372 of this code, and by reprinting portions of the index by precinct, as the need appears, the reprinted portions to contain the same information concerning each voter and to be in the same style, spacing, and type of print as provided in Section 370.

CHAPTER 1737

An act to add Article 6.5 (commencing at Section 790) to Chapter 1, Part 2, Division 1, of the Insurance Code, relating to insurance.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 is added to Chapter 1, Part 2, Division 1 of the Insurance Code, to read:

Article 6.5. Unfair Practices

Legislative declaration

790. The purpose of this article is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, Seventy-ninth Congress), by defining, or providing for the determination of, all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

Application of article

790.01. This article applies to reciprocal and interinsurance exchanges, Lloyds insurers, fraternal benefit societies, fraternal fire insurers, grants and annuities societies, insurers holding certificates of exemptions, motor clubs, nonprofit hospital associations, agents, brokers, solicitors, surplus line brokers and special lines surplus line brokers as well as all other persons engaged in the business of insurance.

Unfair practices prohibited

790.02. No person shall engage in this State in any trade practice which is defined in this article as, or determined pursuant to this article to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

Defined unfair methods

790.03. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance.

(a) Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(b) Making or disseminating or causing to be made or disseminated before the public in this State, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatsoever, any statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive or misleading.

(c) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(d) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public any false statement of financial condition of an insurer with intent to deceive.

(e) Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry

of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

Powers of commissioner

790 04. The commissioner shall have power to examine and investigate into the affairs of every person engaged in the business of insurance in the State in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by Section 790.03 or determined pursuant to this article to be an unfair method of competition or an unfair or deceptive practice in the business of insurance. Such investigation may be conducted pursuant to Article 2 (commencing at Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Order to show cause

790.05. Whenever the commissioner shall have reason to believe that any such person has been engaged or is engaging in this State in any unfair method of competition or any unfair or deceptive act or practice defined in Section 790.03, and that a proceeding by him in respect thereto would be to the interest of the public, he shall issue and serve upon such person an order to show cause containing a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed therein, which shall not be less than 30 days after the service thereof, for the purpose of determining whether the commissioner should issue an order to such person to cease and desist such methods, acts or practices or any of them.

If the charges or any of them are found to be justified the commissioner shall issue and cause to be served upon such person an order requiring such person to cease and desist from engaging in such methods, acts, or practices as have been found to be unfair or deceptive.

Such hearing shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 (commencing at Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

Such person shall be entitled to have such proceedings and such order reviewed by means of any remedy provided by Section 12940 of this code or by said Administrative Procedure Act.

Same Statement of methods

790.06. (a) Whenever the commissioner shall have reason to believe that any person engaged in the business of insurance is engaging in this State in any method of competition or in any act or practice in the conduct of such business which is not defined in Section 790 03 and that such method is unfair or that such act or practice is unfair or deceptive and that a proceeding by him in respect thereto would be in the interest of the public, he may issue and serve upon such person an order to show cause containing a statement of the methods, acts or practices alleged to be unfair or deceptive and a notice of hearing thereon to be held at a time and place fixed therein, which shall not be less than 30 days after the service thereof,

for the purpose of determining whether the alleged methods, acts or practices or any of them should be declared to be unfair or deceptive within the meaning of this article.

The hearings provided by this section shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 (commencing at Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. If the alleged methods, acts, or practices or any of them are found to be unfair or deceptive within the meaning of this article the commissioner shall issue and service upon said person his written report so declaring.

(b) If such report charges a violation of this article and if such method of competition, act or practice has not been discontinued, the commissioner may, through the Attorney General of this State, at any time after 30 days after the service of such report cause a petition to be filed in the superior court of this State within the county wherein the person resides or has his principal place of business, to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public pendente lite.

(c) A transcript of the proceedings before the commissioner, including all evidence taken and the report and findings shall be filed with such petition. If either party shall apply to the court for leave to adduce additional evidence and shall show, to the satisfaction of the court, that such additional evidence is material and there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commissioner, the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commissioner may modify his findings of fact or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings with the return of such additional evidence.

(d) If the court finds that the method of competition complained of is unfair or that the act or practice complained of is unfair or deceptive, that the proceeding by the commissioner with respect thereto is to the interest of the public and that the findings of the commissioner are supported by the weight of the evidence, it shall issue its order enjoining and restraining the continuance of such method of competition, act or practice.

Violation of cease and desist order

790.07. Whenever the commissioner shall have reason to believe that any person has violated a cease and desist order issued pursuant to Section 790.05 or a court order issued pursuant to Section 790 06, after such order has become final, and while such order is still in effect, the commissioner may, after a hearing at which it is determined that such violation was

committed, order such person to forfeit and pay to the State of California a sum not to exceed fifty dollars ($50), which may be recovered in a civil action, except that, if such violation is found to be willful, the amount of such penalty may be a sum not to exceed five hundred dollars ($500).

For any subsequent violation of such cease and desist order or of such court order, while any such order is still in effect, the commissioner may, after hearing, suspend or revoke the license or certificate of such person for a period not exceeding one year; provided, however, no such proceeding shall be based upon such subsequent violation unless the same was committed or continued after the date on which the order imposing the penalty pursuant to the preceding paragraph became final.

The hearings provided by this section shall be conducted in accordance with said Administrative Procedure Act, and the commissioner shall have all the powers granted therein.

Such person shall be entitled to have such proceedings and the order of the commissioner therein reviewed by means of any remedy provided by Section 12940 of this code or by said Administrative Procedure Act.

Other powers of commissioner

790.08. The powers vested in the commissioner in this article shall be additional to any other powers to enforce any penalties, fines or forfeitures, denials, suspensions or revocations of licenses or certificates authorized by law with respect to the methods, acts and practices hereby declared to be unfair or deceptive.

Effect of cease and desist order

790.09. No order to cease and desist issued under this article directed to any person or subsequent administrative or judicial proceeding to enforce the same shall in any way relieve or absolve such person from any administrative action against the license or certificate of such person, civil liability or criminal penalty under the laws of this State arising out of the methods, acts or practices found unfair or deceptive.

CHAPTER 1738

An act to add Section 6388 to the Revenue and Taxation Code, relating to trailer coaches.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6388 is added to the Revenue and Taxation Code, to read:

6388. Where a new trailer coach is purchased from a dealer located outside this State for use without this State and is delivered by the manufacturer to the purchaser within this State, and such purchaser drives or moves such trailer coach from the manufacturer's place of business in this State to any point outside this State within 30 days from and after the date of the delivery, there are exempted from the taxes imposed by

this part the gross receipts from the sale of and the storage, use or other consumption of such trailer coach within the State, provided that the purchaser furnishes the following to the manufacturer:

(a) Written evidence of an out-of-state registration for such trailer coach.

(b) The purchaser's affidavit attesting that he is not a resident of California and that he purchased such trailer coach from a dealer at a specified location without the State for use outside this State.

(c) The purchaser's affidavit that such trailer coach has been moved or driven to a point outside this State within 30 days of the date of the delivery of the trailer coach to him.

CHAPTER 1739

An act to amend Section 20804.5 of the Government Code, relating to Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 20804.5 of the Government Code is amended to read:

20804.5. Any member shall receive current service credit: (a) for the time which was spent by him in the employment of the State or contracting agency prior to becoming a member of this system and after persons employed in his status were eligible for membership in this system and (b) for the part-time service which was spent by him in the employment of the State or contracting agency prior to becoming a member, and while excluded from membership because serving on a part-time basis or because of his failure to exercise his right of election of membership under either Section 20360 or 20361 of this code, if, at any time prior to retirement, he elects to pay, and pays, into the retirement fund, by lump sum payment or by installments over a period not to exceed 60 months subject to minimum payments fixed by the board, normal contributions for such time prior to becoming a member computed by applying the rate of contribution applicable to him at the time he first became a member of this system to the compensation earnable by him at that time, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from October 1, 1953, or from the date on which he first became a member of this system, whichever is later, until paid.

This section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or by express provision in its contract with the board.

CHAPTER 1740

An act to repeal Sections 12000 and 12113 of, to amend Sections 12000.5, 12002, 12100, 12101, 12102, 12103, 12104, 12107, 12108, 12109, 12110, 12111.5, 12112, 12114, 12115, 12190, 12304, 12350, and 12402 of, and to add Sections 12000, 12101.5, 12105.5, 12107.5, 12109.5, 12113, and 12301.5 to, the Health and Safety Code, relating to explosives, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 12000 of the Health and Safety Code is repealed. Repeal

SEC. 2. Section 12000 is added to said code, to read:

12000. For the purposes of this part only the term "explosives" shall include all materials within Class A and Class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, after he has considered changes in the classification of materials as Class A and Class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this part. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission. "Explosives"

The term "explosives" as used in this part shall not be deemed to include small arms ammunition of 75 caliber or less, nor any other Class C explosives as classified by the Interstate Commerce Commission, nor ammonium nitrate or ammonium nitrate fertilizer, or oxidizing agents such as or comparable to ammonium nitrate.

SEC. 3. Section 12000.5 of said code is amended to read:

12000.5. "Chief" means the State Fire Marshal and assistant and deputy state fire marshals, the State Forester and his authorized representatives, and the chief and his authorized representatives of a fire department or fire protection agency maintained by a city, county, fire protection district, or Federal Government. In any area of the State in which there exists no organized fire protection agency responsible for the protection of the area, "chief" for the purpose of this part only may be so designated by the respective boards of supervisors having jurisdiction in the area concerned. "Chief"

In the event any person desires to receive explosives for use in an area outside of this State, a permit to receive such explosives, using the form prescribed by the State Fire Marshal, may be issued by any person in the area of use qualifying as a chief as above defined, or if there be no such person, by the chief law enforcement official in the area of use.

SEC. 4. Section 12002 of said code is amended to read:

Exception

12002. This part does not apply to explosives while in the course of transportation via railroad, water, or highway, when the explosives are moving under the jurisdiction of and in conformity with regulations adopted by the Interstate Commerce Commission or the United States Coast Guard.

SEC. 5. Section 12100 of said code is amended to read:

Exceptions

12100. This chapter does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated under Division 11D (commencing at Section 729 01) of the Vehicle Code, except that no shipment of explosives originating without the State, when such explosives would otherwise be governed by the provisions of this part, shall be delivered to any person who does not present a permit as specified in Section 12101.

(b) Any sale, gift, delivery, or other disposition of a quantity of explosives in excess of 1,000 pounds.

(c) Any sale, gift, delivery, or other disposition of smokeless powder when such smokeless powder is intended for hand loading of small arms ammunition for private personal use and not for resale, and when the quantity of such smokeless powder does not exceed 20 pounds, and when the keeping on hand of such smokeless powder is acceptable to the authorities having local jurisdiction and is in compliance with local regulations, if any, applicable thereto.

SEC. 6. Section 12101 of said code is amended to read:

Permit to receive explosives

12101. Unless otherwise provided in this chapter, no person shall receive or possess any explosives as defined herein and within the scope of this part, without first securing a permit to receive explosives issued to such person by the chief having the responsibility for the prevention and suppression of fire in the area in which the explosives are to be used, and it is unlawful for any person to sell, give away or deliver explosives to any person who does not present such a permit.

SEC 7. Section 12101 5 is added to said code, to read:

Minors

12101.5. No explosives shall be sold, given or delivered to any person under 21 years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives governed by the provisions of this chapter.

SEC. 8. Section 12102 of said code is amended to read:

Application statement: Form

12102. Application for a permit to receive explosives shall be made by filing a statement with the chief having the responsibility for the prevention or suppression of fire in the area in which the explosives are to be used, upon a form prescribed by the State Fire Marshal, showing:

(a) The name and address of the applicant.

(b) The place where and the purpose for which the explosives are intended to be used.

SEC 9. Section 12103 of said code is amended to read:

Signature, witnesses, etc.

12103. The statement shall be signed by the applicant, or by his agent, and shall be notarized or witnessed. If witnessed, it shall be witnessed by two persons known to the chief to be residents of the county where, as shown by the statement, the explosives are intended to be used. The witnesses shall certify that the applicant is personally known to them, and to the best of their knowledge and belief the explosives are required by the applicant for the purposes set forth in the statement.

If more than one employee or agent may be designated by the applicant to receive explosives for the applicant, or if more than one vehicle may be used by the applicant or his agent to transport any explosives received, the physical description and other required information pertaining to the agents and the vehicles, as specified on the application, shall be given on the application for all such persons and vehicles.

SEC. 10. Section 12104 of said code is amended to read:

Issuance

12104. Before issuing a permit, the chief shall:

(a) Review the statement.

(b) Ascertain that the applicant or his agent, as appropriate, has sufficient knowledge and ability to safely handle and use explosives.

(c) Inspect the vehicle in which the applicant proposes to transport the explosives and ascertain that it is reasonably safe for that purpose, except that no inspection shall be required of any vehicle for which a permit has been issued for the transportation of explosives governed by the provisions of Division 11D (commencing at Section 729.01) of the Vehicle Code.

SEC. 11. Section 12105.5 is added to said code, to read:

Descriptions on permit

12105.5. In the event that more than one employee or agent may be designated by the permittee to receive explosives, or in the event that more than one vehicle may be used by the permittee or his agent to transport any explosives received, the physical description and other required information for such persons and vehicles shall be shown on the permit.

SEC 12. Section 12107 of said code is amended to read:

Types of permit

12107. Permits shall be of two types. Type A, which shall be issued to persons engaged in an established construction, agricultural, timber, mining, or other commercial operation, to persons desiring to receive more than 20 pounds of smokeless powder for hand loading of small arms ammunition for private personal use and not for resale, and to persons desiring to receive any amount of other types of gunpowder for sporting purposes, shall be valid until suspended or revoked. A Type B permit shall expire 24 hours from the time of issuance.

SEC. 13. Section 12107.5 is added to said code, to read:

Nontransferable

12107.5. No permit issued under the provisions of this chapter shall be transferable.

SEC. 14. Section 12108 of said code is amended to read:

Type A

12108. A Type A permit may be suspended and, after reasonable notice and hearing, revoked by any chief having the responsibility for the prevention and suppression of fire in an area through which explosives are transported or in which explosives are used, if the person to whom the permit was issued transports or uses or proposes to transport or use the explosives in a manner which is unlawful or which creates an unreasonable hazard to life and property.

If the suspension or revocation is effected by the chief of a jurisdiction other than that jurisdiction in which the permit was issued, the chief taking action to suspend or revoke a permit shall notify the chief who issued the permit of the action taken.

SEC. 15. Section 12109 of said code is amended to read:

Records of sales, etc.

12109. Except as otherwise provided in Section 12109.5, every persons who sells, gives away, delivers, or otherwise disposes of explosives to any person shall make a quadruplicate record of each such sale or transaction. A copy shall be immediately sent to the chief who issued the permit to receive explosives. Two copies shall be delivered to the person receiving the explosives, one to be retained by him and the other to be sent to the chief who issued the permit to receive explosives upon the disposition of the explosives The original shall be retained by the person disposing of the explosives and shall be kept on file for a period of not less than three years. The form of the record of sale or transaction shall be prescribed by the State Fire Marshal.

SEC. 15.1. Section 12109.5 is added to said code, to read:

Chief of area to receive copy of sale

12109.5. When the permit to receive explosives indicates that the intended area of use of the explosives is other than that area in which the permittee or his agent receives the explosives, the person selling or otherwise disposing of the explosives shall, in addition to complying with the provisions of Section 12109, immediately send a copy of the record of sale to the chief in the area where the explosives are received by the permittee or his agent.

SEC. 15.2. Section 12110 of said code is amended to read:

Journal or record book

12110. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal or record book in which shall be noted at the time it is made, each sale, delivery, gift, or other disposition of an explosive made by him, whether in the course of business or otherwise. Such journal or record book shall be kept on file for a period of not less than three years.

If the record of sale required by Section 12109, contains the information specified in Section 12111, such record of sale shall be considered as meeting the requirements of this section for a journal or record book.

SEC. 16. Section 12111.5 of said code is amended to read:

12111.5. The State Fire Marshal may, upon application of any interested party and with the concurrence of the chief or chiefs in the area or areas affected, and if he determines that such action may be taken without jeopardizing public safety, suspend, or waive compliance with, the whole or any part of the requirements of Sections 12101, 12109, 12109.5, 12110, and 12111 insofar as they apply to the sale, gift, delivery, or other disposition of explosives in sparsely populated, unincorporated areas or in any area where there may be practical difficulties or unnecessary or unreasonable hardship in carrying out the provisions of the foregoing sections. No person shall be charged with any crime for any transaction in violation of Sections 12101, 12109, 12109.5, 12110 or 12111 when such a suspension or waiver by the State Fire Marshal is in effect in the area in which the transaction occurs.

Suspension, etc., of requirements

SEC. 17. Section 12112 of said code is amended to read:

12112. The journal or record book shall be kept by the person required to keep it in his principal office or place of business. It shall be at all times, on proper demand, subject to the inspection and examination of any chief or other duly authorized law enforcement official.

Inspection, etc., of journal or record book

SEC. 18. Section 12113 of said code is repealed.

Repeal

SEC. 19. Section 12113 is added to said code, to read:

12113. Vehicles transporting explosives governed by the provisions of this part, shall have displayed thereon or attached thereto such signs as are required by Section 599 of the Vehicle Code.

Vehicles transporting explosives Signs

SEC. 20. Section 12114 of said code is amended to read:

12114. (a) It is unlawful for any person to transport explosives in any vehicle upon a public highway, or to park any vehicle loaded with explosives upon a public highway, unless such vehicle is marked or placarded as required in Section 12113 of this chapter.

Transporting explosives

(b) It is unlawful for any person to operate or to park any vehicle upon a public highway to which there are attached or displayed signs of the type prescribed in Section 599 of the Vehicle Code, unless the vehicle is loaded with explosives.

SEC. 21. Section 12115 of said code is amended to read:

12115. A person who receives explosives under a Type B permit shall normally use the explosives during the daylight hours of the day of purchase. If it is stated by the applicant or if it is reasonably certain or apparent that the explosives cannot or will not be used within the daylight hours of the day of purchase, and if the proposed place and manner of storage is acceptable to the chief issuing the permit, the period of time for such use may be extended, but in no case shall such extension be for a period greater than 72 hours from the time of the issuance of the permit. If an extension of time for the use of the explosives is granted, the chief issuing the permit shall so indicate on the permit.

Use Type B permit

SEC. 22. Section 12190 of said code is amended to read:

When distance reduced on construction of new building, etc.

12190. If at any time the distance from a magazine to the nearest building, highway, or railroad is decreased through the construction of a new building, highway, or railroad, the quantity of explosives kept or stored in the magazine shall be reduced to correspond with that specified for the new distance by the quantity and distance table. The quantity need not be reduced, however, in the event that a new building is constructed in bad faith and with the intent to annoy, harass, oppress, or hinder the owner of the magazine.

SEC. 23. Section 12301.5 is added to said code, to read:

Public safety regulations

12301.5. In any area where it is reasonably necessary for the public safety the State Fire Marshal may by regulations adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, prohibit the transportation of blasting caps or detonators upon the same vehicle with other explosives governed by the provisions of this part, and the transportation of electric blasting caps upon any vehicle equipped with a two-way radio. Such regulations shall not be applicable to the transportation of any blasting caps packaged and transported in accordance with the regulations of the Interstate Commerce Commission.

SEC. 24. Section 12304 of said code is amended to read:

Transportation within city, etc

12304. Every person who takes, carries, or transports, or causes to be taken, carried, or transported, any explosive, as defined in Section 12000 of this part, into, through, or across any city or harbor in violation of the ordinances of the city, or of the laws or regulations governing the harbor, as the case may be, shall, in addition to any penalties imposed by such ordinances, laws, or regulations, forfeit the explosive, together with any case in which it may be contained, to the State.

SEC. 25. Section 12350 of said code is amended to read:

"Explosive"

12350. "Explosive," as used in this chapter, means any explosive as defined in Section 12000 of this part.

SEC. 26. Section 12402 of said code is amended to read:

General penalty

12402. If no other criminal punishment is prescribed by this division, any person who makes or keeps any explosive, as defined in this part, in any city, or who carries any such explosive through the streets of any city, in any quantity or manner prohibited either by this division or by any ordinance of the city in which it is made, kept, or carried, is guilty of a misdemeanor.

Urgency

SEC. 27. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present laws regarding the sale, transportation and storage of explosives do not adequately protect the public. For the protection and preservation of the public it is imperative that this act take effect immediately.

CHAPTER 1741

An act to amend Sections 22126 and 31801 and to repeal Section 22306 of the Government Code, relating to the participation of policemen and firemen in federal old age and survivors' insurance.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 31801 of the Government Code is amended to read:

Legislative declaration

31801. It is the intent of the Legislature that the enactment of this article shall authorize persons in positions covered by a retirement system pursuant to this chapter to participate in the federal old age and survivors insurance provisions of the Social Security Act without jeopardizing the continued maintenance of their local system.

To this end and notwithstanding any other provisions of this chapter, the provisions of this article, when made applicable by resolution of the governing board, shall supersede or modify any inconsistent provision in this chapter in its application to every member whose position is included in an agreement between the State and Federal Government for coverage under the old age and survivors insurance provisions of the Social Security Act.

The provisions of this chapter are not repealed by this article, however, and except as superseded or modified by this article in their application to members who are covered by old age and survivors insurance, they shall continue to be fully effective and operative.

Nothing in this article shall authorize the extension of the federal system to service in any policeman's or fireman's position covered by a separate retirement system unless all of the policemen or firemen are included as a unit without any division of their separate retirement system.

Repeal

SEC. 2. Section 22306 of said code is repealed.

SEC. 3. Section 22126 of said code is amended to read:

Firemen and policemen as separate retirement group

22126. When and as permitted by the Social Security Act, for all purposes under this part each retirement system in which firemen and policemen are classified separately from other members of such system and separate benefit and contribution provisions are applicable to such class shall be deemed to constitute a separate retirement system with respect to the positions of such policemen or firemen or both, as the case may be, covered by the retirement system.

If federal benefits are extended to any fireman's or policeman's position they shall be extended to them as a unit without any division of their separate retirement systems.

CHAPTER 1742

An act to amend Sections 16053, 16082, 16456, and 16457 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to vehicle financial responsibility laws.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16053 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Exemptions

16053. Exemption may be established by filing evidence satisfactory to the department:

(a) That the driver has been released from liability by all other persons injured or damaged in the accident. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter. The department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or legal guardian on behalf of a minor without the approval of any court or judge.

(b) That all judgments that may arise out of damages or injuries sustained in the accident have been rendered in favor of the driver or have been satisfied by him.

(c) That a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident has been executed by the driver.

Whenever within a three-year period after the filing of a duly acknowledged settlement agreement the department receives notice of a default in any payment under such an agreement, the department shall forthwith suspend the driving privilege of the person defaulting and the privilege shall not be restored until either:

(1) Such driver deposits and thereafter maintains security as required in Article 2 (commencing at Section 16020) or in such amount as the department may then determine.

(2) One year has elapsed following the date when such security was required and the conditions for reinstatement have been satisfied as set forth in Section 16082.

SEC. 2. Section 16456 of said code is amended to read:

Restrictions on driver's license

16456. Unless the certificate or certificates filed with the department evidencing the issuance of a motor vehicle liability policy show that the person in whose behalf they are filed is covered in the operation of all vehicles registered in his name, and any motor vehicle not owned or registered in his name, the department shall place an appropriate restriction on any driver's license issued to the person

SEC. 3. Section 16457 of said code is amended to read:

16457. No person shall drive any motor vehicle not covered by the certificate or certificates filed by him with the department as proof of ability to respond in damages. The department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same. Any person who drives a vehicle in violation of the provisions of a restricted license issued to him is guilty of a misdemeanor.

Certificate required

SEC. 4. Section 16082 of said code is amended to read:

16082. (a) The privilege of driving a motor vehicle suspended as provided in Section 16080 shall remain suspended and shall not be renewed nor shall a license be issued to the person whose driving privilege has been suspended until either:

Suspension of driving privileges

(1) The person complies with the requirements of Section 16050.

(2) The person deposits or there is deposited on his behalf the security required under this article.

(b) Whenever the suspension provided in Section 16080 or Section 16053 has remained in effect for a period of one year from the date of accident or from the date security was required on the default of a duly acknowledged settlement agreement, the privilege of driving a motor vehicle and all licenses evidencing such privilege shall remain so suspended and shall not be renewed nor shall any such license be issued to such person unless:

(1) There is no evidence on file with the department that during such one-year period an action at law arising out of the accident or upon the agreement has been instituted and is pending; and

(2) Proof of ability to respond in damages has been filed with the department in the manner prescribed by Section 16430. The department shall waive the requirement for proof of ability to respond in damages and upon request shall cancel any bond or certificate of insurance, or shall direct the return to the person entitled thereto of any money or securities deposited as proof of financial responsibility, at any time as specified in Sections 16480 and 16481.

CHAPTER 1743

An act to amend Section 74263 of the Government Code, relating to San Bernardino Municipal Court District and sheriff's duties.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 74263 of the Government Code is amended to read:

74263. The sheriff shall be ex officio marshal and shall act as such without additional compensation and his designated deputies shall be ex officio deputy marshals of the court. The sheriff shall not become ex officio marshal and act as such unless at an election held in the judicial district of which he is sheriff a majority of the district electors voting on the proposition to make the sheriff ex officio marshal pursuant to this section vote in favor of such proposition. Such election shall be called by the board of supervisors as soon as practicable after the presentation to the board of supervisors of a petition signed by at least 5 percent of the electors of the judicial district requesting the submission of the proposition to the district electors. Such election shall be called, held, and conducted in the same manner as the elections in the judicial district for the election of the judge of the district. The persons who hold the positions of marshal, deputy marshals, and other persons lawfully entitled to act as such, shall become employees of the Sheriff's Office of the County of San Bernardino at such time as the sheriff becomes ex officio marshal.

The sheriff shall charge and collect for his services rendered in the capacity of marshal of the court the fees allowed by law to sheriffs and constables and shall pay the same into the county treasury for the use and benefit of the county.

CHAPTER 1744

An act to repeal Section 897 of, and to amend Section 898 of, the Military and Veterans Code, relating to state funds and abolishing the Veterans' Dependents' Education Fund.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 897 of the Military and Veterans Code is repealed.

Veterans' Dependents' Education Fund abolished

SEC. 2. All money in the Veterans' Dependents' Education Fund is transferred to the General Fund. The Veterans' Dependents' Education Fund is abolished.

SEC. 3. Section 898 of the Military and Veterans Code is amended to read:

Appropriation

898. The sum of three hundred thousand dollars ($300,000) is hereby annually appropriated from the receipts heretofore or hereafter collected under the provisions of Chapter 5, Statutes of 1938, or any other act under which oil royalties are or may be collected, other than those receipts received from rents, bonuses, and royalties accruing from the use of state school land, to carry out the purposes of this article. Such amount shall annually be paid into the General Fund.

Operative date

SEC. 4. The provisions of this act shall become operative on June 30, 1960.

CHAPTER 1745

An act to add Section 7745.5 to the Education Code, and to add Section 19630.5 to the Education Code as enacted at the 1959 Regular Session, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 7745.5 is added to the Education Code, to read:

Administrative facility site acquisition

7745.5. If a school district entered into an agreement at any time beginning on October 1, 1954, and ending on December 31, 1954, whereby it agreed to lease a site and facilities situated thereon, for the purpose of constructing administrative facilities on the site in accordance with plans prepared by or for the district, the State Allocation Board may make an apportionment to the district for the acquisition of the site and facilities; provided, (1) that the district at the time of receiving the apportionment would otherwise be eligible to receive an apportionment for square footage of building area equal to or exceeding that of the facilities to be constructed; (2) the Department of Education approves of the acquisition on the basis that it is necessary to provide needed administrative facilities for the district; and (3) the board finds that the acquisition and the consideration being paid therefor is economically feasible and constitutes sound financial practice.

SEC. 2. Section 19630.5 is added to the Education Code as enacted at the 1959 Regular Session, to read:

Same

19630.5. If a school district entered into an agreement at any time beginning on October 1, 1954, and ending on December 31, 1954, whereby it agreed to lease a site and facilities situated thereon, for the purpose of constructing administrative facilities on the site in accordance with plans prepared by or for the district, the State Allocation Board may make an apportionment to the district for the acquisition of the site and facilities; provided, (1) that the district at the time of receiving the apportionment would otherwise be eligible to receive an apportionment for square footage of building area equal to or exceeding that of the facilities to be constructed; (2) the Department of Education approves of the acquisition on the basis that it is necessary to provide needed administrative facilities for the district; and (3) the board finds that the acquisition and the consideration being paid therefor is economically feasible and constitutes sound financial practice.

Operative date

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code as enacted at the 1959 Regular Session of the Legislature, at which time Section 7745.5 of the Education Code, as added by Section 1 of this act, is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One or more school districts who are otherwise eligible for apportionments under the State School Building Aid Law of 1952, have entered into lease agreements for the acquisition of sites and facilities to be utilized for construction of needed district administrative facilities. To provide a procedure for the inclusion of such acquisitions in apportionments for which the district is presently otherwise eligible, and in order that urgently needed construction can be undertaken with a minimum of delay, it is necessary that this act take effect immediately.

CHAPTER 1746

An act to amend Sections 10204, 68200, 68201 and 68202 of, and to repeal Sections 68203 and 68204 of, and to add Section 68548 to, the Government Code, relating to the justices and judges of courts of record and other state legal officers.

In effect September 18, 1959

[Approved by Governor July 9, 1959. Filed with Secretary of State July 10, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 68200 of the Government Code is amended to read:

Salary Chief Justice of Supreme Court

68200. The annual salary of the Chief Justice of the Supreme Court is twenty-eight thousand dollars ($28,000).

SEC. 2. Section 68201 of said code is amended to read:

Same Justices and judges

68201. The annual salary of each of the following justices and judges is the amount of the salary of the Chief Justice of the Supreme Court less the amount indicated opposite the name of the office:

(a) Associate Justice of the Supreme Court, two thousand dollars ($2,000).

(b) Justice of District Court of Appeal, four thousand dollars ($4,000).

SEC. 3. Section 68202 of said code is amended to read:

Same Judges

68202. The annual salary of each of the following judges is the amount of the salary of the Chief Justice of the Supreme Court less the amount indicated opposite the name of the office.

(a) Judge of the superior court of a county having a population of 100,000 or more, eight thousand dollars ($8,000).

(b) Judge of the superior court of a county having a population of less than 100,000, ten thousand dollars ($10,000).

(c) Judge of a municipal court in a county having a population of 250,000 or more, ten thousand dollars ($10,000).

(d) Judge of a municipal court in a county having a population of less than 250,000, twelve thousand dollars ($12,000).

SEC. 4. Sections 68203 and 68204 of said code are repealed. Repeal

SEC. 5. Sections 68548 is added to said code, to read:

68548. Each justice or judge assigned by the Chairman of the Judicial Council to another court of a like or higher jurisdiction pursuant to Section 1a, Article VI, of the State Constitution has no authority to refuse such assignment and shall forthwith accept such assignment and shall sit and hold court as so assigned. Mandatory assignment

SEC. 6. Section 10204 of said code is amended to read:

10204. The annual salary of the Legislative Counsel is twenty-one thousand dollars ($21,000). The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties. Salary: Legislative Counsel

SEC. 7. This act shall become operative on January 1, 1960. Operative date

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CHAPTER 1747

An act to amend Section 525.1 of the Vehicle Code and Section 21654 of the Vehicle Code as proposed by Assembly Bill No. 5, relating to driving in the right-hand lane, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 525.1 of the Vehicle Code is amended to read:

525.1. Driving in Right-hand Lane. Notwithstanding the prima facie speed limits, upon all highways any vehicle proceeding in a direction at less than the normal speed of traffic in such direction at such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. Slow driving

The State Department of Public Works, with respect to state highways, and local authorities, with respect to highways under their jurisdiction, shall, as the authority in charge of the highway finds desirable, place and maintain upon highways official signs directing slow-moving traffic to use the right-hand traffic lane except when overtaking and passing another vehicle or preparing for a left turn.

SEC. 2. Section 21654 of the Vehicle Code as proposed by Assembly Bill No. 5 is amended to read:

21654. Notwithstanding the prima facie speed limits, any vehicle proceeding upon a highway at a speed less than the normal speed of traffic moving in the same direction at such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except Same

when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

The State Department of Public Works, with respect to state highways, and local authorities, with respect to highways under their jurisdiction, shall, as the authority in charge of the highway finds desirable, place and maintain upon highways official signs directing slow-moving traffic to use the right-hand traffic lane except when overtaking and passing another vehicle or preparing for a left turn.

Effect. Stats 1959, Ch. 3

SEC. 3. Section 2 of this act becomes operative only if the Vehicle Code as proposed by Assembly Bill No. 5 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said code takes effect, at which time Section 525.1 of the Vehicle Code adopted in 1935 is repealed.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The proper direction of vehicular traffic is in its very nature a matter affecting the public safety. It is essential that proper signs be erected to direct slow moving vehicles to use the proper highway lanes to prevent accidents between such vehicles and vehicles traveling at the high speeds normally driven on modern highways. This bill will help alleviate that situation.

CHAPTER 1748

An act to add Chapter 7.5 (commencing with Section 8201) to Part 2 of, and to add Part 2.5 (commencing with Section 8298.01) to, Division 9 of the Streets and Highways Code, relating to grade crossings.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.5 (commencing with Section 8201) is added to Part 2 of Division 9 of the Streets and Highways Code, to read:

CHAPTER 7.5. PLEDGED REVENUES

Pledge of revenues

8201. Any city or city and county which is a part of a district may make a pledge of revenues to the district to be expended for a district project in the same manner and to the same extent as it may make a pledge of revenues under Part 2.5 (commencing with Section 8298.01) of this division.

Approval required

8202. No pledge of revenues by a city under this chapter shall be effective unless the financing plan for the project has

been approved by a majority of the voters of the city voting at a district election.

Deposit of pledged revenues

8203. Money received by a district from or through a city pursuant to a pledge of revenues shall be deposited with the county treasurer of the county in which the district is situated. The county treasurer shall handle such money in the same manner as the treasurer of an agency is required to handle pledged revenues by Part 2.5 (commencing with Section 8298.01) of this division.

Surplus amounts

8204. If at the end of any fiscal year, there remains in any fund from which any indebtedness for a project is to be repaid, moneys which were derived from a pledge in accordance with this chapter, which are not required for payment during that fiscal period of any obligation to be paid from said fund and which are not required to be retained in said fund by the terms of any bond resolution or other instrument adopted or issued in connection with the financing of the project; and if, in the opinion of the commission, such moneys will not be required to meet future obligations to be paid from said fund, the commission may so declare by resolution and may redistribute such funds to the city from which obtained. If more than one city has made such a pledge and paid money into such fund, the remaining funds shall be redistributed among the cities in the same proportion as they paid money into such fund.

SEC. 2. Part 2.5 (commencing with Section 8298.01) is added to Division 9 of said code, to read:

PART 2.5. RAILROAD CROSSINGS FINANCING ACT

CHAPTER 1. GENERAL PROVISIONS

Short title

8298.01. This part shall be known and may be cited as the Railroad Crossings Financing Act of 1959.

Construction of words

8298.02. Unless the context otherwise requires, the general provisions and definitions set forth in this chapter govern the construction of this part.

"Project"

8298.03. "Project" means an overpass, underpass, or tunnel, or any combination thereof, providing a separation of grade at the intersection of one or more streets, roads or highways and the track of any railroad corporation, the planning, construction, or financing of which is authorized by this part.

"Agency"

8298.04. "Agency" means a city, county, city and county, or separation of grade district which proposes or engages in the planning, construction or financing of a project.

"Legislative body"

8298.05. "Legislative body" means the city council of a city, board of supervisors of a county or city and county, or the commission of a separation of grade district.

"Engineer"

8298.06. "Engineer" means the city engineer of a city, or city and county, county surveyor of a county, or engineer designated by a separation of grade district under the provisions of Part 2 (commencing with Section 8100), Division 9 of this code.

Projects

8298.07. At any election held under the provisions of this part, each project shall be submitted as a separate proposition on the ballot, together with a description of the exact location of each project, and such information as is specified in this part for inclusion on the ballot, as it pertains to each project.

Elections

8298.08. If at any election held under the provisions of this part, any proposal submitted to the voters as it may relate to any or all projects does not secure a sufficient number of votes to be adopted, no other election upon the same project or projects defeated in such election shall be called or held for one year after such election.

Applicable provisions

8298.09. The agency in proceedings under this part shall be subject to and shall comply with Chapter 6 (commencing with Section 1201), Part 1, Division 1 of the Public Utilities Code and Sections 1121 to 1127 of this code, where applicable.

Approval where state highway involved

8298.10. As to any project which would involve a state highway, the agency shall obtain the approval of the Department of Public Works, Division of Highways, as to the plans, and such project shall be constructed pursuant to an agreement between the agency and the department as may be provided in such agreement, including any provision for an allocation of funds or apportionment of costs.

Liberal construction

8298.11. This part shall be liberally construed. If any section, sentence, clause, or other portion of this part is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portion of this part but such unconstitutional or invalid provision shall be deemed separable from the valid provisions hereof.

CHAPTER 2. PROJECTS, PLANS, SURVEYS, CONTRACTS

Powers

8298.21. An agency may plan, construct, or finance any project in the manner prescribed by this part.

Surveys, maps, etc.

8298.22. Before the construction of any project, and before the calling of any election as provided for herein, the agency shall cause the engineer to make all necessary surveys, and prepare maps showing the location, cross section and profile of the proposed project. The engineer shall also prepare specifications for the construction of the project and estimates of the cost of construction and of acquiring the rights-of-way. These surveys, maps, specifications and estimates shall, upon approval by the legislative body, be promptly adopted by order entered upon the minutes and filed with its clerk or secretary, and when so adopted shall constitute the plan of the agency for the proposed project.

Public Utilities Commission review

8298.23. Following the adoption of the plan of the agency, such plan and the proposals of the agency shall be submitted to the Public Utilities Commission, as prescribed in Section 8298.09, for such action and order of the commission as may be proper, including an apportionment of costs between the agency and the railroad corporation the intersection with whose property is involved. The commission shall give consideration to the inclusion of the costs of preparation of the

surveys, maps, plans, specifications and estimates required by Section 8298.22 among the costs to be thus apportioned.

Letting of contracts

8298.24. In the letting of contracts the agency shall be subject to the same requirements as govern its letting of other construction contracts.

CHAPTER 3. FINANCING

Article 1. Net Cost to Be Financed

Net cost to be financed

8298.31. When the decision and order of the Public Utilities Commission is received by the agency, the legislative body shall determine the net cost of the proposed project to be financed after consideration of the adopted plan, the decision and order of the Public Utilities Commission, and any agreement entered into with the Department of Public Works, Division of Highways, pursuant to Section 8298.10.

Same Decreases

8298.32. The net cost to be financed may be decreased by an action of the legislative body by resolution or ordinance if required, allocating to the proposed project any funds available to the agency which may legally be so allocated.

Article 2. Pledged Revenue

Pledged revenue

8298.41. The agency may pledge a sum equal to 50 percent of the revenues which it will receive annually from the operation of Sections 194 and 2107 or Sections 2106 and 2113 to 2116, inclusive, of this code, or a lesser sum or percentage from that source.

Same Funds expended

8298.42. The funds pledged under the provisions of Section 8298.41 may be expended for the purposes set forth in this part as they become available to the agency, notwithstanding any limitations contained in Sections 195, 196, 199, or 2117 of this code except that any funds pledged by a city or city and county under the provisions of this article shall be paid solely from the portion of the allocations made under Section 194 available for construction of major city streets.

Approval by voters

8298.43. No pledge of revenue under this article shall be effective until approved, by the voters of the agency of the financing plans for the proposed project as provided in this part.

Deposit of funds

8298.44. After approval of the financing plan by the voters, including the pledge of any revenue under this article, the treasurer of the agency shall deposit in the appropriate bond interest and redemptions fund, or other fund from which any indebtedness for the project is to be repaid, the pledged portion of revenues received subsequent to the date of the certification of said approval. The term "revenues received" shall be deemed to include revenues accrued, if funds have been apportioned to the agency but not paid.

Surplus funds

8298.45. If, at the end of any fiscal year, there remains in any bond interest and redemption fund or other fund from which any indebtedness for the project is to be repaid, moneys

which were derived from a pledge in accordance with this article, which are not required for payment during that fiscal period of any obligation to be paid from such fund and which are not required to be retained in such fund by the terms of any bond resolution or other similar instrument adopted or issued in connection with the financing of the project; and if, in the opinion of the legislative body, such moneys will not be required to meet future obligations to be paid from said fund, the legislative body may so declare by resolution and may transfer said moneys to the fund or account to which it would have been paid if the pledge under this article had not existed.

Term of pledge

8298.46. No pledge of revenues shall be made under the provisions of this article for a period longer than twenty-five years.

Article 3. Bonds

Issuance of bonds

8298.51. The provisions of law relating to the issuance of general obligation bonds by the agency, including but not limited to denominations, payment, interest, signature and countersignature, numbering, coupons, sale, investment status and redemption of bonds, shall govern the issuance of any bonds of the agency under this part except as specifically changed by this part.

Approval by voters

8298.52. The provisions of law relating to the calling and conduct of elections to approve general obligation bond issues by the agency shall govern the calling and conduct of any election by the agency under this part for the approval of any general obligation bond issue or financing plan.

Election

8298.53. The legislative body may call an election for the purpose of determining whether bonds should be issued for the acquisition of rights-of-way for and the construction of any project proposed under the provisions of this part.

Pledge of revenues

8298.54. In submitting a proposal to issue bonds to finance a project the legislative body may include in a general financing plan a proposed pledge of revenues under Article 2 (commencing with Section 8298.41) in combination with the pledged security for general obligation bonds provided by law. Should such a combination proposal be adopted by the legislative body it shall be submitted to the voters at an election as one proposal the terms of which shall include the entire financing plan, except that it shall be sufficient to submit a general description encompassing the plan on the ballot.

Limit of indebtedness

8298.55. No provision of this part shall authorize the agency to exceed the maximum aggregate funded indebtedness which governs the agency by law; provided, that in the consideration of a proposed bond issue under this part if the legislative body shall determine and express a finding by resolution adopted by two-thirds of its members, that the requirements for payments of principal and interest of all or a portion of said proposed bond issue can be paid from revenues pledged

under Article 2 (commencing with Section 8298.41), then the debt limitation otherwise imposed by law may be exceeded by that amount which is so determined as may be repaid by pledged revenues.

Validation proceedings

8298.56. At any time within 60 days from the date of an election authorizing approval of a financing plan including the issuance of bonds or the pledge of revenues, or both, under this part, the legislative body may cause an action to be brought in the name of the agency in the superior court of the county in which the agency is located, to determine the validity of the financing plan. All of the provisions of Chapter 7 (commencing with Section 17101), of Division 7, of the Public Utilities Code relating to such an action shall be applicable to such action and the reference in that chapter to "bonds" shall be deemed to include "financing plan."

Approval

8298.57. At the election on any proposed project at which the voters have balloted on a proposed bond issue, pledge of revenue, or financing plan, the proposal shall be deemed approved if the number, proportion, percentage, and distribution of voters which are required for the approval of a general obligation bond issue of the agency, shall so approve.

Effect Senate Constitutional Amendment No. 1

SEC. 3. The provisions of this act shall become operative only if Senate Constitutional Amendment No. 1 is approved by the vote of the people at the next general election, and in such case at the same time as said amendment takes effect.

CHAPTER 1749

An act to amend Sections 605, 607 and 608 of the Probate Code, relating to the appointment of appraisers.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 605 of the Probate Code is amended to read:

Appointment of tax appraiser

605. To make the appraisement, the court or judge shall appoint one of the inheritance tax appraisers provided for by law.

SEC. 2. Section 607 of said code is amended to read:

Part of estate outside county

607. If any part of the estate is in a county other than that in which letters issued, an appraiser thereof shall in the same manner as above provided be appointed, either by the court or judge having jurisdiction of the estate or by the court or judge of such other county, on request of the court or judge having jurisdiction.

SEC. 3. Section 608 of said code is amended to read:

Oath of appraiser

608. Before proceeding to the execution of his duty, the appraiser shall take and subscribe an oath, to be attached to the inventory, that he will truly, honestly and impartially ap-

praise the property exhibited to him, according to the best of his knowledge and ability. He shall appraise the property by setting down each item separately, with the value thereof at the time of the death of the decedent in dollars and cents in figures opposite the respective items, specifying the sum which he believes may be collected on each debt or security.

CHAPTER 1750

An act to amend Section 11200 of, and to add Article 9.1 (commencing at Section 11252) to, and amend and renumber the title of Article 9.6 (commencing at Section 11270) of, Chapter 2 of Part 3 of Division 6 of, the Water Code, relating to the Central Valley Project.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11200 of the Water Code is amended to read:

Unity of project

11200 Subject to Articles 9.1 (commencing at Section 11252), 9.5 (commencing at Section 11260), and 9.7 (commencing at Section 11270) hereof, the construction of the project is a single object and the units thereof collectively constitute one project.

SEC. 2. Article 9.1 (commencing at Section 11252) is added to Chapter 2 of Part 3 of Division 6 of said code, to read:

Article 9.1. Hogan Dam

Hogan Dam

11252. The unit designated as Hogan Dam and Reservoir, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 545, 78th Congress, Second Session, and authorized by act of Congress approved December 22, 1944, Public Law 534, 78th Congress, Second Session, subject to such further modifications thereof as the department may adopt, and such unit may be constructed, maintained, and operated separate and apart from any or all other units thereof.

Unit of the project

11253. Pending construction of the unit described in Section 11252, herein designated "New Hogan," the department may acquire and operate as a unit of the project, separate and apart from any or all other units thereof, the existing Hogan Dam and Reservoir and appurtenant works, herein designated "Old Hogan," located on the Calaveras River and owned by the City of Stockton, and may integrate the operation thereof with "New Hogan" when it is constructed.

Limitations

11254. Contracts entered into between the department and the City of Stockton in connection with the transfer of "Old Hogan" to the State, including provisions for the delivery

of water from the dam and reservoir, shall not be subject to the limitations contained in Section 11139.

SEC. 3. The title of Article 9.6 (commencing at Section 11270) of Chapter 2 of Part 3 of Division 6 of said code is amended and renumbered to read:

Article 9.7. North Bay Aqueduct

CHAPTER 1751

An act to amend Section 26060 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the officers and employees of the California Maritime Academy.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26060 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

26060. The State Personnel Board shall establish and adjust the salaries of the superintendent, members of the teaching staff, officers and employees of the California Maritime Academy in the same manner and following the same procedures as in the establishment and adjustment of state civil service salaries. The State Personnel Board shall establish and adjust the classifications of the superintendent, members of the teaching staff, officers and employees of the California Maritime Academy in the same manner and following the same procedures as in the establishment and adjustment of state civil service classifications.

CHAPTER 1752

An act to amend Section 12880 of, and to add Sections 12881, 12881.5, 12882, 12883, 12884, 12885, 12886, 12887, 12888, 12889, 12890, 12891, and 12891.1 to, the Water Code, relating to state financial assistance for local projects, and making an appropriation therefor.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 12880 of the Water Code is amended to read:

12880. In furtherance of the development, control and conservation of the water resources of the State and the

State aid to local agencies

State Water Resources Development System it is the policy of the State to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest by making grants or loans, or both, and by participating in the construction and operation of water projects, in accordance with this chapter.

(a) As used in this chapter, "project" means any construction or improvement by a public agency for the diversion, storage, or distribution of water primarily for domestic, municipal, agricultural, industrial, flood control or power production purposes. "Public agency" means any city, county, district or other political subdivision of the State.

(b) The proposed project may be approved for assistance only if it is determined that the project substantially conforms to The California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance that the public agency can repay it.

(c) Grants in furtherance of a project may be made for the following purposes:

(1) For the part of the construction cost of the proposed project properly allocated to the enhancement of fish and wildlife incidental to the primary functions of the project.

(2) For the part of the construction cost of the dam and reservoir of the proposed project properly allocated to recreational functions of statewide interest that are incidental to the primary functions of the project.

(d) Loans may be made only for projects primarily for domestic, municipal, agricultural, or industrial purposes. Such loans may be made for all or any part of the cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources.

(e) Loans shall be repayable over a period not to exceed 50 years, excluding a limited period of development when justified under the circumstances.

(f) If in order to accomplish the objectives of this chapter it is necessary to construct a project that is beyond the requirements of the public agency constructing the project, the State may participate in planning, designing, constructing, operating and maintaining the project, and in financing those costs of the project in excess of the costs necessary to meet the requirements of the public agency, on terms agreed upon with the agency, to the end that the project shall accomplish the maximum water development objectives at a minimum total expenditure.

(g) Applications for loans or grants or financial participation by the State shall be made to the department in such form and with such supporting material as may be prescribed by the department. A report on each application shall be prepared by the department and filed with the Legislature. In such reports the department shall make findings as to the nature and extent

of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project.

(h) Nothing contained in this chapter shall be construed to expand the powers of any public agency otherwise granted by law.

SEC. 2. Section 12881 is added to said code, to read:

Local Projects Assistance Fund

12881. The Local Projects Assistance Fund is hereby created as a special fund in the State Treasury, the moneys, securities, and increments of which are hereby appropriated and shall be held in trust by the State Treasurer for the purposes of this chapter, to be expended by the department, without regard to fiscal years, for state financial assistance for local projects as provided in this chapter. Unless otherwise specified, the term "fund" as used in this chapter shall mean the Local Projects Assistance Fund.

SEC 2 5. Section 12881.5 is added to said code, to read:

Reinvestment of excess current funds

12881.5. The Director of Finance shall cause all moneys in the fund which are in excess of current requirements to be invested and reinvested from time to time in securities described in Section 16430 of the Government Code, and such securities may be sold or exchanged if in his opinion such sale or exchange is in the best interests of the State in effectuating the purposes of this chapter. All income derived from such investment, reinvestment, sale, or exchange shall be credited to the fund.

SEC. 3. Section 12882 is added to said code, to read:

Contents of fund

12882. The Local Projects Assistance Fund, which shall be available for the purposes of Sections 12883 and 12885, shall consist of the following:

(a) The sum of fifteen million dollars ($15,000,000), which shall be transferred from the California Water Fund by the State Controller upon the effective date of this section, and such other appropriations as the Legislature from time to time makes to the fund.

(b) All moneys received by the State in repayment of loans to public agencies that are made, with moneys from the fund, pursuant to this chapter, together with the interest that is paid to the State on such loans.

(c) All securities acquired by and from the use of moneys of the fund, together with all increment directly or indirectly resulting from such securities.

SEC. 4. Section 12883 is added to said code, to read:

State loans to public agencies

12883. The department is authorized to make state loans to public agencies from moneys available for such purpose in amounts not exceeding four million dollars ($4,000,000) for any one project, subject to the provisions of this chapter and to the prior approval of the California Water Commission for each loan that the department proposes to make. Loans in excess of four million dollars ($4,000,000) for any one project

may be made by the department only upon specific authorization of the Legislature and upon such terms and conditions as the Legislature may prescribe.

SEC. 5. Section 12884 is added to said code, to read:

Interest rates

12884. The department shall require the payment of interest on each loan at a rate equal to the net interest cost to the State on the last sale of general obligation bonds of the State that occurred prior to the time the application for a loan was filed with the department; provided, that when the applicable net interest cost to the State is not a multiple of one-quarter of 1 percent, the interest rate on the loan shall be at the multiple of one-quarter of 1 percent next above the applicable net interest cost.

SEC. 6. Section 12885 is added to said code, to read:

State grants to public agencies

12885. The department is authorized to make state grants to public agencies from moneys available for such purpose in amounts not exceeding three hundred thousand dollars ($300,000) for any one project, subject to the provisions of this chapter and to the prior approval of the California Water Commission for each grant that the department proposes to make. Grants in excess of three hundred thousand dollars ($300,000) for any one project may be made by the department only upon specific authorization of the Legislature and upon such terms and conditions as the Legislature may prescribe.

SEC. 7. Section 12886 is added to said code, to read:

Terms and conditions imposed

12886. In making loans or grants pursuant to this chapter, the department shall impose terms and conditions that are designed to protect the State's investment and that are necessary to carry out the purposes of this chapter.

SEC. 8. Section 12887 is added to said code, to read:

Effectuating loans

12887. In order to effectuate loans or grants made by the department pursuant to this chapter, the State Controller shall, upon demand of the department, draw warrants made payable to such public agencies and in such amounts as are from time to time designated by the department. The State Treasurer shall pay such warrants from available moneys in the fund.

SEC. 9. Section 12888 is added to said code, to read:

Records and accounts

12888. The department shall keep full and complete records and accounts concerning all of its transactions under this chapter and shall render a report on such transactions to the Legislature within 15 days after the commencement of each legislative session.

SEC. 10. Section 12889 is added to said code, to read:

Expenditure of assets

12889. All of the assets at any time in the fund may be expended by the department in making loans and grants pursuant to this chapter without the need for further appropriations or allocations thereof by the Legislature to the department for such purposes.

SEC. 11. Section 12890 is added to said code, to read:

12890. The department is authorized to make from time to time such rules and regulations as may be necessary to carry out, and as are consistent with, this chapter.

Rules and regulations

SEC. 12. Section 12891 is added to said code, to read:

Audit by State Controller

12891. It shall be the duty of the State Controller to make such audit or audits of the books and records of public agencies receiving loans or grants pursuant to this chapter, as he may deem necessary from time to time, for the purposes of determining that the money received by such public agencies as loans or grants hereunder has been expended for the purposes and under the conditions authorized herein. Whenever the State Controller determines that any money paid to such a public agency has been expended by such public agency for purposes not authorized by this chapter, or exceeds the final cost of the project for which a loan or grant was made, the State Controller shall furnish written notice to the department and to the public agency directing the public agency to pay into the State Treasury the amount of such unauthorized expenditures, or the amount in excess of the final authorized cost of the project. Upon receipt of such notice, such public agency shall, at the time specified therein, pay to the State Treasurer the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Local Projects Assistance Fund, to be available for the purpose of carrying out the provisions of this chapter.

It shall be the duty of such public agency to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

SEC. 13. Section 12891.1 is added to said code, to read:

Short title

12891.1. This chapter shall be known and may be cited as the "Davis-Grunsky Act."

Effect of enactment of Senate Bill No 1106

SEC. 14. In the event Senate Bill No. 1106 is enacted at the 1959 Regular Session of the Legislature and thereafter adopted by the people at an election, then, upon the effective date of the California Water Resources Development Bond Act, the Local Projects Assistance Fund in the State Treasury is abolished, and the Controller shall transfer all resources of the Local Projects Assistance Fund to the California Water Fund. Thereafter all moneys, securities and increments which would have been deposited in the Local Projects Assistance Fund pursuant to Section 12882 of the Water Code shall be deposited instead in the California Water Fund.

CHAPTER 1753

An act to amend Section 868 of the Welfare and Institutions Code, relating to audit of the books and accounts of the probation officer.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 868 of the Welfare and Institutions Code is amended to read:

868. For the purpose of handling the reimbursement and other payments provided for in this chapter, the probation officer shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers. If he keeps such funds in a bank, the bank shall be designated by the judge of the court. The auditor of the county shall audit such books and accounts annually on a fiscal year basis ending June 30th of each year and shall make a report thereon to the judge of the court and to the supervisors of the county prior to the thirty-first day of the next succeeding month of January.

CHAPTER 1754

An act to amend Section 7300 of, and to repeal Sections 7301 and 7309 of, and to add Sections 7301 and 7309 to, the Welfare and Institutions Code, relating to The Langley Porter Neuropsychiatric Institute.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7300 of the Welfare and Institutions Code is amended to read:

The Langley Porter Neuropsychiatric Institute

7300. There is an acute neuropsychiatric hospital located on the grounds adjacent to the campus of the University of California Medical School Center, San Francisco, which shall be The Langley Porter Neuropsychiatric Institute.

Whenever in any provision of this code, or in any statute heretofore or hereafter enacted the term "The Langley Porter Clinic" is used, it shall be deemed to mean The Langley Porter Neuropsychiatric Institute.

Repeal

SEC. 2. Section 7301 of said code is repealed.

SEC. 3. Section 7301 is added to said code, to read:

Operation

7301. The institute shall be operated and maintained pursuant to a co-ordinating plan and agreement entered into by the Regents of the University of California and the Department of Mental Hygiene.

Repeal

SEC. 4. Section 7309 of said code is repealed.

SEC. 5. Section 7309 is added to said code, to read:

7309. There shall be a superintendent and medical director of the institute. He shall be appointed by the Director of Mental Hygiene with the prior approval of the Regents of the University of California. The superintendent and medical director of the institute shall be a person who has demonstrated by his past experience his qualifications in teaching and research in the fields of psychiatry and neurology, and in addition has the qualifications required for the superintendents of state hospitals under the jurisdiction of the Department of Mental Hygiene. In addition to the usual duties required of superintendents of state hospitals under the jurisdiction of the department, the superintendent and medical director shall be responsible for the integration of the institute's operation with the teaching and research program of the university.

Superintendent and medical director

Prospective applicants for the position of superintendent and medical director shall be given an examination prepared by the Personnel Board together with the Director of Mental Hygiene or any medical superintendent that he shall designate, and the Dean of the School of Medicine of the University of California, San Francisco, or such member of the faculty of the School of Medicine as the dean shall designate, in consultation with a representative of the State Personnel Board. The questions contained in such examination shall weigh the qualifications and experience of prospective applicants in hospital administration, in the field of teaching, and in the organization and successful prosecution of meritorious research projects.

Nothing contained in this chapter shall prevent the making of a temporary appointment of a superintendent and medical director pending the holding of an examination to qualify a list of persons eligible to be appointed to the position.

CHAPTER 1755

An act to amend the heading of Chapter 2 (commencing at Section 30600) of, and to add Article 5 (commencing at Section 30770) to Chapter 2 of, Division 17 of, and to amend Sections 30608 and 30609 of, the Streets and Highways Code, relating to the construction of a San Francisco-Oakland Rapid Transit Tube, and making an appropriation.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 13, 1959

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 2 (commencing at Section 30600) of Division 17 of the Streets and Highways Code is amended to read:

CHAPTER 2. PARTICULAR HIGHWAY CROSSINGS

SEC. 2. Section 30608 of the Streets and Highways Code is amended to read:

Tolls

30608. Pending the issuance and sale of bonds secured by the tolls of the San Francisco-Oakland Bay Bridge for the financing of the rapid transit tube specified in Article 5 of this chapter, the authority shall continue to fix and the department shall collect tolls at substantially the same rates as in effect January 1, 1959, except that the authority may vary the rates applicable to commercial vehicles as it deems desirable to permit the rates to be based on the number of axles rather than gross weight Revenues therefrom shall continue to be devoted to fulfilling any obligations of the authority pursuant to any bond indenture or statute in effect on said date, and any surplus revenues shall be held and invested as authorized by law for assistance in the financing of the rapid transit tube or such other purpose as may be authorized or provided by law. Subsequent to the issuance of the aforesaid bonds for the financing of the aforesaid rapid transit tube, the authority and the department shall fix and collect such rates of tolls as are necessary to comply with the obligations assumed by the authority in connection with the issuance of such bonds and the requirements of Article 5 (commencing at Section 30770).

SEC 3. Section 30609 of the Streets and Highways Code is amended to read:

Alterations to San Francisco-Oakland Bay Bridge

30609. Subject to the limitations hereinafter prescribed and under the provisions of Chapter 1 of this division, the department may make such revisions of, and improvements or alterations to, the San Francisco-Oakland Bay Bridge, its approaches, connections and other appurtenances, including the terminal building in San Francisco, as are deemed desirable and necessary by the department to permit the use of the entire San Francisco-Oakland Bay Bridge for traffic. Such revisions may include work necessary for the routing of traffic in one direction on each deck of the bridge.

The department may use for such purposes any funds now on hand from the revenues of the San Francisco-Oakland Bay Bridge, and the future revenues of the bridge accruing up to July 1, 1961, or so much thereof as may be necessary, over and above those required to repay the State Highway Fund as required by Sections 30605 and 30607, and to provide the costs of maintenance, operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge.

In the event bonds are issued for the construction of the rapid transit tube to be secured by the revenues of the San Francisco-Oakland Bay Bridge, the authority may provide for the completion of the work on the San Francisco-Oakland Bay Bridge, and for any work on the San Mateo-Hayward Bridge or the Dumbarton Bridge authorized by the 1959 Session of the Legislature, from the proceeds of bonds to be included in such an issue or it may reserve from the revenues which would

secure such a bond issue sufficient revenues to complete the work.

SEC 4. Article 5 (commencing at Section 30770) is added to Chapter 2 of Division 17 of the Streets and Highways Code, to read:

Article 5. San Francisco-Oakland Rapid Transit Tube

Legislative declaration

30770. It is hereby declared to be the policy of the Legislature to take the action necessary to relieve effectively the vehicular congestion on the San Francisco-Oakland Bay Bridge and to thus insure the free-flowing movement of people and goods between the east and the west side of San Francisco Bay and to provide a main link in a system of rapid transit designed to ultimately serve the peoples of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

Further, the Legislature finds that the relief of vehicular congestion on the San Francisco-Oakland Bay Bridge can be obtained most efficiently and at the least cost in public funds and with the greatest promotion and accommodation of commerce and navigation through providing an underwater rapid transit tube connecting the east and west sides of San Francisco Bay accommodating facilities for rapid transit which will co-ordinate with and supplement the San Francisco-Oakland Bay Bridge, relieve congestion thereon and make possible the most efficient and economical movement of persons, property and traffic across San Francisco Bay.

Definitions

30771. As used in this article:

(a) "District" means the San Francisco Bay Area Rapid Transit District.

(b) "Rapid transit tube" means a subaqueous tube across San Francisco Bay between the City and County of San Francisco and the County of Alameda, its approaches and fixed transit facilities, including but not limited to ventilation towers and equipment, tracks and electrical distribution, control, lighting and communication systems for the accommodation of rail rapid transit. The San Francisco terminus of the underwater portion of such rapid transit tube shall be located westward of the shoreline of San Francisco Bay as close thereto as may be reasonably practicable between Howard and Jackson Streets in the City and County of San Francisco. The Alameda County terminus shall be the Southern Pacific mole or as close thereto as may be reasonably practicable.

(c) "Approaches" means all facilities between each of the aforesaid termini and the first station thereafter for the discharge of passengers.

(d) "Authority" means the California Toll Bridge Authority.

(e) "Department" means the Department of Public Works.

30772. The department is authorized and directed to use the sum of seven hundred fifty thousand dollars ($750,000),

or so much thereof as may be necessary, from the Revenue Fund of the San Francisco-Oakland Bay Bridge for engineering work including but not limited to surveys, plans, estimates of costs, specifications and other engineering expenses for the construction of a rapid transit tube.

No use of such funds shall be made nor construction of the rapid transit tube commenced, however, unless or until the federal law permits the authority to collect tolls upon the existing San Francisco-Oakland Bay Bridge for the purpose of paying the costs of engineering and planning, including the aforesaid engineering expenses, and the construction of such rapid transit tube and the voters of the district have approved the issuance of general obligation bonds as provided for in Section 30775.

It is hereby declared to be the intent of the Legislature that the aforesaid engineering work shall be commenced as soon as the federal law permits the collection of tolls upon the existing Bay Bridge for the aforesaid purpose and that construction of the rapid transit tube shall commence as soon as possible after the completion of the aforesaid engineering work and the approval by the voters of the issuance of general obligation bonds referred to in Section 30775.

Recommendations of district

30773. The authority and the department shall give full consideration to the recommendations of the district with respect to features of the rapid transit tube including but not limited to the following:

(a) Exact locations of the termini and approaches.

(b) Alignment.

(c) Facilities to be accommodated and installed.

Federal permission

30774. Upon determining the locations of the termini and approaches and the alignment to the satisfaction of the district, the authority shall apply promptly to the appropriate officials of the Federal Government and any other government or agency or instrumentality thereof, or political subdivision for any necessary permission to construct the rapid transit tube.

Issuance of revenue bonds

30775. The authority shall issue revenue bonds pursuant to the California Toll Bridge Authority Act (Chapter 1 (commencing at Section 30000) of this division) for the construction of the rapid transit tube and the department shall construct the rapid transit tube; but the issuance of revenue bonds shall be contingent upon, and shall be accomplished promptly after, the approval by the voters of the district of a proposition for the issuance of general obligation bonds of the district to finance acquisition or construction of such transit facilities as the board of directors of the district, whose determination shall be final, determines to be the entire regional rapid transit system, other than the rapid transit tube and its approaches, that should be acquired or constructed pursuant to Section 28764 of the Public Utilities Code at the time the rapid transit tube is constructed; provided that said issuance of general obligation bonds shall be in an amount that,

combined with any other financing then provided for to the district, will equal at least five hundred million dollars ($500,000,000).

30776. All the provisions of the California Toll Bridge Authority Act (Chapter 1 (commencing at Section 30000) of this division) applicable to toll highway crossings shall apply to the activities of the department and the authority in connection with the rapid transit tube insofar as they are not inconsistent with the provisions of this article. The provisions of said act shall not apply to the district and shall not require or permit the fixing of a toll by the department or the authority for the use of the rapid transit tube. The district shall have the sole and exclusive right to the use of the rapid transit tube in the absence of an agreement between the district and any other party for any use by such other party on payment of appropriate compensation to the district. Use of tube

30777. The authority and the department are authorized and directed to do any and all things pursuant to law necessary to finance, construct and complete the rapid transit tube provided for in this article. Authorization

30778. The annual tolls and revenues of the San Francisco-Oakland Bay Bridge or so much thereof as may be necessary after provision for the payment in full of all annual costs of maintenance, operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge, and after payment or provision for payment in full of all the costs of revisions, improvements and alterations referred to in and subject to the limitations of Section 30609, and all of the costs of any project involving the San Mateo-Hayward or Dumbarton Bridge authorized by the 1959 Session of the Legislature, shall be pledged and used to finance and pay for the cost of construction of the rapid transit tube, including but not limited to payment of the principal of, and interest and premiums, if any, on, and provision for security of, the revenue bonds of the authority issued pursuant to this article. The costs of the approaches of the rapid transit tube, including but not limited to the portion of all financing costs attributable to such approaches, shall be reimbursed to the authority by the district in accordance with Section 29081 of the Public Utilities Code, over a period to be fixed by agreement between the district and the authority at not less than the estimated period for retirement of said revenue bonds and not longer than the full term of such bonds having the latest maturity. Such reimbursement shall be in equal annual installments or in such installments as may be agreed upon. The district at its option may anticipate any of such installments in whole or in part. No other payments shall be required of the district for the use of the rapid transit tube. Pledge of tolls for construction of tube

30779. Other than the improvement of the San Francisco-Oakland Bay Bridge and the improvement, if authorized by the 1959 Session of the Legislature, of the San Mateo-Hayward Bridge, the construction of the rapid transit tube shall precede Tube precedes additional crossings

the construction of any additional crossing of San Francisco Bay, financed in whole or in part by the tolls or revenues of the San Francisco-Oakland Bay Bridge, providing, however, that if by November 30, 1962, the voters of the district have not approved the issuance of general obligation bonds of the district for the construction of a regional rapid transit system, the provisions of this section and Sections 30775, 30777, and 30778 shall be of no further force or effect.

In the event the voters of the district have not approved the issuance of such bonds by November 30, 1962, the accumulated tolls or revenues from the San Francisco-Oakland Bay Bridge shall immediately be used to finance a vehicular crossing of San Francisco Bay from a point south of the San Francisco-Oakland Bay Bridge to an eastern terminus in Alameda County. A portion of such accumulated tolls and revenues may be used to finance engineering studies by the department to determine the most appropriate termini for, and the approaches to, the crossing.

Repairs, maintenance, etc

30780. The rapid transit tube shall be repaired, maintained and operated, and insured against such risks and in such amount as the district deems proper by or at the expense of the district.

Legislative declaration

30781. The Legislature finds that the rapid transit tube would further the promotion and accommodation of commerce and navigation.

Compensation for San Francisco Port Authority

30782. The tube and approaches shall be so located and constructed as to interfere as little as reasonably practicable with the operation and traffic of the San Francisco Port Authority The San Francisco Port Authority shall be entitled to just compensation for any taking or damage to its interest in improvements, betterments or structures caused by such location and construction.

CHAPTER 1756

An act to add Sections 16353 and 16354 to the Government Code, relating to the State Construction Program Fund, making an appropriation, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1959 Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16353 is added to the Government Code, to read:

Unexpended balance in any appropriation

16353. The unexpended balance in any appropriation heretofore or hereafter made payable from the State Construction Program Fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation,

may be transferred on order of the Director of Finance to and in augmentation of the appropriation made by Section 16354.

SEC. 2. Section 16354 is added to said code, to read:

16354. There is hereby appropriated from the State Construction Program Fund, without regard to fiscal years, any amounts transferred to this appropriation in accordance with the provisions of Section 16353, and such amounts may be expended for acquisition of real property or for construction and equipment of state public works projects for which an appropriation has been made from the State Construction Program Fund. Expenditures shall be made pursuant to allocations made by the Director of Finance upon approval of the State Public Works Board. Appropriation

Allocations may be made for expenditure upon any state public works project in augmentation of appropriations made from the State Construction Program Fund, where such project cannot be undertaken because the estimate exceeds the amount available for such construction or bids received are in excess of the estimate, and upon such augmentation, contracts may be awarded therefor, notwithstanding the provisions of Section 14275.

Allocations may be made for acquisition of real property in augmentation of appropriations made from the State Construction Program Fund for acquisition of real property and which cannot be acquired because acquisition costs are in excess of the amounts provided in the appropriation.

Allocations may be made for purchase of equipment in augmentation of appropriations made from the State Construction Program Fund from which purchase of equipment is authorized.

Allocations made pursuant to this section shall be included in the total amount of annual Budget Act appropriations in the same manner and with the same effect as if such allocations had been included in a section of the annual Budget Act as provided in the State Construction Program Bond Act of 1958 (Statutes of 1958, First Extraordinary Session Ch. 88).

SEC. 3. This act shall become operative on July 1, 1959. Operative date

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and, therefore, shall go into immediate effect. The following is a statement of the facts constituting such necessity: Urgency

The State Construction Bond Act of 1958, the funds for which were approved by the people of the State at the November, 1958, general election, contemplates a program of building construction, equipment procurement and site acquisition to meet the pressing needs of departments of the State Government. The act of which this section is a portion is designed to speed and make more efficient such construction, procurement, and acquisition. In order to realize fully the benefits of this act, and to avoid any delays in effectuating its efficiencies,

it is necessary that the act become operative at the beginning of the 1959-1960 Fiscal Year, on July 1, 1959.

CHAPTER 1757

An act to amend Section 73 of, and to add Section 69.5 to, the Civil Code, and to amend Section 10350 of the Health and Safety Code, relating to marriage.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 69.5 is added to the Civil Code, to read:

Expiration of license

69.5. A license issued pursuant to Section 69 shall expire 90 days after its issuance and the calendar date of expiration shall be clearly noted on the face of each such license.

The county clerk shall number each license issued, and shall transmit at periodic intervals to the county recorder a list of the licenses issued. Not later than 60 days after the date of issuance the county recorder shall notify those parties whose certificates have not been filed of that fact and that the license will automatically expire on the date shown on the face of the license. The county recorder shall also notify the licenseholders of the obligation of the person marrying them to return the certificate of registry and endorsed license to the recorder's office within four days after the ceremony.

SEC. 2. Section 73 of said code is amended to read:

Procedure for person solemnizing marriage

73. The person solemnizing a marriage must make, sign and endorse upon or attach to the license a statement, in the form prescribed by the State Department of Public Health showing:

1. The fact, time and place of solemnization; and

2. The names and places of residence of one or more witnesses to the ceremony.

3. A statement of the official position of the person solemnizing the marriage, or of the denomination of which said person is a priest, minister or clergyman. The person solemnizing the marriage shall also type or print his name and address.

The marriage license, thus endorsed, shall be returned to the local registrar for marriage (county recorder) of the county in which the license was issued within four days after the ceremony.

SEC. 3. Section 10350 of the Health and Safety Code is amended to read:

Contents of certificate

10350. The certificate of registry of marriage shall contain as nearly as can be ascertained the following and such other items as the State Registrar may designate: The first section shall include the personal data of parties married, including the race or color, date of birth, full name, birthplace, residence, names and birthplaces of the parents, maiden name of

the mothers, the number of previous marriages, marital status, and the maiden name of the female if previously married; the second section shall include the signatures of parties married, license to marry, county and date of issue of license, and the marriage license number; and the third section shall include the certification of the person performing the ceremony, which shall show his official position including the denomination if he is a priest, minister or clergyman, and the signature and address of one or more witnesses to the marriage ceremony. The person performing the marriage ceremony shall also type or print his name and address on the certificate.

CHAPTER 1758

An act to add Chapter 9.5 (commencing at Section 6931) to Division 6 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to occupational training programs for physically and mentally handicapped minors.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 9.5 (commencing at Section 6931) is added to Division 6 of the Education Code, to read:

CHAPTER 9.5. OCCUPATIONAL TRAINING PROGRAMS FOR PHYSICALLY HANDICAPPED AND MENTALLY RETARDED MINORS

Adoption of rules and regulations

6931. The State Board of Education may adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded minors enrolled in special day classes for suitable occupations. Such programs shall provide for physically handicapped and mentally retarded minors who are unable to profit by courses of work experience education as provided in Article 4 (commencing at Section 8351) of Chapter 4 of Division 7.

Supervised occupational training

6932. School districts and county superintendents of schools may contract with sheltered workshops and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded minors, and reimburse such sheltered workshops and work establishments for the expenses incurred in the training of such minors.

Study by Department of Education

SEC. 2. The Department of Education shall study the problems and successes resulting from such occupational training programs and the cost of such programs and report their findings to the Legislature at its 1961 and 1963 Sessions and to the appropriate committees in the Legislature studying the problem of special education.

CHAPTER 1759

An act to amend Sections 937, 938, 939, 943, 987, 1231, 1301, 1302, 1303, 1407, 1485, 1487, 3258, and 3259, of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school elections.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 937 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Election of district governing board

937. When the action necessary for the formation of a new school district is completed prior to the first of February of any calendar year, a governing board member election shall be held on the third Tuesday in April of such year. When the action necessary for the formation of a new school district is completed after the first of February of any calendar year, a governing board member election shall be held on the third Tuesday in April of the following year. Such an election may be held on another date only if the county board of education gives its prior consent to the holding of such election on such other date.

SEC. 2. Section 938 of said code is amended to read:

Terms

938. The terms of the members elected at the initial election of governing board members in any new school district shall begin on July 1st next succeeding their election. If the governing board has three members, the two members receiving the highest number of votes shall hold office for a term of four years, if elected in an odd-numbered year, or three years if elected in an even-numbered year and the third member shall hold office for a term of two years if elected in an odd-numbered year, or one year if elected in an even-numbered year. If the governing board has five members, the three members receiving the highest number of votes shall hold office for a term of four years if elected in an odd-numbered year, or three years if elected in an even-numbered year, and the two other members shall hold office for a term of two years if elected in an odd-numbered year, or one year if elected in an even-numbered year.

SEC. 3. Section 939 of said code is amended to read:

Biennial election

939. After the initial election of governing board members in any school district, a governing board member election shall be held biennially on the third Tuesday in April of each succeeding odd-numbered year to fill the offices of members whose terms expire on June 30th next succeeding the election. Each person elected shall hold office for a term of four years from July 1st next succeeding his election.

SEC. 4. Section 943 of said code is amended to read:

943. If the county superintendent of schools neglects or refuses to comply with Section 942, then at any time not later than 30 days before the third Tuesday in April of any odd-numbered year, any three registered voters of the district may post election notices in three public places in the district. They shall also publish notices of the election in the district pursuant to Section 6066 of the Government Code. Publication shall be completed not less than 15 days before the election. If there is no newspaper of general circulation published in the district, notice need not be published. The cost of posting and publishing shall be a charge against the district. Notices

SEC. 5. Section 987 of said code is amended to read:

987. The governing board of any elementary school district having an average daily attendance of 1,000 or more pupils and an assessed valuation of twenty million dollars ($20,000,000) or more may, and upon petition signed by 25 percent of the heads of families resident in the district, shall call an election to determine whether or not, it shall have the rights, powers, and duties of a city board of education and whether or not the district shall for all purposes be deemed to be a district governed by a city board of education. District board with powers of city board of education

Notice and proceedings of the election shall be in accordance with the provisions of this code relating to the election for school trustees, so far as applicable. There shall be elected at the election, to take office if the change in the rights, powers, and duties of the board is approved by majority vote of the qualified electors in the district, two additional members to the board, one to hold office until the first of July next succeeding the next election at which board members are elected, and one to hold office until two years after the first of July next succeeding the next election at which board members are elected, and until the election and qualification of their respective successors who shall hold office for four years. Thereafter, if the change in the rights, powers, and duties of the board is approved, the number of school trustees for the elementary school district shall be five, and they shall be elected in the same manner and for the same term as provided by law for trustees of elementary school districts, except that two trustees may be elected at the same time when the terms of their predecessors terminate in the same year. If the change is approved by a majority vote of the qualified electors of the district, the board shall have the rights, powers, and duties of a city board of education, and the district shall for all purposes be deemed to be a district governed by a city board of education.

If the office of any member of the board becomes vacant prior to the expiration of his term, the vacancy shall be filled by a person appointed by a majority of the remaining members of the board. The person appointed shall serve for the remainder of the unexpired term, except that where the term of office of members of the governing board is four years or more, such appointments shall be for the period ensuing

from the date of the appointment until the date for the beginning of the term of office of newly elected members after the next election for members of the board or, if no such election is held within one year after the appointment, such appointments shall be for the period ensuing from the date of the appointment until the date of certification of newly elected members after the next school district election or city general election whichever comes first. Elections to fill such vacancies shall be for the balance of the unexpired term.

SEC. 6. Section 1231 of said code is amended to read:

Number of members Elementary districts

1231. Except as provided in this section or in Section 1232, the governing board of any elementary school district shall be composed of three members selected at large from the territory comprising the district. Whenever, in any elementary school district having a governing board of three members, the average daily attendance during the preceding fiscal year became 300 or more, the governing board of the district shall do either of the following:

(a) By its own action determine that the number of members of the governing board shall be increased to five, in which case two additional members shall be elected at the next regular governing board member election.

(b) Request the county superintendent of schools having jurisdiction to submit the question of whether the number of members of the governing board shall be increased to five to the voters of the elementary school district at the next regular governing board member election. At the same election two additional members shall be elected to take office if the number of governing board members is increased.

If, pursuant to either subdivision (a) or subdivision (b) of this section, two additional governing board members are authorized and elected, the one receiving the higher number of votes shall hold office for a term of four years from July 1st succeeding the election, and the other one shall hold office for a term of two years from July 1st succeeding the election. Thereafter the governing board shall be composed of five members elected in the same manner and for the same term as provided in Sections 931 to 974, inclusive, and Sections 1231 and 1232 for governing boards having five members.

SEC. 7. Section 1301 of said code is amended to read:

Same: Governing board

1301. The governing board of an elementary school district formed pursuant to Sections 2131 to 2133, inclusive, shall consist of three members elected at large and serving for four years except as otherwise herein provided.

SEC. 8. Section 1302 of said code is amended to read:

First election

1302. Within 10 days after the formation of the district, the county superintendent of schools shall call an election for the election of the members of the governing board of the district. The election shall be called, held and conducted as provided in Sections 931 to 974, inclusive, Sections 1231 and 1232, insofar as said sections are not inconsistent or in conflict with this article (commencing with Section 1301). The members of

the governing board elected at said election shall take office immediately following the canvass of the returns of the election.

The first members of the governing board of the district elected under this section shall determine by lot the term of each so that the term of one member will expire on June 30th of the next succeeding odd-numbered year, and the term of two members will expire on June 30th of the second succeeding odd-numbered year.

SEC. 9. Section 1303 of said code is amended to read:

Biennial elections

1303. Biennially, beginning with the next succeeding odd-numbered year following that in which the district was formed an election shall be held as provided in Sections 931 to 974, inclusive, and Sections 1231 and 1232 for the election of members to succeed those whose terms expire on June 30th of the school year in which the election is held.

SEC. 10. Section 1407 of said code is amended to read:

Election of board chairman

1407. At the initial meeting of the governing board of a newly formed junior college district it shall elect one of its members as chairman, and shall designate a secretary.

When the number on the governing board is five (5) the term of office of each member of the first governing board shall be determined by lot. The term of two members shall expire on June 30th of the next succeeding odd-numbered year following their election and the term of three members shall expire on June 30th of the second succeeding odd-numbered year following their election.

In the event that provision is made for a governing board of seven (7) members, the governing board shall determine by lot the term of office of each member of the first governing board. The term of three members shall expire on June 30th of the next succeeding odd-numbered year following their election and the terms of four members shall expire on June 30th of the second succeeding odd-numbered year following their election.

SEC. 11. Section 1485 of said code is amended to read:

Terms

1485. The terms of the members elected at the initial election of governing board members in any new unified school district created under the provisions of Section 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554, and 21802 shall begin on the third Monday following their election. The term of the three members receiving the highest number of votes shall expire on June 30th of the second succeeding odd-numbered year following the election. The term of the other two members shall expire on June 30th of the next succeeding odd-numbered year following the election.

SEC. 12. Section 1487 of said code is amended to read:

Biennial elections

1487. After the initial election of governing board members in any new unified school district created under the provisions of Sections 813, Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 13005, 13554 and

21802, a governing board member election shall be held biennially at the time and in the manner provided in Sections 931 to 974, inclusive, and Sections 1231 and 1232 to fill the offices of members whose terms expire on June 30th next succeeding the election. Each person elected shall hold office for a term of four years from July 1st next succeeding his election.

SEC. 13. Section 3258 of said code is amended to read:

Election of chairman

3258. At the initial meeting of the governing board of a newly formed unified school district it shall elect one of its members as chairman, and shall designate a temporary secretary.

When the number on the governing board is five (5) the term of office of each member of the first governing board shall be determined by lot The term of two members shall expire on June 30th of the year following their election, and the terms of three members shall expire on June 30th of the second succeeding odd-numbered year following their election.

In the event that provision is made for a governing board of seven (7) members in accordance with Section 3251, the governing board shall determine by lot the term of office of each member of the first governing board. The term of three members shall expire on June 30th of the next succeeding odd-numbered year following their election, and the terms of four members shall expire on June 30th of the second succeeding odd-numbered year following their election.

SEC. 14. Section 3259 of said code is amended to read:

Election of members of board of education

3259. If a unified district governed by a board of education of five members includes a chartered city, the charter of which provides for a board of education, the members of which are to be elected pursuant to this code and to hold office for the terms provided by this code, and three members of such board of education were elected to hold office for a term expiring during the school year commencing on the date the district was formed for all purposes, the office of three members of the board of education shall be filled at the first election of governing board members following such date of formation for all purposes.

The term of office of such three members shall be determined by lot. The term of one member shall expire on June 30th of the next succeeding odd-numbered year following his election; and the terms of two members shall expire on June 30th of the second succeeding odd-numbered year following their election. The persons elected to succeed such three members shall hold office for four years

Expiration of term

SEC. 15. Notwithstanding any provision of law to the contrary, the term of office of any school district governing board member elected to office in May, 1957, and the term of office of any member whose term expires in 1961, shall expire on June 30, 1961. The county superintendent of schools having jurisdiction over the district shall determine, with respect

to the members who are the successors of the members whose terms expire in 1961, the number of members who shall hold for two-year terms and the number who shall hold for four-year terms in order to achieve the staggering of terms prescribed by the provisions of the Education Code applicable to the particular governing board to which the members are elected. In determining the number of terms to run for two years and to run for four years, there shall be taken into consideration the number of members, other than the number elected in 1961, who will be elected in 1963. The members elected in 1961 who are the successors to members whose terms expire in 1961 shall determine by lot the term of office of each member so elected in 1961.

CHAPTER 1760

An act to amend Sections 27463 and 27464 of the Government Code, relating to coroners.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 27463 of the Government Code is amended to read:

"Coroner's Register"

27463. The coroner shall keep an official register, labeled "Coroner's Register," with pages numbered, indexed and bound, in which he shall enter:

(a) The name and any aliases of the deceased, when known, including such description as may be sufficient for identification and which may, in his discretion, include fingerprint records.

(b) A narrative summary of the circumstances leading to and surrounding the death, together with names and addresses of any witnesses to such events.

(c) The property taken from the person or premises of the deceased by the coroner or by any other law enforcement agency or officer.

(d) The disposition of any property or moneys so taken.

(e) The cause of death, when known, with reference or direction to the detailed medical reports upon which decision as to cause of death has been based.

(f) Information as to disposition of the remains.

(g) Persons notified of the death, together with a notation of any unsuccessful attempts at notification.

SEC. 2. Section 27464 of said code is amended to read:

Notes, letters, etc., of deceased person

27464. Whenever the death of any person shall have been referred to the coroner for investigation, there shall be delivered to the coroner any note, letter or other document apparently written by the deceased which may tend to indicate an intention by the writer to take his life, including directions

for disposition of his property or disposal of his remains. A facsimile copy thereof shall be placed in the coroner's records, and, if an inquest be held, a true copy shall be read into the record and transcribed into the notes of the official stenographer Upon completion of legal proceedings arising from such death, the original instrument shall be delivered by the coroner to the addressee or to the legal representative of the estate of the decedent; provided, however, that if the instrument purports to be testamentary in nature, it shall be filed with the county clerk as provided by law.

CHAPTER 1761

An act to add Section 24054 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to audit of state college funds.

In effect September 18, 1959

[Approved by Governor July 10, 1959 Filed with Secretary of State July 13, 1959]

The people of the State of California do enact as follows:

SECTION 1. Section 24054 is added to the Education Code, to read:

24054. The Department of Finance, or a public accountant selected by the organizations or funds hereafter described and in accordance with procedures prescribed by the Department of Finance, shall audit any and all state college auxiliary funds and funds of organizations using the name of the State, state college, or representing an official relationship with the college, or funds in which college officials participate as directors as part of their official position, whether such funds be maintained on campus or not. The operation of state college auxiliary organizations shall be conducted in conformity with regulations established by the Director of Education and approved by the Director of Finance.

CHAPTER 1762

An act to add Chapter 8 (commencing with Section 12930) to Part 6 of Division 6 of the Water Code, relating to provision for the development of the water resources of the State by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1960.

In effect September 18, 1959

[Approved by Governor July 10, 1959 Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing at Section 12930) is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 8. WATER RESOURCES DEVELOPMENT BONDS

12930. This chapter shall be known and may be cited as the California Water Resources Development Bond Act. Short title

12931. The object of this chapter is to provide funds to assist in the construction of a State Water Resources Development System for the State of California. Said system shall be comprised of the State Water Facilities as defined in Section 12934(d) hereof and such additional facilities as may now or hereafter be authorized by the Legislature as a part of (1) the Central Valley Project or (2) the California Water Plan, and including such other additional facilities as the department deems necessary and desirable to meet local needs, including, but not restricted to, flood control, and to augment the supplies of water in the Sacramento-San Joaquin Delta and for which funds are appropriated pursuant to this chapter. The enactment of this chapter shall not be construed as creating any right to water or the use thereof nor as affecting any existing legislation with respect to water or water rights, except as expressly provided herein, nor shall anything herein contained affect or be construed as affecting vested water rights. Any facilities heretofore or hereafter authorized as a part of the Central Valley Project or facilities which are acquired or constructed as a part of the State Water Resources Development System with funds made available hereunder shall be acquired, constructed, operated, and maintained pursuant to the provisions of the code governing the Central Valley Project, as said provisions may now or hereafter be amended. For the purposes of this chapter the Sacramento-San Joaquin Delta shall be deemed to be within the watershed of the Sacramento River. No facility constructed in whole or in part with funds made available by this chapter shall be used to transport water the right to which was secured through eminent domain by others than the State unless approved by the Legislature by concurrent resolution with a majority of the members elected to each house voting in favor thereof. Legislative declaration

12932. Insofar as it is not inconsistent with the express provisions of this chapter, the State General Obligation Bond Law (Chapter 4 (commencing at Section 16720) of Part 3, Division 4, Title 2 of the Government Code), is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law. State General Obligation Bond Law adopted

12933. There is hereby created a California Water Resources Development Finance Committee composed of the Governor, the State Treasurer, the State Controller, Director of Finance and Director of Water Resources, all of whom shall serve without compensation, and the majority of whom shall be empowered to act for said committee. The Director of Finance California Water Resources Development Finance Committee

shall provide such assistance, and the Attorney General shall furnish such legal advice, to the California Water Resources Development Finance Committee as it may require.

Definitions

12934. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" shall mean the California Water Resources Development Finance Committee created by Section 12933.

(b) "Board" or "department" shall mean the Department of Water Resources.

(c) "Fund" shall mean the California Water Resources Development Bond Fund created by Section 12935.

(d) "State Water Facilities" shall mean the following facilities:

(1) A multiple purpose dam and reservoir on the Feather River in the vicinity of Oroville, Butte County, and dams and reservoirs upstream therefrom in Plumas County in the vicinity of Frenchman, Grizzly Valley, Abbey Bridge, Dixie Refuge and Antelope Valley;

(2) An aqueduct system which will provide for the transportation of water from a point or points at or near the Sacramento-San Joaquin Delta to termini in the Counties of Marin, Alameda, Santa Clara, Santa Barbara, Los Angeles and Riverside, and for delivery of water both at such termini and at canal-side points en route, for service in Solano, Napa, Sonoma, Marin, Alameda, Contra Costa, Santa Clara, San Benito, Santa Cruz, Fresno, Tulare, Kings, Kern, Los Angeles, Ventura, San Bernardino, Riverside, Orange, San Diego, San Luis Obispo, Monterey and Santa Barbara Counties.

Said aqueduct system shall consist of intake and diversion works, conduits, tunnels, siphons, pipelines, dams, reservoirs, and pumping facilities, and shall be composed of a North Bay aqueduct extending to a terminal reservoir in Marin County; a South Bay aqueduct extending to terminal reservoirs in the Counties of Alameda and Santa Clara; a reservoir near Los Banos in Merced County; a Pacheco Pass Tunnel aqueduct from a reservoir near Los Banos in Merced County to a terminus in Pacheco Creek in Santa Clara County; a San Joaquin Valley-Southern California aqueduct extending to termini in the vicinity of Newhall, Los Angeles County, and Perris, Riverside County, and having a capacity of not less than 2,500 cubic feet per second at all points north of the northerly boundary of the County of Los Angeles in the Tehachapi Mountains in the vicinity of Quail Lake and a capacity of not less than 10,000 cubic feet per second at all points north of the initial offstream storage reservoir; a coastal aqueduct beginning on the San Joaquin Valley-Southern California aqueduct in the vicinity of Avenal, Kings County, and extending to a terminal at the Santa Maria River;

(3) Master levees, control structures, channel improvements, and appurtenant facilities in the Sacramento-San Joaquin Delta for water conservation, water supply in the Delta, transfer of water across the Delta, flood and salinity control, and related functions.

(4) Facilities for removal of drainage water from the San Joaquin Valley.

(5) Facilities for the generation and transmission of electrical energy.

(6) Provision for water development facilities for local areas as provided in Chapter 5 (commencing at Section 12880) of Part 6 of Division 6 of the Water Code as the same may now or hereafter be amended.

(7) Including for the foregoing (1 through 5) the relocation of utilities and highways and acquisition of all lands, rights of way, easements, machinery, equipment, apparatus, and all appurtenances necessary or convenient therefor.

Authority to create debts

12935. For the purpose of creating a fund, herein designated the California Water Resources Development Bond Fund, to provide for the acquisition, construction and completion of the State Water Facilities herein specified and, to the extent provided in Section 12938, for additions to the State Water Resources Development System, the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities of the State of California in the aggregate principal amount of one billion seven hundred fifty million dollars ($1,750,000,000) in the manner and to the extent herein provided, but not otherwise nor in excess thereof.

General obligation bonds

12936. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. Notwithstanding the provisions of subdivision (b) of Section 16731 of the Government Code, the first date or dates of maturity of any series of bonds issued under this chapter shall be not more than 10 years, and the last dates of maturity of any such series of bonds may be fixed at any date or dates to and including 50 years, after the date of that series. The committee may fix different dates for the bonds of each series and the bonds of any series may be made to mature and become payable at different times from those of any other series; provided, that the maturity dates of each separate series shall comply with the provisions of this section.

Payment of interest and principal

12937. The ways and means for the payment of the interest on and the principal of such bonds shall be as follows:

(a) There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the

collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds, to wit, on the several dates of maturity of said principal and interest in each fiscal year there shall be transferred into the General Fund in the State Treasury from revenues deposited in the fund as provided in subdivision (b) of this Section 12937, and from any accrued interest and premiums received on any sale, or sales of the bonds, so far as available therein, amounts equal to, but not in excess of, all sums so becoming due for principal and interest and in the event such money received from such sources and so returned on said remittance dates is less than the principal and interest then due and payable then the balance remaining unpaid shall be transferred to the General Fund out of moneys in the fund received from such sources as soon thereafter as it shall become available, together with simple interest thereon, from such remittance dates until so returned at the same rate as borne by the bonds.

(b) All revenues derived from the sale, delivery or use of water or power, and all other income or revenue, derived by the State, from the State Water Resources Development System shall be deposited in a special account or accounts in the California Water Resources Development Bond Fund and shall be accounted for and used annually only for the following purposes and in the following order, to wit:

1. The payment of the reasonable costs of the annual maintenance and operation of the State Water Resources Development System and the replacement of any parts thereof.

2. The annual payment of the principal of and interest on the bonds issued pursuant to this chapter.

3. Transfer to the California Water Fund as reimbursement for funds utilized from said fund for construction of the State Water Resources Development System

4. Any surplus revenues in each year not required for the purpose specified in the foregoing subparagraphs (1), (2) and (3) of this subdivision (b) of Section 12937 and not required to be transferred to the General Fund pursuant to subparagraph (a) of this Section 12937, shall, during the time any of the bonds authorized herein are outstanding, be deposited in a special account in the California Water Resources Development Bond Fund and are hereby appropriated for use and shall be available for expenditure by the department for acquisition and construction of the State Water Resources Development System as described in Section 12931 hereof.

All such revenues shall constitute a trust fund and are hereby pledged for the uses and purposes above set forth and such pledge shall inure to the direct benefit of the owners and holders of all general obligation bonds issued under this chapter. The department, subject to such terms and conditions as may be prescribed by the Legislature, shall enter into contracts for the sale, delivery or use of water or power, or for other services and facilities, made available by the State Water Resources Development System with public or private corporations, entities, or individuals. Such contracts shall not be impaired by subsequent acts of the Legislature during the time when any of the bonds authorized herein are outstanding and the State may sue and be sued with respect to said contracts. Said contracts shall be for a stated term and, insofar as practicable and feasible, for the full term of the life of the general obligation bonds issued under this chapter and each such contract shall recite (i) that it is entered into for the direct benefit of the holders and owners of all general obligation bonds issued under this chapter, and (ii) that the income and revenues derived from such contracts are pledged to the purposes and in the priority herein set forth. Such pledge of revenues as herein set forth is hereby declared to be and shall constitute an essential term of this chapter and upon its ratification by the people of the State of California shall be binding upon the State so long as any general obligation bonds authorized hereunder are outstanding and unpaid. Such income and revenues, subject to the priorities herein set forth, shall constitute additional security for all of the bonds authorized and issued hereunder irrespective of the date of their issuance and sale and so long as any of the bonds authorized and issued hereunder, or the interest thereon, are unpaid, such income and revenues shall not be used for any other purpose. The bonds authorized hereunder shall be equally secured by a lien upon all income and revenues derived from the State Water Resources Development System without priority for number, amount, date of bonds, of sale, of execution, or of delivery pursuant to this chapter. Notwithstanding the pledge of revenues herein contained, the State of California shall remain liable for the payment of the principal of and interest upon all of the bonds authorized and issued under this chapter.

Proceeds from sale of bonds

12938. All proceeds from the sale of the bonds herein authorized shall be deposited in the fund as provided in Section 16757 of the Government Code and shall be available for the purpose provided in Section 12935, but, except only as to accrued interest and any premiums received on any sale, or sales, of the bonds, shall not be available for transfer to the General Fund. All moneys deposited in the fund are hereby appropriated to the department for expenditure and allocation by the department without regard to fiscal years for the State Water Facilities as herein defined and, to the extent provided in this Section 12938, for additions to the State Water Resources Development System. Of the total

amount of the bonds authorized herein, one hundred thirty million dollars ($130,000,000) and no more shall be available exclusively for the provision of water development facilities for local areas as set forth in subdivision (d)(6) of Section 12934. Any money in the California Water Fund, and any surplus revenue as described in Section 12937(b)4, available for expenditure for the State Water Resources Development System shall be used for the construction of the State Water Facilities in lieu of the proceeds of bonds authorized by this chapter. The use of the proceeds of bonds for such construction shall be decreased by an amount equal to that hereafter expended from the California Water Fund for the construction of State Water Facilities. To the extent that money is expended from the California Water Fund for construction of the State Water Facilities, proceeds from the sale of bonds authorized pursuant to this act in an equal amount, is appropriated and shall be expended for the construction of such additional facilities of the State Water Resources Development System as the department shall determine to be necessary and desirable to meet local needs, including, but not restricted to, flood control, and to augment the supplies of water in the Sacramento-San Joaquin Delta from multiple purpose dams, reservoirs, aqueducts and appurtenant works in the watersheds of the Sacramento, Eel, Trinity, Mad, Van Duzen and Klamath Rivers for use in the State Water Resources Development System, and the department is authorized to construct any and all facilities for which funds are appropriated to it for expenditure pursuant to this chapter. Such additional facilities for local needs shall include those necessary to conserve or develop water which is tributary to the stream upon which any of the facilities of the State Water Resources Development System are constructed and it shall be the duty of the department to diligently plan such full development and submit plans and reports thereon to the Legislature. All moneys in the California Water Fund and all accruals thereto are hereby appropriated to the department for expenditure and allocation by the department without regard to fiscal years for the State Water Resources Development System as defined in Section 12931 except that in any fiscal year the Legislature may appropriate for any lawful purpose any money in the California Water Fund which is unexpended at the beginning of that fiscal year and any money accruing to that fund during the fiscal year.

Issuance of bonds

12939. Upon the written request of the board, supported by a statement of the expenditures made and to be made for the State Water Resources Development System, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such expenditures and, if so, the amount of bonds then to be issued and sold. The committee and the board shall file with the Legislature detailed reports of all expenditures from the California Water Resources Development Bond Fund and the

California Water Fund, setting forth descriptions of the purposes of all such expenditures. Such reports shall be filed on or before the fifteenth day of each regular legislative session and shall show schedules of expenditures and the dates on which additional water will be available for sale from principal termini of the State Water Resources Development System and the total amount then available for sale at these termini. Successive issues of bonds may be authorized and sold to make such expenditures progressively and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Denominations of bonds

12940. If any resolution determining that the sale of all or any part of the bonds herein authorized is necessary or desirable, the committee may in its discretion provide for the interexchange of bonds of different denominations, which may be in any multiple of one thousand dollars ($1,000), the issuance of bonds of different denominations in lieu of or in exchange for bonds of a like aggregate principal amount but of different denominations, the issuance of registered bonds in such denominations as may be specified by the committee and the exchange of such registered bonds for coupon bonds of a like aggregate principal amount but of different denominations. The committee may also provide for the authentication of any bonds by the State Controller or by any deputy state controller. If authentication is so required, no bond authorized hereunder shall be valid unless so authenticated in the manner so required.

Net interest cost

12941. In computing the net interest cost under Section 16754 of the Government Code, the committee may determine that interest shall be computed either from the date of sale or from the date of the bonds or from the last preceding interest payment date to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis, and the committee shall make appropriate provision therefor in the form of notice of sale of the bonds.

Sale of bonds

12942. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such date or dates as may be fixed by the State Treasurer and no direction of the Governor shall be required. The provisions of Sections 16750 and 16754 of the Government Code respecting the direction of the Governor shall not be applicable to such sale.

Operative date

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the California Water Resources Development Bond Act, as set forth in Section 1 of this act. Sections 2 to 4 of this act contain provisions relating to and necessary for the submission of the California Water Resources Development Bond Act to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

Election ratification

SEC. 3. The California Water Resources Development Bond Act, as set forth in Section 1 of this act, shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1960, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the California Water Resources Development Bond Act," and the same square under said words the following in 8-point type: "This act provides for a bond issue of one billion seven hundred fifty million dollars ($1,750,000,000) to be used by the Department of Water Resources for the development of the water resources of the State." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the California Water Resources Development Bond Act," and in the same square immediately below said words, in 8-point type shall be printed "This act provides for a bond issue of one billion seven hundred fifty million dollars ($1,750,000,000) to be used by the Department of Water Resources for the development of the water resources of the State." Opposite the words "For the California Water Resources Development Bond Act," and "Against the California Water Resources Development Bond Act," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the California Water Resources Development Bond Act," and those voting against the said act shall do so by placing a cross opposite the words "Against the California Water Resources Development Bond Act." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Counting, etc., of votes

SEC. 4. The votes cast for or against the California Water Resources Development Bond Act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

CHAPTER 1763

An act to amend Sections 189 and 190 of the Streets and Highways Code, relating to grade separations.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 189 of the Streets and Highways Code is amended to read:

Grade separation construction Priority

189. On or before the first day of each year the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of crossings at grade in separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations, and of existing grade separations in need of alteration or reconstruction in the order of priority which in the judgment of the commission justifies the elimination of the crossing at grade by the erection or construction of separation structures or justifies the alteration or reconstruction of existing grade separations The commission shall include in such listing only such crossings which in its judgment are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

SEC. 2. Section 190 of said Code is amended to read:

Same Allocations

190. In each annual budget report prepared by the commission and the department under Section 143 1 of this code, commencing with the 1958-59 Fiscal Year, the sum of five million dollars ($5,000,000) shall be set aside for allocations to grade separation projects, including the elimination of grade crossings and the alteration or reconstruction of grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189-191, inclusive, of this code. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of said sections, except that in no event shall allocations in any one fiscal year in excess of a total of five million dollars ($5,000,000) be made, and in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that

sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, or by the following October 1st, whichever first occurs, the commission may order the allocation canceled, and revert the amount thereof to the State Highway Fund, for reallocation to another eligible project, or for use on state highways if no other project is or becomes eligible on or before the following October 1st. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the State Highway Fund for use on state highways.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars ($5,000,000) on and after January 1st preceding the beginning of such fiscal year. Engineering costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The department and the commission may revert as of October 1st of each fiscal year any unallocated amount from the annual sum of five million dollars ($5,000,000) for that fiscal year.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission, from the

funds made available for the current or subsequent fiscal years. If more projects comply with the requirements hereof in a single year than can be financed from the sum of five million dollars ($5,000,000), allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

CHAPTER 1764

An act to add Section 5005.7 to the Elections Code, relating to ballot measures.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5005.7 is added to the Elections Code, to read:

5005.7. Every person, other than a public officer in the performance of official duty, is guilty of a misdemeanor who writes or causes to be written, printed, posted, or distributed, any circular, pamphlet, letter, or poster which is designed to promote either the passage or defeat of a measure appearing on the ballot at any election, state or local, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, either:

(a) The names and residence addresses of the chairman and secretary or the names and residence addresses of two officers at least of the organization issuing it, if issued by an organization; or

(b) The name and residence, with the street and number thereof, if any, of any individual responsible therefor, if issued by an individual or individuals.

This section shall not apply to windshield stickers or strips designed for attachment to the bumpers of automobiles, or to official ballot pamphlets or other official documents containing ballot arguments submitted pursuant to Division 4 (commencing at Section 1400) of this code.

CHAPTER 1765

An act providing for the investigation of water supplies and flood control levees for the Sacramento-San Joaquin Delta and making an appropriation therefor.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Water Resources shall investigate the water supplies for the Sacramento-San Joaquin Delta. The investigation shall include, among other things: (1) the type and extent of the future water requirements of lands which can be served from present channels in the western Delta; (2) the extent and nature of effects of upstream water developments on water supply available to such lands; (3) the development of plans for water service to such lands and estimates of costs thereof; and (4) economic and financial analyses of such plans. In carrying out the investigation, the department shall seek the co-operation and assistance of the counties and other local agencies and entities in the Sacramento-San Joaquin Delta and of the United States; may enter into contracts with such entities to assist it in carrying out the purposes of such investigation, and shall consult with and keep appropriate legislative committees informed of the progress of this work.

SEC. 2. There is appropriated from the California Water Fund to the Department of Water Resources the sum of two hundred thousand dollars ($200,000) to be expended for the purposes of this act.

SEC. 3. Section 4.5 is added to the Abshire-Kelly Salinity Control Barrier Act of 1957 (Chapter 2092, Statutes of 1957), to read:

Sec. 4.5. As a part of the studies being performed hereunder and to obtain such information as may be required to implement the plan included in the report referred to in Section 4, the department may conduct studies and investigations to determine the most economical and efficient type and methods and procedures of construction to provide an adequate levee system in the Delta.

SEC. 4. There is hereby appropriated to the Department of Water Resources from the California Water Fund the sum of two hundred thirty thousand dollars ($230,000), of which one hundred eighty thousand dollars ($180,000), may be expended for the studies and investigations authorized by Section 3 hereof, and fifty thousand dollars ($50,000) may be expended for such remedial work as may be necessary in connection with levee tests being performed as a part of the studies and investigations authorized by Section 3 hereof.

CHAPTER 1766

An act to add Part 4.5 (commencing at Section 12200) to Division 6 of the Water Code, relating to delivery of surplus water into, and extractions thereof for exportation from, the Sacramento-San Joaquin Delta.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Part 4.5 (commencing at Section 12200) is added to Division 6 of the Water Code, to read:

PART 4.5. SACRAMENTO-SAN JOAQUIN DELTA

CHAPTER 1. GENERAL POLICY

Legislative declaration

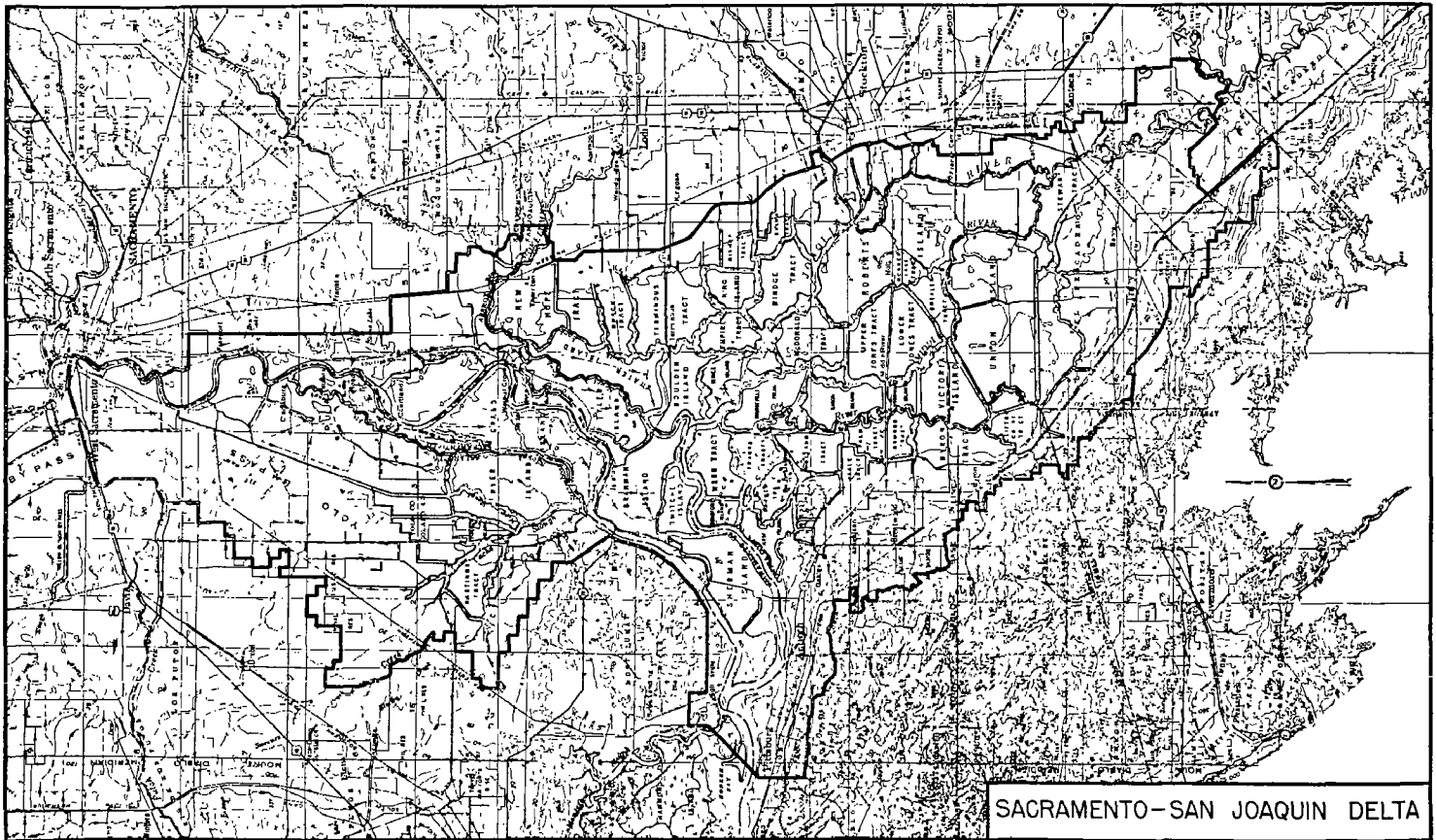
12200. The Legislature hereby finds that the water problems of the Sacramento-San Joaquin Delta are unique within the State; the Sacramento and San Joaquin Rivers join at the Sacramento-San Joaquin Delta to discharge their fresh water flows into Suisun, San Pablo and San Francisco Bays and thence into the Pacific Ocean; the merging of fresh water with saline bay waters and drainage waters and the withdrawal of fresh water for beneficial uses creates an acute problem of salinity intrusion into the vast network of channels and sloughs of the Delta; the State Water Resources Development System has as one of its objectives the transfer of waters from water-surplus areas in the Sacramento Valley and the north coastal area to water-deficient areas to the south and west of the Sacramento-San Joaquin Delta via the Delta; water surplus to the needs of the areas in which it originates is gathered in the Delta and thereby provides a common source of fresh water supply for water-deficient areas. It is, therefore, hereby declared that a general law cannot be made applicable to said Delta and that the enactment of this law is necessary for the protection, conservation, development, control and use of the waters in the Delta for the public good.

Same

12201. The Legislature finds that the maintenance of an adequate water supply in the Delta sufficient to maintain and expand agriculture, industry, urban, and recreational development in the Delta area as set forth in Section 12220, Chapter 2, of this part, and to provide a common source of fresh water for export to areas of water deficiency is necessary to the peace, health, safety and welfare of the people of the State, except that delivery of such water shall be subject to the provisions of Section 10505 and Sections 11460 to 11463, inclusive, of this code.

Salinity control

12202. Among the functions to be provided by the State Water Resources Development System, in coordination with the activities of the United States in providing salinity control



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for the Delta through operation of the Federal Central Valley Project, shall be the provision of salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta. If it is determined to be in the public interest to provide a substitute water supply to the users in said Delta in lieu of that which would be provided as a result of salinity control no added financial burden shall be placed upon said Delta water users solely by virtue of such substitution. Delivery of said substitute water supply shall be subject to the provisions of Section 10505 and Sections 11460 to 11463, inclusive, of this code.

Legislative declaration

12203. It is hereby declared to be the policy of the State that no person, corporation or public or private agency or the State or the United States should divert water from the channels of the Sacramento-San Joaquin Delta to which the users within said Delta are entitled.

Export water

12204. In determining the availability of water for export from the Sacramento-San Joaquin Delta no water shall be exported which is necessary to meet the requirements of Sections 12202 and 12203 of this chapter.

Legislative declaration

12205. It is the policy of the State that the operation and management of releases from storage into the Sacramento-San Joaquin Delta of water for use outside the area in which such water originates shall be integrated to the maximum extent possible in order to permit the fulfillment of the objectives of this part.

CHAPTER 2. THE DELTA

"Sacramento-San Joaquin Delta"

12220. The Sacramento-San Joaquin Delta shall include all the lands within the area bounded as follows, and as shown on the attached map prepared by the Department of Water Resources titled "Sacramento-San Joaquin Delta," dated May 26, 1959:

Beginning at the Sacramento River at the I Street bridge proceeding westerly along the Southern Pacific Railroad to its intersection with the west levee of the Yolo By-Pass, southerly along the west levee to an intersection with Putah Creek, then westerly along the left bank of Putah Creek to an intersection with the north-south section line dividing sections 29 and 28, T8N, R6E; south along this section line to the northeast corner of section 5, T7N, R3E; west to the northwest corner of said section; south along west boundary of said section to intersection of Reclamation District No. 2068 boundary at northeast corner of SE ¼ of section 7, T7N, R3E; southwesterly along Reclamation District No. 2068 boundary to southeast corner of SW ¼ of section 8, T6N, R2E; west to intersection of Maine Prairie Water Association boundary at southeast corner of SW ¼ of section 7, T6N, R2E; along the Maine Prairie Water Association boundary around the northern and western sides to an intersection with the southeast corner of section 6, T5N, R2E; west to the southwest corner of the SE ¼ of said section; south to the southwest corner of the

NE ¼ of section 7, T5N, R2E; east to the southeast corner of the NE ¼ of said section; south to the southeast corner of said section; west to the northeast corner of section 13, T5N, R1E; south to the southeast corner of said section; west to the northwest corner of the NE ¼ of section 23, T5N, R1E; south to the southwest corner of the NE ¼ of said section; west to the northwest corner of the SW ¼ of said section; south to the southwest corner of the NW ¼ of section 26, T5N, R1E; east to the northeast corner of the SE ¼ of section 25, T5N, R1E; south to the southeast corner of said section; east to the northeast corner of section 31, T5N, R2E; south to the southeast corner of the NE ¼ of said section; east to the northeast corner of the SE ¼ of section 32, T5N, R2E; south to the northwest corner of section 4, T4N, R2E; east to the northeast corner of said section; south to the southwest corner of the NW ¼ of section 3, T4N, R2E; east to the northeast corner of the SE ¼ of said section; south to the southwest corner of the NW ¼ of the NW ¼ of section 11, T4N, R2E; east to the southeast corner of the NE ¼ of the NE ¼ of said section; south along the east line of section 11, T4N, R2E to a road intersection approximately 1000 feet south of the southeast corner of said section; southeasterly along an unnamed road to its intersection with the right bank of the Sacramento River about 0.7 mile upstream from the Rio Vista bridge; southwesterly along the right bank of the Sacramento River to the northern boundary of section 28, T3N, R2E; westerly along the northern boundary of sections 28, 29, and 30, T3N, R2E and sections 25 and extended 26, T3N, R1E to the northwest corner of extended section 26, T3N, R1E; northerly along the west boundary of section 23, T3N, R1E to the northwest corner of said section; westerly along the northern boundary of sections 22 and 21, T3N, R1E to the Sacramento Northern Railroad; southerly along the Sacramento Northern Railroad to the ferry slip on Chipps Island; across the Sacramento River to the Mallard Slough pumping plant intake channel of the California Water Service Company; southward along the west bank of the intake channel and along an unnamed creek flowing from Lawler Ravine to the southern boundary of the Contra Costa County Water District; easterly along the southern boundary of the Contra Costa County Water District to the East Contra Costa Irrigation District boundary; southeasterly along the southwestern boundaries of the East Contra Costa Irrigation District, Byron-Bethany Irrigation District, West Side Irrigation District and Banta-Carbona Irrigation District to the northeast corner of the NW ¼ of section 9, T3S, R6E; east along Linne Road to Kasson Road; southeasterly along Kasson Road to Durham Ferry Road; easterly along Durham Ferry Road to its intersection with the right bank of the San Joaquin River at Reclamation District No. 2064; southeasterly along Reclamation District No. 2064 boundary, around its eastern side to Reclamation District No. 2075 and along the eastern and northern sides of Reclamation District

No. 2075 to its intersection with the Durham Ferry Road; north along the Durham Ferry Road to its intersection with Reclamation District No. 17; along the eastern side of Reclamation District No. 17 to French Camp Slough; northerly along French Camp Turnpike to Center Street; north along Center Street to Weber Avenue; east along Weber Avenue to El Dorado Street; north along El Dorado Street to Harding Way; west along Harding Way to Pacific Avenue; north along Pacific Avenue to the Calaveras River; easterly along the left bank of the Calaveras River to a point approximately 1,600 feet west of the intersection of the Western Pacific Railroad and the left bank of said river; across the Calaveras River and then north 18° 26′ 36″ west a distance of approximately 2,870 feet; south 72° 50′ west a distance of approximately 4,500 feet to Pacific Avenue (Thornton Road); north along Pacific Avenue continuing onto Thornton Road to its intersection with the boundary line dividing Woodbridge Irrigation District and Reclamation District No. 348; east along this boundary line to its intersection with the Mokelumne River; continuing easterly along the right bank of the Mokelumne River to an intersection with the range line dividing R5E and R6E; north along this range line to the Sacramento-San Joaquin County line; west along the county line to an intersection with Reclamation District No. 1609; northerly along the eastern boundary of Reclamation District No. 1609 to the Cosumnes River, upstream along the right bank of the Cosumnes River to an intersection with the eastern boundary of extended section 23, T5N, R5E; north along the eastern boundary of said extended section to the southeast corner of the NE ¼ of the NE ¼ of said extended section; west to the southeast corner of the NE ¼ of the NW ¼ of said extended section; north to the southeast corner of the NW ¼ of extended section 14, T5N, R5E, west to an intersection with Desmond Road; north along Desmond Road to Wilder-Ferguson Road; west along Wilder-Ferguson Road to the Western Pacific Railroad; north along the Western Pacific Railroad to the boundary of the Elk Grove Irrigation District on the southerly boundary of the N ½ of section 4, T5N, R5E; northerly along the western boundary of the Elk Grove Irrigation District to Florin Road; west on Florin Road to the eastern boundary of Reclamation District No. 673; northerly around Reclamation District No. 673 to an intersection with the Sacramento River and then north along the left bank of the Sacramento River to I Street bridge.

Section, range, and township locations are referenced to the Mount Diablo Base Line and Meridian. Road names and locations are as shown on the following United States Geological Survey Quadrangles, 7.5 minute series: Rio Vista, 1953; Clayton, 1953; Vernalis, 1952; Ripon, 1952; Bruceville, 1953; Florin, 1953; and Stockton West, 1952.

CHAPTER 1767

An act to add Section 12898 to the Water Code, relating to the Sacramento Canals Unit of the Central Valley Project.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12898 is added to the Water Code, to read:

12898. The Sacramento Canals Unit of the Central Valley Project is approved for state participation to the extent that funds are hereafter appropriated therefor.

The department may enter into a contract with the Federal Government on behalf of the State under which the State agrees to pay to the Federal Government, each year that the net revenue derived from the operation of the Sacramento Canals Unit is less than the amount necessary to pay the appropriate share of the reimbursable construction cost of the unit allocated for repayment in that year, an amount equal to the difference between the revenues received and the amount so allocated for repayment. The contract shall condition any payment upon an appropriation being made therefor.

CHAPTER 1768

An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by amending Section 1 thereof and adding Section 12.5 thereto, relating to practice of chiropractic, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title is amended to read:

Section 1. A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board, which shall consist of five members, citizens of the State of California, appointed by the Governor.

Each member must have pursued a resident course in a regularly incorporated chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder. Not more than two persons shall serve simultaneously as members of said board, whose first diplomas were issued by the same school or college of chiropractic, nor shall more than two members be residents of any one county of the State. And no person connected with any chiropractic school or college shall be eligible to appointment as a member of the board. Each member of the board, except the secretary, shall receive a per diem of ten dollars ($10) for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, such per diem traveling expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the State's taxes.

SEC. 2. Section 12.5 is added to said act, to read:

Sec. 12.5. The Legislature may by law fix the amounts of the fees payable by applicants and licensees and the amount of the per diem compensation payable to members of the board.

SEC. 3. Sections 1 and 2 of this act shall become effective only when submitted to and approved by the electors, pursuant to Section 1b of Article IV of the Constitution of the State.

SEC. 4. Sections 1 and 2 of this act shall be submitted to the electors for their approval or rejection at the next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any state-wide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Sections 1 and 2 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to Section 1b of Article IV of the State Constitution.

CHAPTER 1769

An act to amend Section 10500 of the Water Code, relating to the development, utilization, and conservation of the water resources of the State.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or co-ordinated plan looking toward the development, utilization, or conservation of the water resources of the State.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the rules and regulations of the State Water Rights Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1963, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

CHAPTER 1770

An act to amend Section 10500 of the Water Code, relating to the development, utilization, and conservation of the water resources of the State.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or co-ordinated plan looking toward the development, utilization, or conservation of the water resources of the State.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the

rules and regulations of the State Water Rights Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1963, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

CHAPTER 1771

An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or co-ordinated plan looking toward the development, utilization, or conservation of the water resources of the State.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the rules and regulations of the State Water Rights Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1963, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 (commencing at Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

CHAPTER 1772

An act to add Section 11718 to the Health and Safety Code, relating to dismissal of allegations of prior offenses in criminal actions for violation of the narcotic laws.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11718 is added to the Health and Safety Code, to read:

11718. In any criminal proceeding for violation of any provision of this division no allegation of fact which, if admitted or found to be true, would change the penalty for the offense charged from what the penalty would be if such fact were not alleged and admitted or proved to be true may be dismissed by the court or stricken from the accusatory pleading except upon motion of the district attorney.

CHAPTER 1773

An act to add Sections 13603 and 13651.1 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to classified employees.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13603 is added to the Education Code, to read:

Salary payment in 12 monthly installments

13603. The governing board of any school district not paying the annual or monthly salaries of persons employed by the district in 12 equal monthly payments may withhold, upon election by the individual employee, from each payment made to such employee an amount as follows:

(a) For an employee employed 11 months of a year an amount equal to $8\frac{1}{3}$ percent thereof and the total amount deducted to be paid not later than the tenth day of September next succeeding.

(b) For an employee employed 10 months of a year an amount equal to $16\frac{2}{3}$ percent thereof and the total amount deducted to be paid in two equal monthly installments not later than the tenth day of August and the tenth day of September next succeeding.

(c) For an employee employed nine months a year an amount equal to 25 percent thereof and the total amount deducted to be paid in three equal monthly installments not later than the tenth day of July, the tenth day of August and the tenth day of September next succeeding.

If the provisions of Section 21114 or 21114.1 are made applicable to any district the provisions of this section shall apply except that the amount deducted from each regular pay period and ultimate dates for payment of the amount deducted shall be computed and set in accordance with the system adopted under Section 21114 or 21114.1.

Once an employee has elected to be brought under the provisions of this section such election shall not be revocable until the commencement of the next ensuing fiscal year. However, in the event any employee leaves the service of the district by death or otherwise before receiving such moneys as may be due him, the amount due him shall be paid within 30 days of the last working day to him or any other person entitled thereto by law.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 2. Section 13651.1 is added to said code, to read:

Time off for sick leave

13651.1. Every classified employee employed five days a week by a school district shall be entitled to 12 days leave of absence for illness or injury and such additional days, in addition thereto, as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a fiscal year of service.

A classified employee, employed five days a week, who is employed for less than a full fiscal year is entitled to that proportion of 12 days leave of absence for illness or injury as the number of months he is employed bears to 12 and the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service.

A classified employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of 12 days leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service. When such persons are employed for less than a full fiscal year of service this and the preceding paragraph shall determine that proportion of leave of absence for illness or injury to which they are entitled.

Pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the year. However, a new employee of a district shall not be eligible to take more than six days, or the proportionate amount to which he may be entitled under this section, until the first day of the calen-

dar month after completion of six months of active service with the district.

If such employee does not take the full amount of leave allowed in any year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purpose of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well-recognized religious sect, denomination or organization.

A school district which has adopted a merit system as provided in Article 5 (commencing at Section 13701) of this chapter and which adopts and maintains in effect provisions for paid leaves of absence for illness or injury for classified employees, including classified employees not serving in positions under the merit system, in accordance with the prevailing community practice as determined by a survey made under the direction of the personnel commission of the district, may substitute such provisions for paid leaves of absence for the benefits contained herein; provided, that the leave of absence rules for illness or injury have been approved by the board of education and the personnel commission of the district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

CHAPTER 1774

An act to amend Section 11200 of, and to add Article 9.9 (commencing at Section 11276) to, and amend and renumber the title of Article 9.6 (commencing at Section 11270) of, Chapter 2 of Part 3 of Division 6 of, the Water Code, relating to the Central Valley Project

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11200 of the Water Code is amended to read:

Single project

11200. Subject to Articles 9.5 (commencing at Section 11260), 9.7 (commencing at Section 11270), and 9.9 (commencing at Section 11276) hereof, the construction of the project is a single object and the units thereof collectively constitute one project.

SEC. 2. The title of Article 9.6 (commencing at Section 11270) of Chapter 2 of Part 3 of Division 6 of said code is amended and renumbered to read:

Article 9.7. North Bay Aqueduct

SEC. 3. Article 9.9. (commencing at Section 11276) is added to Chapter 2 of Part 3 of Division 6 of said code, to read:

Article 9.9. Black Butte Dam and Reservoir

11276. Black Butte Dam and Reservoir, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 649, 78th Congress, Second Session, and authorized by act of Congress approved December 22, 1944, Public Law 534, 78th Congress, Second Session, subject to such modifications thereof as the department may adopt, and such unit may be constructed and operated separate and apart from any or all other units thereof.

Black Butte Dam and Reservoir

CHAPTER 1775

An act to amend Section 37208 of the Government Code, relating to city budgetary procedure.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 37208 of the Government Code is amended to read:

37208. Payroll warrants need not be audited by the legislative body prior to payment. Payrolls shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the payroll warrants.

Warrants drawn in payment of demands certified or approved by the city clerk as conforming to a budget approved by ordinance of the legislative body need not be audited by the legislative body prior to payment. Budgeted demands paid by warrant prior to audit by the legislative body shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the warrants.

CHAPTER 1776

An act to amend Section 5302.6 of the Streets and Highways Code, relating to the Improvement Act of 1911, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5302.6 of the Streets and Highways Code is amended to read:

5302.6. Any school district may include in its tax levy for the 1957-58 Fiscal Year, the 1958-59 Fiscal Year, the 1959-60 Fiscal Year, or for the 1960-61 Fiscal Year, or for all such fiscal years, an amount sufficient to pay an assessment imposed upon it under Section 5302.5 of this code, and interest on such assessment, notwithstanding that the district, by including such amount, exceeds the maximum tax rate imposed upon it by law.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The county board of supervisors is required to fix the district tax rate on September 1st of each year. In order that any school district already at its maximum statutory tax rate shall be able to comply with provisions of Section 5302.5 of the Streets and Highways Code, it is essential that this act go into effect immediately.

CHAPTER 1777

An act authorizing the Director of Finance to acquire real property in the City of San Jose for incorporation into the campus of San Jose State College.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Finance is hereby authorized to purchase or otherwise acquire, upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interests of the State, for incorporation into the campus of San Jose State College, the following real property:

A block bounded by East San Fernando, East San Antonio, South Ninth Street and South Tenth Street in the City of San Jose, County of Santa Clara, State of California.

SEC. 2. In the event the immediate acquisition of any parcel of property in the block described in Section 1 of this act would prevent hardship to the owner thereof and be for the best interests of the State, the State Public Works Board is hereby requested to give consideration to approving any allocation made by the Director of Finance for said purpose pursuant to applicable provisions of law.

CHAPTER 1778

An act to amend Section 35790 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to trailer coaches.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35790 of the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, is amended to read:

35790. (a) The State Department of Public Works with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may upon application in writing and if good cause appears issue a special or annual permit in writing authorizing the applicant to move any trailer coach in excess of the maximum width, but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for a special permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

The application for an annual permit shall specifically describe the power unit to be used to tow the overwidth trailers and the particular highways over which the permit to operate is requested. The annual permit shall be subject to all of the conditions of this section and any additional conditions imposed by the public agency.

(d) The Department of Public Works or local authority is authorized to establish seasonal or other time limitations within which a trailer coach may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels.

2. Any trailer coach to be moved shall not have a gross weight in excess of 18,000 pounds.

3. A permit which has been issued for the movement of any trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the State.

(f) The Department of Public Works or local authority shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach or power unit to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of the highways.

(h) It is a misdemeanor for any person to violate any of the terms or conditions of any such permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956) would cause this State to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

CHAPTER 1779

An act to amend Section 74266 of the Government Code, relating to fees to be paid to the court clerk by parties to actions or proceedings.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 74266 of the Government Code is amended to read:

74266. In any civil action or proceedings, in addition to the fees required by Article 2 of Chapter 8 of this title, a fee of five dollars ($5) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding. The fees so required shall be taxed as costs in favor of the

party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of this title.

CHAPTER 1780

An act to amend Section 70055 of the Government Code, relating to filing fees.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 70055 of the Government Code is amended to read:

70055. In a county with a population of 280,000 or over and under 285,000, the fee required by Section 70053 shall be six dollars ($6).

CHAPTER 1781

An act to amend Section 37395 of the Government Code, as enacted by Chapter 1475 of the Statutes of 1957, relating to manner of making sale or lease of county-owned real property.

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 37395 of the Government Code, as enacted by Chapter 1475 of the 1957 Statutes, is amended to read:

37395. A city, county or city and county may lease property owned, held or controlled by it for not to exceed 99 years, for stadium, park, recreational, fair, exposition or exhibition purposes.

A lease made by a county pursuant to this section is subject to the provisions of Article 8 (commencing at Section 25520), Chapter 5, Part 2, Division 2, Title 3 of this code.

CHAPTER 1782

An act to amend Section 870 of the Welfare and Institutions Code, relating to wards of the juvenile court.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 870 of the Welfare and Institutions Code is amended to read:

870. When any person has been adjudged to be a ward of the juvenile court, and the court has made an order committing such person to the care of any association, society, or corporation, embracing within its objects the purpose of caring for or obtaining homes for such persons, the county in which such person has been committed may contract with such custodian, for the supervision, investigation, and rehabilitation of such person by such custodian, and may, pursuant to such contract, pay to it, an amount, determined by mutual agreement, not to exceed the cost to such custodian of such service.

CHAPTER 1783

An act to amend Sections 1711 and 1712 of the Insurance Code, relating to insurance agents.

In effect September 18, 1959

[Approved by Governor July 10, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1711 of the Insurance Code is amended to read:

Cessation of entity entitled to license

1711. For the purposes of this chapter and except as provided in this article, an organization ceases to exist as an entity eligible to hold a license:

(a) Upon dissolution of a copartnership or upon any change in membership of a copartnership.

(b) Upon the termination of an association.

(c) Upon dissolution of a corporation.

Provided, however, should a change occur in the membership of a copartnership licensed under this chapter, the surviving or continuing copartnership may continue to transact insurance under the license issued to the predecessor copartnership until action is taken by the commissioner on the application herein prescribed if:

(1) The surviving or continuing copartnership within 30 days files an application on a form prescribed by the commissioner for registration of such change in membership, and pays

the lawful fee therefor and, if licensed, to transact as an insurance broker, furnishes the bond required under Article 5 of this chapter, and

(2) At least one person who exercised the agency or brokership powers of the predecessor copartnership continues to exercise the agency or brokership powers of the surviving or continuing copartnership, and

(3) Such application for registration be signed by a general partner.

SEC. 2. Section 1712 of said code is amended to read:

Termination of existence

1712. The termination of the existence of the license entity as provided in Section 1711, automatically terminates the right of that entity and of any persons named on its license to transact insurance thereunder; except that a natural person, copartnership, association, or corporation licensed under this article, may continue to transact insurance under an existing license in either a different capacity or as a different organization or entity if no additional license examination qualification is required and if no substantial change in ownership and no change in control of the licensed insurance business has taken place; provided, that within 30 days following such change the person or the successor copartnership, association or corporation files a properly completed and executed application in the form prescribed by the commissioner for an appropriate license and pays the lawful fees therefor.

Nothing herein shall be construed to nullify any provision of Section 1718 except that any fee paid as required by subdivision (a) of Section 1718 for a license not issued, or one-half of any double fee paid as required by subdivision (b) of Section 1718 for a license not issued, may be applied towards the fee for filing an application under this section.

CHAPTER 1784

An act to amend Section 30350 of, and to add Article 5 (commencing at Section 30770) to Chapter 2 of Division 17 of the Streets and Highways Code, relating to the San Mateo-Hayward and Dumbarton Bridges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 30350 of the Streets and Highways Code is amended to read:

Prohibition against competing facilities

30350. As long as any of the bonds issued pursuant to this chapter for the acquisition, construction, enlargement, extension or change in design or structure of any toll bridge or other highway crossing are outstanding and unpaid, there shall not be erected, constructed or maintained any other bridge, subway, tunnel, or other crossing over, under, through, or across

the waters over which such bridge or other highway crossing is located or constructed, connecting or adjoining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge or other highway crossing within a distance of 10 miles from either side of such bridge or highway crossing, excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the acquisition or location of the toll bridge or other highway crossing and prior to the time of the authorization of the revenue bonds.

Where a distance of less than 10 miles has been specified in any bond resolution containing the obligations of the authority in connection with any bonds theretofore issued, the department and the authority may construct new bridges or other highway crossings within less than 10 miles of the bridge or other highway crossing for which bonds are outstanding, but the provisions of any bond resolution adopted, prior to January 1, 1955, or similar provisions in any bond resolution thereafter adopted, in connection with the issuance of such bonds shall be observed.

SEC. 2. Article 5 (commencing at Section 30770) is added to Chapter 2 of Division 17 of said code, to read:

Article 5. San Mateo-Hayward and Dumbarton Bridges

San Mateo-Hayward and Dumbarton Bridges

30770. (a) The San Mateo-Hayward Bridge is the bridge, together with necessary approaches, across San Francisco Bay connecting the County of San Mateo near the City of San Mateo with the County of Alameda near Mt. Eden.

(b) The Dumbarton Bridge is the vehicle bridge across San Francisco Bay, together with necessary approaches, connecting the County of San Mateo near Menlo Park with the County of Alameda near Fremont.

Improvements authorized

30771. The department is authorized to modify, improve, reconstruct, and remodel the San Mateo-Hayward Bridge as is necessary to adequately handle anticipated traffic and permit the collection of tolls.

Issuance of bonds

30772. For the purpose of obtaining funds to carry out the provisions of this article, the authority is authorized to issue revenue bonds. Except as herein otherwise provided, the provisions of the California Toll Bridge Authority Act are hereby made applicable to such revenue bonds, and the authority and the department are authorized to do any and all things pursuant to law necessary to finance, reconstruct and improve the San Mateo-Hayward Bridge and to refinance the Dumbarton Bridge. The authority may authorize the issuance of bonds in series in an amount estimated to be sufficient to complete the entire work authorized hereunder in successive stages. The authority may insert in the bond indenture or

resolution authorizing such bonds such conditions as it deems necessary.

Single unit operation

30773. The department is authorized to operate the San Mateo-Hayward and Dumbarton Bridges as a single unit, and shall continue to collect tolls on both bridges for purposes of paying any bonded indebtedness presently outstanding or which may be incurred pursuant to this article. Subsequent to a refinancing of any outstanding bonded indebtedness on both bridges the revenues of each need not be accounted for separately but may be allocated as security for all of the bonds issued pursuant to this article. Such tolls shall be used and applied as may be provided in a bond indenture or resolution of the authority authorizing the issuance of bonds for (a) the payment of principal and interest on said bonds; (b) the creation, establishment and maintenance of reserve and other funds for the protection or retirement of such bonds; (c) operation and insurance expenses; (d) the repayment of the State Highway Fund for moneys expended pursuant to Chapter 2416 of the Statutes of 1957; and (e) any other charges in connection with the reconstruction, improvement, operation, insuring, maintenance, and financing of the San Mateo-Hayward Bridge and the refinancing of the Dumbarton Bridge as may be determined by the authority, including the establishment of rehabilitation and improvement funds for further rehabilitation and improvement of the San Mateo-Hayward Bridge and the Dumbarton Bridge.

Alternative method of financing

30774. As an alternative method of financing, the California Toll Bridge Authority may pay for the costs of the reconstruction and improvement work on the San Mateo-Hayward Bridge or the Dumbarton Bridge, including repayment to the State Highway Fund for funds advanced for studies, from any funds now on hand or from future revenues of the San Francisco-Oakland Bay Bridge up to and including December 31, 1962, insofar as such funds are determined by the authority to be available after providing for the payment for the work necessary to complete the reconstruction of the San Francisco-Oakland Bay Bridge as authorized by Section 30609. In the event the work is so financed the authority shall continue to assess, and the department shall collect, tolls on the San Mateo-Hayward and Dumbarton Bridges after the repayment of all bonds secured thereby at rates equal to or in excess of those payable on the San Francisco-Oakland Bay Bridge. All revenues so collected shall be paid into the same fund as revenues of the San Francisco-Oakland Bay Bridge and shall be available for expenditure for the same purposes as the revenues from the San Francisco-Oakland Bay Bridge, including the pledging thereof as security for future issues of revenue bonds that may be authorized by the authority.

Cost of operation

30775. The cost of operation of both bridges, including the cost of insurance against loss of tolls or other revenue therefrom, shall be paid from the tolls and revenue received from the use and operation of said bridges. The cost of physical

maintenance, including the cost of insurance of said bridges against all risks, shall be paid by the department as provided in Section 188.3 of this code.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There presently exists a hazardous traffic condition on the San Mateo-Hayward and Dumbarton Bridges, brought about by a greatly increased use of these bridges beyond the intended capacities of these bridges, which results in unnecessary injury to persons and property. It is necessary to improve these bridges to meet present-day standards for vehicular traffic to remedy this situation. Such improvement is provided for by this bill and will result in the saving of lives and property.

CHAPTER 1785

An act to add Sections 7208 and 7209 to the Revenue and Taxation Code, relating to local sales and use taxes.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7208 is added to the Revenue and Taxation Code, to read:

Notice of determination of use tax

7208. Every notice of determination of use tax authorized by this part shall be served within four months from the end of the quarterly period during which the storage, use or other consumption of the tangible personal property became taxable; provided, the tangible personal property was purchased from a retailer whose place of business was located in a county which did not impose a tax pursuant to this part but which county does impose such a tax for the first time to be operative on or after July 1, 1959, but not later than July 1, 1960.

SEC. 2. Section 7209 is added to the Revenue and Taxation Code, to read:

Redistribution

7209. The board may redistribute tax, penalty and interest distributed to a county or city other than the county or city entitled thereto but such redistribution shall not be made as to amounts originally distributed earlier than two quarterly periods prior to the quarterly period in which the board obtains knowledge of the improper distribution.

Time limitation

SEC. 3. The time limitation established by Section 7209 of the Revenue and Taxation Code, as added by this act, shall not apply to redistributions where the board obtains knowledge of the improper distribution prior to the effective date of this act.

CHAPTER 1786

An act to add Chapter 1.5 (commencing at Section 17261) to Division 14 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to property valuations for the purpose of allocating money to school districts, and the adjustment of school district tax rates as a result thereof.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing at Section 17261) is added to Division 14 of the Education Code, to read:

CHAPTER 1.5. PROPERTY VALUATIONS FOR ALLOCATION OF MONEY TO SCHOOL DISTRICTS

Yearly property valuation factor

17261. On the basis of computations made by the staff of the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction the factor, carried to two decimal points, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level of all such property.

Use of factor in allocations to districts

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, first shall modify that part of the valuation of the district shown upon the local roll by application of the factor certified for that roll as required in Section 17261. If a district is located in more than one county, this modification shall be made by applying the factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

Tax rate increase

17263. Notwithstanding any other provision of this code, whenever the assessed valuation of the district has been modified upward under Section 17262, the maximum general fund tax rate of that district as determined by Sections 20751 or 20803 shall be increased sufficiently to provide the funds required to offset the decrease in school equalization aid resulting from such modification of the assessed value of the district.

Date of initial applicability

17264. The provisions of Sections 17262 and 17263 shall be applicable initially to funds made available to, repayments from, or tax rates of school districts during the fiscal year beginning July 1, 1960, as a result of modification of the assessed valuations of such districts determined as of the first Monday in March 1959. In succeeding fiscal years, these provisions shall apply in a like manner.

Legislative declaration

17265. The Legislature hereby declares that its sole motive in enacting this chapter is to provide a reasonable and equitable method for ascertaining the value of property located within school districts for use in connection with the administration of state laws providing for the allocation of state funds to such districts for school purposes on the basis of value. The Legislature hereby further declares that in enacting this chapter it has no intention to affect in any way, whether directly or indirectly, any determination of the assessed value of property for tax purposes; and that it has no intention by such enactment to modify any phase or aspect of the process of property taxation in any respect whatsoever, except to the limited extent necessary for tax levy adjustment purposes in accordance with this chapter. The certification with respect to the factor applicable to the assessed value of tangible property on the local roll of any county to conform that value to the statewide average assessment level shall not be construed as a finding of the State Board of Equalization concerning the relationship between the assessed value of locally assessed property in that county to the market value thereof, but shall be regarded only as a report of the staff of that board for the purposes specified in this chapter.

CHAPTER 1787

An act to add Section 1773.3 to the Labor Code, relating to prevailing wage rates.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1773.3 is added to the Labor Code, to read:

1773.3. The awarding body of each city, county and city and county shall file, annually, with the Director of Industrial Relations its determination, pursuant to Section 1773 of this code, of general prevailing rates of per diem wages in the locality in which the public work is to be performed. If during any annual period the awarding body determines that there has been a change in any prevailing rate of per diem wages in such locality it shall notify the Director of Industrial Relations within 10 days thereof.

Where the body awarding or authorizing the public work is a state agency, except as provided in Section 1773.6, it shall file, annually, with the Director of Industrial Relations its determination of general prevailing rates of per diem wages for those localities in which public work is to be performed. If during any annual period the state agency determines that there has been a change in any prevailing rate of per diem wages in any locality it shall notify the Director of Industrial Relations within 10 days thereof.

CHAPTER 1788

An act to amend Sections 1510 and 1557 of the Welfare and Institutions Code, relating to aid to needy children, and making an appropriation.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1510 of the Welfare and Institutions Code is amended to read:

1510. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the following sums:

Appropriation

(a) To each county for the support and maintenance of needy children 67.5 percent of the sums specified in Section 1511.

(b) To the State Department of Social Welfare for the support and maintenance of needy children the sum specified in Section 1557.

SEC. 2. Section 1557 of said code is amended to read:

1557. An institution maintaining a needy child may make application to the State Department of Social Welfare for aid for the child. Upon receipt of documents and facts establishing the eligibility of a needy child under this chapter, the Director of Social Welfare shall award aid to such child to be paid to the institution in an amount not to exceed 67.5 percent of seventy-five dollars ($75) per month, or so much thereof as is necessary for the adequate care of the child.

Aid for institution maintaining needy child

CHAPTER 1789

An act to add Section 31809.5 to the Government Code, relating to pension determination formulas for members of county retirement systems.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 31809.5 is added to the Government Code, to read:

31809.5. Notwithstanding any other provisions of this chapter, with respect to those members of a county retirement system as defined in Sections 31470.2 and 31470.4, pension computations pursuant to Section 31809 shall be made in accordance with the formula contained in subdivision (a) of Section 31809 with respect to service performed prior to such time as the member acquires an insured status under the federal old age and survivors' insurance provisions of the Social

Security Act, and in accordance with the formula contained in subdivision (b) of Section 31809 with respect to service performed thereafter.

This section is not applicable to safety members subject to the provisions of Sections 31676.1 or 31695.1

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by a four-fifths vote, make the provisions of this section applicable in such county.

CHAPTER 1790

An act to amend Section 2301 of the Welfare and Institutions Code, relating to institutions and boarding homes for the aged.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2301 of the Welfare and Institutions Code is amended to read:

2301. The State Board of Social Welfare shall make such rules and regulations as it deems best for the government of any institution or for the performance of any service specified in Section 2300 of this code, and the department may, by any member or any duly authorized representative, inspect and examine any such institution, home, or place, or the performance of any such service. Such inspection or examination shall be made not less frequently than twice each year.

CHAPTER 1791

An act to add Section 24008 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to modification of vehicles.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 24008 is added to the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, to read:

24008. It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with such roadway.

CHAPTER 1792

An act to add Section 12025.5 to the Business and Professions Code, relating to containers.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 12025.5 is added to the Business and Professions Code, to read:

12025.5. Whenever any commodity or any container is ordered off sale under the provisions of Section 12211 or Section 12606.1 of this division, the sealer shall cause the commodity or container affected by such off sale order to be identified by a tag or other suitable device with the words "off sale." No person shall remove or obliterate any such tag or device placed upon such commodity or container or in any way dispose of such commodity or container before it has been released in writing by the sealer or as otherwise provided in this section.

By order of the justice, municipal, or superior court of the city or county within which the commodity or container is ordered off sale, the commodity or container so marked shall be condemned and destroyed or released upon such conditions as the court may impose to insure against their use in violation of this division. The contents of any condemned container shall be returned to the owner thereof if he furnishes proper facilities for such return.

CHAPTER 1793

An act to amend Section 28102 of the Government Code, relating to jurors' fees in superior and municipal courts.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 28102 of the Government Code is amended to read:

28102. In a county of the second class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

The fees of grand jurors and trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be six dollars ($6) for each day's attendance upon the court or a session of the grand jury. Notwithstanding any other provisions in law, trial jurors and grand jurors shall not be paid any mileage for travel either

coming or going in attending the court or a session of the grand jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

CHAPTER 1794

An act to amend Section 3440 of the Civil Code, relating to fraudulent transfers of property.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3440 of the Civil Code is amended to read:

3440. Every transfer of personal property and every lien on personal property made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery followed by an actual and continued change of possession of the things transferred, is conclusively presumed fraudulent and void as against the transferor's creditors while he remains in possession and the successors in interest of those creditors, and as against any person on whom the transferor's estate devolves in trust for the benefit of others than the transferor and as against purchasers or encumbrancers in good faith subsequent to the transfer.

This section shall not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes at sea or in a foreign port.

(c) Mortgages allowed by law, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and executed and acknowledged in the same form as provided for chattel mortgages, and if the transfers are recorded in the book of official records in the office of the county recorder of

the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) The transfer, or assignment, statutory or otherwise, made for the benefit of creditors generally or by any assignee acting under an assignment for the benefit of creditors generally, or to any mortgage or chattel mortgage made for the benefit of creditors generally.

(f) Property exempt from execution.

(g) A transfer of personal property if:

(1) Said personal property is leased back to the transferor immediately following said transfer.

(2) The transferor (lessee) or the transferee (lessor) records at least 10 days before the date of the transfer and leaseback in the office of the county recorder in the county or counties in which the personal property is situated, a notice of the intended transfer and leaseback which states the name and address of the transferor (lessee) and transferee (lessor). The notice shall contain a general statement of the character of the personal property intended to be transferred and leased back, and show the date when and place where the transaction is to be consummated.

(3) The transferor (lessee) or the transferee (lessor) publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended transfer and leaseback.

This section shall not affect the rights of a chattel mortgagee who acquires his rights to the personal property from the transferee or his successor, if

1. The intended mortgagor or mortgagee records at least 10 days before the consummation of the mortgage in the office of the county recorder in the county or counties in which the personal property is situated, a notice of the transfer and intended mortgage which states the names and addresses of the transferor and transferee and of the intended mortgagor and mortgagee. The notice shall contain a general statement of the character of the personal property transferred and intended to be mortgaged, and show the date when and place where the mortgage is to be consummated, and

2. The intended mortgagor or mortgagee publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended mortgage.

CHAPTER 1795

An act to amend Sections 1220 and 3440 of the Civil Code, relating to standing timber or timber rights.

In effect September 18, 1959

[Approved by Governor July 7, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1220 of the Civil Code is amended to read:

Recording of contracts concerning standing timber

1220. Contracts for the purchase or sale of standing timber or trees, for severance or otherwise, and all instruments in writing by which any estate or interest in, or right to cut, standing timber or trees is created, aliened, mortgaged or encumbered or by which the title to any standing timber or trees may be affected, may be acknowledged or proved, certified and recorded in like manner and with like effect, as grants of real property, and all statutory provisions relating to the recordation or nonrecordation of conveyances of real property and to the effect thereof shall apply to such contracts and instruments with like effect.

Any such contracts for purchase and sale or instruments in writing affecting the title to standing timber or trees, executed and delivered before the effective date of the amendment of this section at the 1959 Regular Session of the Legislature but unrecorded before such date, shall become subject to all statutory provisions relating to the recordation or nonrecordation of conveyances of real property and to the effect thereof one year from said effective date.

SEC. 2. Section 3440 of said code is amended to read:

Fraudulent sales. Conclusive presumption

3440. Every transfer of personal property and every lien on personal property made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery followed by an actual and continued change of possession of the things transferred, is conclusively presumed fraudulent and void as against the transferor's creditors while he remains in possession and the successors in interest of those creditors, and as against any person on whom the transferor's estate devolves in trust for the benefit of others than the transferor and as against purchasers or encumbrancers in good faith subsequent to the transfer.

This section shall not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes at sea or in a foreign port.

(c) Mortgages allowed by law, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in

writing and executed and acknowledged in the same form as provided for chattel mortgages, and if the transfers are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) The transfer, or assignment, statutory or otherwise, made for the benefit of creditors generally or by any assignee acting under an assignment for the benefit of creditors generally, or to any mortgage or chattel mortgage made for the benefit of creditors generally.

(f) Property exempt from execution.

(g) Standing timber if the contract or grant in relation to the same is recorded as provided in Section 1220 of this code.

(h) A transfer of personal property if:

(1) Said personal property is leased back to the transferor immediately following said transfer.

(2) The transferor (lessee) or the transferee (lessor) records at least 10 days before the date of the transfer and leaseback in the office of the county recorder in the county or counties in which the personal property is situated, a notice of the intended transfer and leaseback which states the name and address of the transferor (lessee) and transferee (lessor). The notice shall contain a general statement of the character of the personal property intended to be transferred and leased back, and show the date when and place where the transaction is to be consummated.

(3) The transferor (lessee) or the transferee (lessor) publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended transfer and leaseback.

This section shall not affect the rights of a chattel mortgagee who acquires his rights to the personal property from the transferee or his successor, if

1. The intended mortgagor or mortgagee records at least 10 days before the consummation of the mortgage in the office of the county recorder in the county or counties in which the personal property is situated, a notice of the transfer and intended mortgage which states the names and addresses of the transferor and transferee and of the intended mortgagor and mortgagee. The notice shall contain a general statement of the character of the personal property transferred and intended to be mortgaged, and show the date when and place where the mortgage is to be consummated, and

2. The intended mortgagor or mortgagee publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is

one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended mortgage.

CHAPTER 1796

An act to amend Sections 35450, 35451, 35452, 35453, 35456 and 35457 of the Government Code, relating to the annexation of territory to cities.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 35450 of the Government Code is amended to read:

Annexation of highways

35450. The board of supervisors may effect the annexation to any adjacent city or cities of unincorporated territory consisting solely of a highway or highways, or portions thereof, bounded on both sides by city boundaries, pursuant to the provisions of this article if the annexation of such highway or highways will not result in the creation of an island of unincorporated territory completely surrounded by incorporated territory.

SEC. 2. Section 35451 of said code is amended to read:

Resolution of intention

35451. Proceedings are initiated by the board of supervisors of the county in which the highway or highways or portions thereof are located, passing a resolution of intention to cause the annexation of the full width thereof to one or more of the abutting cities, or to cause the annexation of part of the width thereof to one or more of the abutting cities and the remainder of the width thereof to any other abutting city or cities. Such resolution shall contain a description or descriptions of the territory or territories proposed to be annexed and indicate the city or cities to which it is proposed to be annexed or to which its respective portions are to be annexed.

SEC. 3. Section 35452 of said code is amended to read:

Notice

35452. The clerk of the board of supervisors shall cause notice of the proposed annexation to be published in the county pursuant to Section 6061. The notice shall contain a general description of the land or portions thereof sought to be annexed, the city or cities to which it or each portion thereof is proposed to be annexed, and announce the time and place objections will be heard. The clerk shall mail a copy of such notice to the legislative bodies of all cities whose boundaries are contiguous with any of the area proposed to be annexed at least 30 days prior to the date set for hearing

SEC. 4. Section 35453 of said code is amended to read:

Protest

35453. Any taxpayer of the county or of any city to which it is proposed that such territory be annexed, as well as any

city whose boundaries are contiguous to the territory or territories proposed to be annexed, may object by filing a written protest with the board prior to the date set for the hearing.

If a resolution adopted by the legislative body of the city objecting to the proposed annexation to that city is filed with the board of supervisors prior to the date set for the hearing, the proceedings as to that city shall be abandoned.

SEC. 5. Section 35456 of said code is amended to read:

Filing, etc of resolution

35456. If the board of supervisors approves the annexation of the territory or territories to the city or cities as proposed, the clerk of the board shall enter upon its minutes, certify, and transmit to the Secretary of State and to the legislative body or bodies of the annexing city or cities copies of the resolution approving the annexation and the date on which it was passed.

SEC. 6. Section 35457 of said code is amended to read:

Date of annexation

35457. The documents shall be filed by the Secretary of State and from the date of filing thereof the annexation is complete and the annexed territory or territories are a part of the annexing city or cities for all purposes.

CHAPTER 1797

An act to amend Section 24072.2 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 24072.2 of the Business and Professions Code is amended to read:

24072.2. Any person who has an onsale license issued for a bona fide public eating place may exchange his license for a similar license for public premises, as defined in Section 23039, and any person who has such a license issued for public premises may exchange his license for a similar license for a bona fide public eating place. Such an exchange may be made at the time of renewal of the license sought to be exchanged, and not more than once between renewal periods, upon the approval of the department, the payment of an exchange fee of twenty-seven dollars and fifty cents ($27.50), and compliance with the provisions of this division relating to the issuance of an original license.

CHAPTER 1798

An act to amend Section 26504 of the Government Code, relating to funds received by district attorneys.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 26504 of the Government Code is amended to read:

26504. On the first Monday of each month, or at more frequent intervals as may be directed by the board of supervisors, the district attorney shall account for all money received by him in his official capacity and pay it over to the treasurer upon a deposit permit issued by the auditor.

CHAPTER 1799

An act to amend Sections 72 and 73 of, and to add Sections 72.5 and 838 to, the Streets and Highways Code, relating to relinquishment of state highways.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 72 of the Streets and Highways Code is amended to read:

Abandonment of state highway

72. The commission may abandon any portion of a state highway which by reason of change in location of a state highway has been superseded and is no longer necessary for such purposes.

The abandonment shall be by resolution and certified copies thereof shall be filed with the board of supervisors and recorded with the county recorder in the county in which the abandoned highway is located.

SEC. 2. Section 72.5 is added to said code, to read:

Reservations and exceptions

72.5. In any proceeding for the abandonment of any state highway or part thereof, the commission may reserve and except from the abandonment the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across any highway or part thereof proposed to be abandoned and pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraphic and telephone lines, railroad lines and for the transportation or distribution of

electric energy, petroleum, and its products, ammonia, water, and for incidental purposes, including access to protect the property from all hazards in, upon and over the highway or part thereof proposed to be abandoned.

SEC. 3. Section 73 of said code is amended to read:

Relinquishing superseded highways

73. The commission shall relinquish to any county or city any portion of any state highway within such county or city which has been deleted from the State Highway System by legislative enactment, and such relinquishment shall become effective upon the first day of the next calendar or fiscal year, whichever first occurs after the effective date of such legislative enactment. It may likewise relinquish any portion of any state highway which has been superseded by relocation. Whenever the department and the county or city concerned have entered into an agreement providing therefor, or the legislative body of such county or city has adopted a resolution consenting thereto, the commission may relinquish, to any such county or city, any frontage or service road or outer highway, within the territorial limits of such county or city, which has a right-of-way of at least forty (40) feet in width and which has been constructed as a part of a state highway or freeway project, but does not constitute a part of the main traveled roadway thereof.

Relinquishment shall be by resolution. A certified copy of such resolution shall be filed with the board of supervisors or the city clerk, as the case may be; a certified copy of such resolution shall also be recorded in the office of the recorder of the county where such land is located, and upon such recordation, all right, title and interest of the State in and to such portion of any state highway shall vest in the county or city, as the case may be, and such highway or portion thereof shall thereupon constitute a county road or city street, as the case may be.

The vesting of all right, title and interest of the State in and to such portions of any state highways heretofore relinquished by the commission, in the county or city to which it was relinquished is hereby confirmed.

Prior to relinquishing any portion of a state highway to a county or a city, except where required by legislative enactment, the department shall give 90 days' notice in writing of intention to relinquish to the board of supervisors, or the city council, as the case may be. Where the resolution of relinquishment contains a recital as to the giving of said notice, adoption of the resolution of relinquishment shall be conclusive evidence that said notice has been given.

The commission shall not relinquish to any county or city any portion of any state highway which has been superseded by relocation until the department has placed the surface of the roadway in a state of good repair.

Within the 90-day period the board of supervisors or the city council may protest in writing to the commission stating the reasons therefor, including, but not limited to, objections

that the highway is not in a good state of repair or is not needed for public use and should be abandoned by the commission. In the event that the commission does not comply with the requests of the protesting body it may proceed with the relinquishment only after a public hearing given to the protesting body on 10 days written notice.

SEC. 4. Section 838 is added to said code, to read:

Exceptions

838. In any proceeding for the abandonment of any state highway or part thereof, the commission may reserve and except from the abandonment the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across any highway or part thereof proposed to be abandoned and pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraphic and telephone lines, railroad lines and for the transportation or distribution of electric energy, petroleum, and its products, ammonia, water, and for incidental purposes, including access to protect the property from all hazards in, upon and over the highway or part thereof proposed to be abandoned.

CHAPTER 1800

An act to add Section 24009 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to vehicle equipment.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 24009 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

24009. Whenever the Department of Motor Vehicles or the Department of the California Highway Patrol approves any device or equipment pursuant to the provisions of this code, they may approve any device or equipment approved by the Interstate Commerce Commission for the same purpose which is at least as effective as the device or equipment approved by the department concerned.

CHAPTER 1801

An act to add Chapter 8 (commencing with Section 1600) to Title 10 of Part 3 of the Code of Civil Procedure, relating to unclaimed property in the custody of federal officers, agencies, and departments, and making an appropriation.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 1600) is added to Title 10 of Part 3 of the Code of Civil Procedure, to read:

CHAPTER 8. PROPERTY IN CUSTODY OF FEDERAL OFFICERS, AGENCIES, AND DEPARTMENTS

1600. It is the policy of this State: State policy

(a) To discover property in the custody of officers, departments, and agencies of the United States, which property is unclaimed by owners whose addresses are known or presumed to be in this State;

(b) To provide a procedure for judicial determination of the right of the State to receive custody of such unclaimed property; and

(c) To authorize expenditure of state funds to pay the proportionate cost of the State in discovering such unclaimed property and to hold the United States harmless against claims concerning such property when delivered to the custody of the State in accordance with this chapter.

1601. As used in this chapter:

(a) "Unclaimed property" means any tangible personal property or intangible personal property, including choses in action in amounts certain, and all debts owed or entrusted funds or other property held by any federal agency or any officer or employee thereof, whether occasioned by contract or operation of law or otherwise, except bonuses and gratuities, which has remained unclaimed by the owner for:

(1) Twenty years from the date of maturity or call for payment, if arising from transactions under the public debt; or

(2) Twenty years after the last transaction concerning principal or interest, if deposits in the postal savings system; or

(3) Five years after the property first became payable, demandable, or returnable, if arising from any other transaction

(b) "Owner" means any person, including his legal representative, who has or had a legal or equitable interest in unclaimed property The owner shall be conclusively presumed to be the person to whom unclaimed property was or is payable or returnable according to the records of the United States Government. If two or more persons are interested in the property, and the extent of their respective interests is unknown,

it shall be presumed that their interests in such property are equal.

(c) "Person" includes any individual, partnership, corporation, unincorporated association, or other legal entity.

Authorized agreements

1602. The Controller is authorized to enter into agreements establishing the time and manner for payments of this State's proportionate share of the actual and necessary cost incurred by the United States in examining records and reporting information to this State as such share of such cost shall be determined pursuant to federal law. Said agreements may provide for single payments at stated times over a period of years. The State Controller shall make all payments at the time and in the manner provided in said agreements.

Claim against United States

1603. The State hereby undertakes to hold the United States harmless against any claim concerning property delivered to the custody of the State in accordance with the provisions of this chapter. In the event an action or proceeding on such claim is brought against the United States the Attorney General shall intervene therein. The State consents to suit by such claimant in such contingency and any defense in favor of the United States shall be available to and urged by the State.

Unclaimed property

1604. All unclaimed property, together with all interest and other increments accruing thereto, is subject to delivery to this State if the last known address of the owner is in this State. If the last known address of an owner is in this State, any other owner's address which is unknown shall be presumed to be in this State. If the last known addresses of owners are in this State and in one or more other states, the addresses of other owners whose addresses are unknown shall be presumed to be within this State if the federal agency having custody of the unclaimed property initially acquired possession in this State If the records of the United States do not disclose the address of any owner of unclaimed property, such address shall be presumed to be within this State if the federal agency having custody of such property initially acquired possession in this State. All addresses presumed to be within this State are presumed to be within the County of Sacramento. For the purposes of this chapter, it shall be presumed that the situs of unclaimed property is in this State if the last known or presumed address of the owner is in this State.

Cost of examining records

1605. The Governor shall certify to the Comptroller General or other proper officer of the United States that the law of this State provides effective means whereby the United States shall be compensated at reasonable times for this State's proportionate share of the actual and necessary cost of examining records and for reporting information and whereby the United States shall be held harmless in the event of claim for property delivered to this State in accordance with the provisions of this chapter.

Such certification shall be made on the thirtieth day of June next following the effective date of any federal statute requiring such certification.

Request for report

1606. On the thirtieth day of June next following the date of certification by the Governor, and annually thereafter, the Controller shall request the Comptroller General or other proper officer of the United States to report all previously unreported information relating to unclaimed property as determined by that officer pursuant to federal law.

Copies of report

1607. When a report is received from the Comptroller General or other proper officer of the United States, the Controller shall prepare and forward a copy thereof to the county clerk of each county within this State and the said clerk shall post such copy at the courthouse for a period of 60 days. Any person asserting an interest in property mentioned in the report may elect to claim against the United States under the laws of the United States, in which event and within 90 days following the date of initial posting by the county clerk such person shall notify the State Controller of his asserted interest and intention to so claim. The Controller shall omit such property from any claim by the State until such time as the asserted interest may be finally determined against the claimant. Such interest shall not thereafter be asserted against the State.

Effect of time lapse

1608. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for funds or delivery of property shall not affect the right of this State to acquire possession of unclaimed property in accordance with the provisions of this chapter.

Petition

1609. Within 120 days following the date of initial posting by the county clerk, the Attorney General shall commence a proceeding by filing a petition to determine the State's right to custody of all property mentioned in such report and unclaimed within the time and in the manner provided by Section 1607. The proceeding shall be commenced and heard in the superior court in the County of Sacramento and venue shall not be affected by the provisions of Section 401, Code of Civil Procedure.

The petition shall name as respondents all persons known to have been interested and "all persons unknown claiming any title or interest in or to the property described or referred to in the petition." If the records of the United States fail to disclose with reasonable certainty the identity or number of owners or claimants of specific funds or other personal property, or the extent of their interests therein, such persons may be designated and described as a class, to wit, as "all unknown owners or claimants to the funds or property mentioned in or affected by _____," and, as the case may be, the petition shall identify and set forth the court actions or proceedings to the credit of which such funds or other property are held, or the accounts or other identifying references under which they are carried upon the records of the United States. The petition

shall describe or refer to the property, and may include one or more items, as the Attorney General may be advised, without prejudice to his right to commence subsequent proceedings relating to other items not included. The petition shall also state the name of the owner and his last address as known or as presumed under this chapter, and shall set forth the facts and c rcumstances by virtue of which it is claimed that such funds or property are subject to custody by the State. Any number of respondents may be joined whether they reside in the same or different counties, and any number of causes of action may be joined and need not be separately stated.

Summons and process, notice

1610. No summons or other process shall issue to direct the appearance and answer of a respondent. Commencing within five days after filing petition, notice of the proceeding shall be published once each week for three consecutive weeks in a newspaper of general circulation published within the County of Sacramento. At the time the notice is first published, a copy of the petition and notice shall be posted at the courthouse in the county where each defendant was last known or presumed to have had an address. Such petition and such notice shall remain posted for 45 days. The notice of proceeding shall advise that the State seeks custody of unclaimed property held by the United States. The names but not the addresses of the respondents shall be contained in the notice with a statement that such persons are believed to live or to have lived within the State and are believed to be or to have been owners of the unclaimed property. The notice shall not contain a description of the unclaimed property but shall advise that such description together with the last known or presumed addresses of owners may be determined by examining the petition filed in the proceeding. The petition and its place of filing shall be sufficiently identified and described. The notice shall advise that persons claiming an interest must answer the petition within the time prescribed by law, which time shall be stated, if they elect to pursue their claims against the United States, otherwise their rights to property shall be preserved subject to delayed delivery as provided by law. The notice shall advise that Section 1611, Code of Civil Procedure, should be consulted for the time, form, and costs of an answer.

The notice shall be deemed completed 45 days after the date of first publication, whereupon the court shall have full and complete jurisdiction over the property described in the petition and not claimed within the time or in the manner provided in Section 1611, and shall have full and complete jurisdiction to determine the right of the State to custody and to render an appropriate judgment therefor.

Answer to petition

1611. Any person, whether or not named in the petition, may within 15 days after completion of notice respond to the petition by answer describing the property, asserting an interest as owner or successor, and declaring an intention to claim the same from the United States under the laws of the

United States. Such answer shall not be filed unless accompanied by the sum of ten dollars ($10) for deposit in court, and no other answer or response shall be filed by or on behalf of a claimant. The court shall strike from the petition and dismiss from the proceeding all property described in the answer. The funds on deposit shall be transmitted by the court to the Controller and shall be received for deposit in the abandoned property account in the Unclaimed Property Fund as total reimbursement for costs and services expended on behalf of the claimant. Such dismissal shall be without prejudice to a subsequent petition should it appear that the claimant is not entitled to the property, and the interest asserted in said answer shall not thereafter be asserted against the State.

Judgment

1612. Within 20 days following expiration of time for filing answer under Section 1611, the Attorney General shall apply to the court for a judgment relating to all property set forth in the petition and not claimed by answer. The court shall find that such property appears to be or to have been owned by persons residing within this State and remains unclaimed by such persons. The court shall declare that the property, which shall be described, is subject to custody of the State and shall be delivered to and received by the State of California to be retained until such time as it may be claimed pursuant to law.

Request for delivery or payment

1613. The Controller shall request delivery or payment of all unclaimed property described in the judgment declaring the right of the State to receive custody of such property. The request shall be accompanied by a certified copy of said judgment and shall be directed to such officer, agency, or department of the United States as may be designated for such purposes by federal law. The Controller shall furnish receipts for all property delivered or paid.

Deposit or sale

1614. Property received under this chapter shall be deposited or sold by the State Controller as though received under the Uniform Disposition of Unclaimed Property Act. Property received under this chapter shall not be subject to claim within two years following the date upon which it is paid to or received by the State. Thereafter, claims shall be made in the manner provided in Chapter 7 of Title 10 of Part 3 of this code.

Appropriation

1615. All money in the abandoned property account in the Unclaimed Property Fund is hereby continuously appropriated to the State Controller without regard to fiscal years, for expenditure in accordance with this chapter for the following purposes:

(a) For payment of the proportionate costs of this State pursuant to the terms of any contract entered with the United States;

(b) For payment of sums necessary to indemnify the United States for losses occasioned by claims to property delivered to the custody of this State.

CHAPTER 1802

An act to amend Section 2054 of the Unemployment Insurance Code, relating to establishment and maintenance of public employment offices by the Director of Employment.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2054 of the Unemployment Insurance Code is amended to read:

2054. The director shall:

(a) Establish, maintain and operate adequately staffed public employment offices for men, women and juniors who are legally qualified to engage in gainful occupations and shall maintain a veterans' placement service to be devoted to securing work for veterans and a farm placement service to promote the placement and clearance of agricultural labor, and a youth placement service to promote the placement of youth in suitable fields of employment. He shall also establish and maintain a job counseling and placement service for those persons who are encountering, or may be expected to encounter difficulty in securing or keeping a job principally because of their age. The maintenance of a farm placement service shall not be required during such time as applicable federal laws provide for a system of farm labor placement financed from federal funds which is separate and apart from the general system of public employment offices. Adequate records and statistics on all the classifications specified in this section shall be compiled and kept, and a report of such records, statistics, applications and placements shall be made semiannually.

(b) Procure, by lease or otherwise, suitable offices, and incur the necessary expenses in the conduct thereof.

CHAPTER 1803

An act to amend Section 69595 of the Government Code, relating to the superior court in San Diego County.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 17 judges of the superior court. On or after the first day of July 1960, there shall be 19 judges.

CHAPTER 1804

An act to amend Section 74512 of the Government Code, relating to additional reporters in the municipal court in the City and County of San Francisco.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 74512 of the Government Code is amended to read:

74512. Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Section 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive thirty-five dollars ($35) a day, which shall upon order of the court be a charge against the general fund of the city and county.

CHAPTER 1805

An act to add Chapter 5 (commencing with Section 1300) to Title 5, Part 4, Division 2 of the Civil Code, and to amend Sections 1241, 1242, 1243, and 1265 of said code, and to amend Sections 660 and 663 of the Probate Code, relating to homesteads.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 1300) is added to Title 5 of Part 4 of Division 2 of the Civil Code, to read:

CHAPTER 5. MARRIED PERSON'S SEPARATE HOMESTEAD

Declaration of separate homestead

1300. Following the entry of a decree of separate maintenance or an interlocutory decree of divorce, each spouse may execute and acknowledge in the same manner as a grant of real property is acknowledged, a declaration of a married person's separate homestead from the separate property of the spouse so declaring same, or from any property awarded to such spouse by said decree.

Declaration's contents

1301. The declaration must contain:

(1) A statement that the declarant is a married person, and that there is in existence a decree of separate maintenance or

an interlocutory decree of divorce between declarant and his or her spouse.

(2) A statement showing that declarant is the head of a family, as defined in this chapter, if such is the case.

(3) The matters required by the second, third and fourth subdivisions of Section 1263, and in addition thereto may contain the statement and affidavit provided for by subdivision 5 of said section, with like effect as therein provided.

"Head of the family"

1302. For the purpose of this chapter, the phrase "head of a family" includes every person who has residing on the premises with him or her and under his or her care and maintenance one or more of the persons enumerated in paragraphs (a), (b), (c), (d) and (e) of subdivision 2 of Section 1261, and such person shall receive the exemption allowed the head of a family by Section 1260. Any married person declaring a homestead under this chapter who is not the head of a family, as defined in this section, shall receive the exemption allowed other persons by Section 1260.

Recordation

1303. From and after the time the declaration is recorded in the office of the recorder of the county in which the land is situated, the land described therein is a homestead.

Joint protection homestead

1304. When a homestead has been declared under this chapter by a married person following the entry of an interlocutory decree of divorce upon property awarded to such person by such decree, a subsequent reconciliation of the parties when evidenced by a dismissal of such divorce action executed by both parties or their attorneys of record shall transform such homestead into a joint protection homestead, which shall thereafter have the force and effect of a homestead selected under Chapter 2 of this title. If each such married person has selected a homestead under this chapter, and such a dismissal has been filed after reconciliation, one of the homesteads must be abandoned or the exemption under each shall be reduced by one-half.

SEC. 2. Section 1241 of said code is amended to read:

Execution or forced sale

1241. The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

1. Before the declaration of homestead is recorded, and which, at the time of such recordation, constitute liens upon the premises.

2. On debts secured by mechanics, contractors, subcontractors, artisans, architects, builders, laborers of every class, materialmen's or vendors' liens upon the premises.

3. On debts secured by encumbrances on the premises executed and acknowledged by husband and wife, by a claimant of a married person's separate homestead, or by an unmarried claimant.

4. On debts secured by encumbrances on the premises, executed and recorded before the declaration of homestead was filed for record.

SEC. 3. Section 1242 of said code is amended to read:

1242. Except as provided in Chapter 2a (commencing with Section 1435.1) of Division 4 of the Probate Code where one or more spouses is incompetent, and except in the case of a married person's separate homestead, the homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife or unless each spouse executes and acknowledges a separate instrument so conveying or encumbering the homestead in favor of the same party or his successor in interest; provided, however, that a conveyance of the homestead between husband and wife need be executed and acknowledged only by the spouse conveying, and unless the one conveying expressly reserves his homestead rights, the spouse to whom the conveyance is made may convey or encumber the homestead property in the same manner and to the same extent as though no homestead had been declared. Conveyance of homestead

SEC. 4. Section 1243 of said code is amended to read:

1243. Except as provided in Chapter 2A (commencing with Section 1435.1) of Division 4 of the Probate Code where one or both spouses are incompetent, a homestead can be abandoned only by: Abandonment

1. A declaration of abandonment executed and acknowledged by the husband and wife, jointly or by separate instruments, if the claimant is married.

2. A declaration of abandonment or a conveyance by the claimant if unmarried.

3. A declaration of abandonment or a conveyance by the grantee named in a conveyance by which one spouse conveys the homestead to the other spouse without expressly reserving his homestead rights.

4. A conveyance or conveyances by both spouses as provided in Section 1242.

5. A declaration of abandonment by the claimant alone in the case of a married person's separate homestead.

SEC. 5. Section 1265 of said code is amended to read:

1265. From and after the time the declaration is filed for record, the premises therein described constitute a homestead. If the selection was made by a married person from the community property, or from the separate property of the spouse making the selection or joining therein and if the surviving spouse has not conveyed the homestead to the other spouse by a recorded conveyance which failed to expressly reserve his homestead rights as provided by Section 1242 of the Civil Code, the land so selected, on the death of either of the spouses, vests in the survivor, except in the case of a married person's separate homestead, subject to no other liability than such as exists or has been created under the provisions of this title; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to the heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent; but in no Period of homestead

case shall it, or the products, rents, issues or profits thereof be held liable for the debts of the owner, except as provided in this title; and should the homestead be sold by the owner, the proceeds arising from such sale to the extent of the value allowed for a homestead exemption as provided in this title shall be exempt to the owner of the homestead for a period of six months next following such sale.

SEC. 6. Section 660 of the Probate Code is amended to read:

Possession

660. The decedent's surviving spouse and minor children are entitled to remain in possession of the homestead, the wearing apparel of the family, the household furniture and other property of the decedent exempt from execution, until the inventory is filed. Thereupon, or at any subsequent time during the administration, the court, on petition therefor, may in its discretion set apart to the surviving spouse, or, in case of his or her death, to the minor child or children of the decedent, all or any part of the property of the decedent exempt from execution, and must set apart the homestead selected by the spouses, or either of them, and recorded while both were living, other than a married person's separate homestead, in the manner provided in this article.

SEC. 7. Section 663 of said code is amended to read:

Death of spouse

663. If the homestead selected by the husband and wife, or either of them, during their coverture, and recorded while both were living, other than a married person's separate homestead, was selected from the community property, or from the separate property of the person selecting or joining in the selection of the same, and if the surviving spouse has not conveyed the homestead to the other spouse by a recorded convey ance which failed to expressly reserve his homestead rights as provided by Section 1242 of the Civil Code, the homestead vests, on the death of either spouse, absolutely in the survivor.

If the homestead was selected from the separate property of the decedent without his consent, or if the surviving spouse has conveyed the homestead to the other spouse by a conveyance which failed to expressly reserve homestead rights as provided by Section 1242 of the Civil Code, the homestead vests, on death, in his heirs or devisees, subject to the power of the court to set it apart for a limited period to the family of the decedent as hereinabove provided. In either case the homestead is not subject to the payment of any debt or liability existing against the spouses or either of them, at the time of the death of either, except as provided in the Civil Code.

CHAPTER 1806

An act to amend Section 70055.1 of the Government Code, relating to filing fees in the superior court.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 70055.1 of the Government Code is amended to read:

70055.1. In a county with a population of 290,000 or more and under 295,000, the fee required by Section 70053 shall be eight dollars and fifty cents ($8.50).

CHAPTER 1807

An act to amend Section 18900 of the Health and Safety Code, relating to the State Building Standards Commission.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 18900 of the Health and Safety Code is amended to read:

18900. There is in the Department of Public Works a State Building Standards Commission consisting of the Director of Public Works, who shall be the chairman; three members to be appointed by and serve at the pleasure of the Governor from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer and one a contractor; and three members to be appointed by and serve at the pleasure of the Governor from among local government officials. The commission shall elect a vice chairman annually from among its members.

CHAPTER 1808

An act to amend Sections 504, 8600, 8604, 8607, 8700, 8701, 8702, 8703, and the title of Chapter 2 (commencing at Section 8700) of Division 7 of, to repeal Sections 8605, 8606, and 8608 of, and to add Sections 509.6, 8605, 8606, and 8704 to, the Public Resources Code, relating to recreation.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 504 of the Public Resources Code is amended to read:

Departmental divisions

504. The work of the department shall be divided into at least seven divisions, known as the Division of Forestry, the Division of Beaches and Parks, the Division of Mines, the Division of Oil and Gas, the Division of Soil Conservation, the Division of Small Craft Harbors, and the Division of Recreation.

SEC. 2. Section 509.6 is added to said code, to read:

Division of Recreation

509.6. The Division of Recreation shall be administered through a chief who is technically trained with adequate administrative experience in the field of public recreation. The chief shall be appointed by the Governor, subject to confirmation by the Senate The chief shall serve at the pleasure of the director and his salary shall be fixed by the director in accordance with law. The chief shall have such duties as shall be assigned from time to time by the director, and he shall be responsible to the director for the performance thereof.

SEC. 3. Section 8600 of said code is amended to read:

Recreation Commission

8600. The Recreation Commission is continued in existence within the department.

SEC. 4. Section 8604 of said code is amended to read:

Same Duties

8604. (a) The commission shall cause to be studied and shall consider the whole problem of recreation of the people of the State of California as it affects and may affect the welfare of the people and especially the children and youth.

(b) The commission shall formulate, in cooperation with other state agencies, interested organizations and citizens, and shall recommend to the director, for adoption by him, a comprehensive recreational policy for the State of California.

(c) The commission shall recommend to the director, for adoption by him, policies for the guidance of the Chief of the Division of Recreation in the performance and exercise of his powers and duties.

Repeal

SEC. 5. Section 8605 of said code is repealed.

Repeal

SEC. 6. Section 8606 of said code is repealed.

SEC. 7. Section 8605 is added to said code, to read:

Recreation Commission

8605. The commission shall confer with and advise the director and the chief with respect to matters relating to recreation.

SEC. 8. Section 8606 is added to said code, to read:

Director's duties

8606. The director shall make provision for the employment of such assistance and the purchase or rental of such supplies and equipment for the commission as may be necessary for the proper discharge of its duties.

SEC. 9. Section 8607 of said code is amended to read:

Annual report

8607. The commission shall report annually to the Governor, through the director, on the needs of the State and the local subdivisions thereof for recreational facilities, programs, and activities.

Repeal

SEC. 10. Section 8608 of said code is repealed.

SEC. 11. The title of Chapter 2 (commencing at Section 8700) of Division 7 of said code is amended to read:

CHAPTER 2. DIVISION OF RECREATION

SEC. 12. Section 8700 of said code is amended to read:

8700. In accordance with the policies established by the director, upon recommendation of the commission, the Division of Recreation shall: Division of Recreation's duties

(a) Assist the commission in the performance of its functions under Chapter 1.

(b) Investigate and report to the director and the commission upon the facilities and services which are needed or which exist in the public recreational areas within the State and by consultation with the authorities in charge, assist in the coordination and development of recreational programs; provided, that surveys of the recreational facilities and programs of local agencies shall be made only upon their request.

(c) Advise and cooperate with and encourage community recreation agencies interested in the use of or the development of recreational facilities and programs for public benefit.

(d) Advise the administrative officers of all state agencies, authorized by law to perform recreational services, of regular meetings of the commission and of such special meetings as may consider matters relating to their specific responsibilities, and invite such officers to attend and participate in deliberations of the commission without the authority to vote.

(e) Make studies and surveys and long range plans of recreational facilities and programs necessary to meet recreation needs throughout the State, and participate with other federal, state, and local governmental agencies in advance planning with respect to the development and coordination of recreational facilities and programs.

SEC. 13. Section 8701 of said code is amended to read:

8701. The division may encourage and render assistance in the promotion of training programs for volunteer and professional recreation leaders in cooperation with other agencies, organizations and institutions, and may encourage the establishment of standards for recreation personnel. Same. Training programs

SEC. 14. Section 8702 of said code is amended to read:

8702. The division may assist every department, commission, board, agency, and officer of the State in rendering recreational services in conformity with their respective authorized powers and duties and encourage and assist in the coordination of federal, state and local recreational activities. Same Co-ordination of activities

SEC. 15. Section 8703 of said code is amended to read:

8703. The division shall aid and encourage, but not conduct, public recreation activities. Public recreational activities

SEC. 16. Section 8704 is added to said code, to read:

8704. The director may authorize the chief of the division to exercise his power to appoint employees of the division in accordance with the State Civil Service Act. The director may authorize the chief of the division or any employee of the division to exercise any power granted or perform any duty imposed upon the director by the State Civil Service Act. Employment

State civil service employees

SEC. 17. All persons, other than temporary employees, serving in the state civil service as employees of the Recreation Commission shall remain in the state civil service and are hereby transferred to the Division of Recreation of the Department of Natural Resources on the effective date of this act. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service.

All public property, real or personal, of the Recreation Commission is hereby transferred to the Division of Recreation of the Department of Natural Resources on the effective date of this act.

CHAPTER 1809

An act to amend Section 1356 and to repeal Sections 1460 to 1475 and 1478 to 1578, inclusive, and to add Chapter 7 (commencing with Section 1500) to Title 10 of Part 3 of the Code of Civil Procedure, relating to disposition of unclaimed property.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Sections 1460 to 1475 and 1478 to 1578, inclusive, of the Code of Civil Procedure are repealed.

SEC. 2. Chapter 7 (commencing with Section 1500) is added to Title 10 of Part 3 of said code, to read:

CHAPTER 7. UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

Short title

1500. This chapter may be cited as the Uniform Disposition of Unclaimed Property Act. None of the provisions of this chapter shall apply to any type of property received by the State under the provisions of Chapters 1 to 6, inclusive, of this title.

Definitions

1501. As used in this chapter, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, savings bank, safe deposit company, or a private banker engaged in business in this State.

(b) "Business association" means any corporation (other than a public corporation or utility), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Financial organization" means any savings and loan association, building and loan association, credit union, or investment company engaged in business in this State.

(d) "Holder" means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this chapter.

(e) "Life insurance corporation" means any association or corporation transacting within this State the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(f) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, or creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this chapter, or his legal representative.

(g) "Person" means any individual, business association, government or political subdivision, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity other than any public corporation or utility.

(h) "Utility" means any person who owns or operates within this State, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Property presumed abandoned

1502. The following property held or owing by a banking or financial organization or business association is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in this State with a banking organization, together with any interest or dividends thereon, excluding any reasonable service charges which may lawfully be withheld and which do not exceed those set forth in schedules filed by the banking organization from time to time with the State Controller, unless the owner has, within 15 years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid in this State toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this State, and any interest or dividends thereon, excluding any reasonable service charges which may lawfully be withheld and which do not exceed those set forth in schedules filed by the financial organization from time to time with the State Controller, unless the owner has within 15 years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on travelers checks issued in this State by a business association maintaining its principal place of business in this State, or issued in this State by a banking or financial organization, that has been outstanding for more than 15 years from the date of its issuance, unless the owner has within 15 years corresponded in writing with the business association or banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with such organization or association.

(d) Any sum payable on any other written instruments issued in this State on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, drafts, certified checks, and money orders, that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, excluding any charges that may lawfully be withheld, unless the owner has within seven years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

(e) Any funds or other personal property of obvious commercial value, tangible or intangible, after discharge of any lien or liens for storage charges, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box in this State on which the lease or rental period has expired due to nonpayment of rental charges or other reason, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

Nothing in this section shall be construed to relate to any instrument held or payable only outside the limits of the United States or payable only in currency other than United States currency, nor to any funds held only in or payable only in a foreign country.

Same: Unclaimed funds

1503. (a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this State. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last

known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds," as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

Same: Unclaimed sums

1504. (a) Any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a co-operative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

(1) It is held or owing by a business association organized under the laws of or created in this State; or

(2) It is held or owing by a business association doing business in this State, but not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled thereto is in this State.

(b) Any intangible interest in a business association, as evidenced by the stock records or membership records of the association, owned by a person who has not claimed a dividend presumed abandoned under paragraph (a) of this section, and who has not corresponded in writing with the business association concerning such interest for 15 years following the time such dividend was presumed abandoned, is presumed abandoned if:

(1) The business association was organized under the laws of or created in this State; or

(2) The business association is doing business in this State but was not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled to such interest is in this State.

For the purposes of this chapter the business association with respect to such interest shall be deemed a holder.

Same
Intangible property from voluntary dissolution

1505. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in this State, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

Same: Property held in fiduciary capacity

1506. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a business association, banking organization, or financial organization organized under the laws of or created in this State; or

(b) If it is held by a business association, banking organization, or financial organization doing business in this State, but not organized under the laws of or created in this State, and the records of the business association, banking organization, or financial organization indicate that the last known address of the person entitled thereto is in this State; or

(c) If it is held in this State by another person.

Same
Property held by public authority

1507. Subject to the provisions of Section 1526, all intangible personal property held for the owner by any court, public corporation, public authority, or public officer of this State, or a political subdivision thereof, that has remained unclaimed by the owner for more than seven years is presumed abandoned.

Same
Property held in this State in holder's business

1508. All intangible personal property, except property of the classes mentioned in Sections 1502, 1503, 1504, 1505, 1506, and 1507 of this code, including any income or increment thereon and deducting any lawful charges, that is held or owing in this State in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

Same
Specific property

1509 If specific property which is subject to the provisions of Sections 1502, 1504, 1505, 1506, and 1508 of this code is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this State and subject to this chapter if:

(a) It may be claimed as abandoned or escheated under the laws of such other state; and

(b) The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this State by a holder who is subject to the jurisdiction of this State.

1510. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this chapter shall report to the State Controller with respect to the property as hereinafter provided. Report to State Controller

(b) The report shall be verified and shall include:

(1) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of value of ten dollars ($10) or more presumed abandoned under this chapter;

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(3) In case of money or other personal property removed from a safe deposit box or other repository or agency, reference to all money and only such other property as has obvious commercial value. The report shall set forth any amounts owing to the holder for unpaid rent and for the cost of opening the safe deposit box.

(4) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under ten dollars ($10) each may be reported in aggregate;

(5) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(6) Other information which the State Controller prescribes by rule as necessary for the administration of this chapter.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1st of each year as of June 30th or fiscal year-end next preceding, but the report of life insurance corporations shall be filed before May 1st of each year as of December 31st next preceding. The State Controller may postpone the reporting date upon his own motion or upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this chapter knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise reasonable diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this chapter shall include all items of property held for another person which are ascertainable from the available records of the holder, which items of property would have been presumed abandoned if this chapter had been in effect at and after the time such property first became payable, demandable or returnable; provided, that only such moneys which first became unclaimed funds, as that term is defined in this chapter, within three years preceding the effective date of this chapter must be included within the initial report and any other moneys constituting unclaimed funds as thus defined may be included within the initial or any subsequent report and if so included the holder shall be entitled to the protection afforded by Section 1513. All items of property, less proper charges and offsets, other than unclaimed funds, which on January 1, 1949 appeared from the available records to be held for another person and were thereafter without notice to the owner or without prior approval of any regulatory or licensing authority of this State transferred or credited by the holder directly to capital or surplus or undivided profits shall be deemed to be subject to the provisions of this chapter and shall be included within the initial report.

Published notice

1511. (a) Within 120 days from the final date for filing the reports required by Section 1510, the State Controller shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the county in this State in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this State, the notice shall be published in the county in which the holder of the abandoned property has his principal place of business within this State.

(b) The published notice shall be entitled "notice of names of persons appearing to be owners of abandoned property," and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the State Controller.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within 65 days from the date of the second published notice, the abandoned property will be placed not later than 85 days after such publication date in the custody of the State Controller and all further claims must thereafter be directed to the State Controller.

(c) The State Controller is not required to publish in such notice any item of less than twenty-five dollars ($25) unless he deems such publication to be in the public interest.

(d) Within 120 days from the receipt of the report required by Section 1510, the State Controller shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars ($25) or more presumed abandoned under this chapter.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the State Controller, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice the property will be placed in the custody of the State Controller and all further claims must be directed to the State Controller.

Payment on delivery of abandoned property to State Controller

1512. Every person who has filed a report as provided by Section 1510 shall, within seven months from the final date for filing reports as required by Section 1510, pay or deliver to the State Controller all abandoned property specified in the report; provided, that property of no obvious commercial value may be destroyed or disposed of as provided in Section 1521(b), notwithstanding such property may be specified in the report; and provided further, that if the owner establishes his right to receive any abandoned property to the satisfaction of the holder within the time specified in Section 1511, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the State Controller, but in lieu thereof shall file with the State Controller a written explanation of the proof of claim or of the error in the presumption of abandonment. The holder of any interest under Section 1504(b) shall deliver a duplicate certificate to the State Controller and no bond shall be required therefor.

Custody of State

1513. Upon the payment or delivery of abandoned property to the State Controller, the State shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the State Controller under this chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Property removed from a safe deposit box or other repository shall be received by the State Controller subject to any valid lien of the holder for rent and other charges, such rent and other charges to be paid out of the proceeds remaining after the State Controller has deducted therefrom his selling cost. Any holder who has paid

moneys to the State Controller pursuant to this chapter may make payment to any person appearing to such holder to be entitled thereto, and upon filing proof of such payment and proof that the payee was entitled thereto, the State Controller shall forthwith reimburse the holder for the payment.

Income

1514. When property is paid or delivered to the State Controller under this chapter, the owner is not entitled to receive income or other increments accruing thereafter.

Expiration of time

1515. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this chapter or to pay or deliver abandoned property to the State Controller.

Public sale

1516. (a) All abandoned property other than money and securities listed on any established stock exchange delivered to the State Controller under this chapter shall within one year after the delivery be sold by the State Controller to the highest bidder at public sale in whatever city in the State affords in his judgment the most favorable market for the property involved. The State Controller may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

(c) The purchaser at any sale conducted by the State Controller pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Controller shall execute all documents necessary to complete the transfer of title.

Unclaimed Property Fund

1517. (a) All money received under this chapter, including the proceeds from the sale of property under Section 1516, shall be deposited in the Unclaimed Property Fund in an account titled "Abandoned Property."

(b) All money in the abandoned property account in the Unclaimed Property Fund is hereby continuously appropriated to the State Controller, without regard to fiscal years, for expenditure for the following purposes:

(1) For payment of claims allowed by the State Controller under the provisions of Section 1519;

(2) For refund, to the person making such deposit, of amounts, including overpayments, deposited in error in such fund;

(3) For payment of the cost of appraisals incurred by the State Controller covering property held in the name of an account in such fund;

(4) For payment of the cost incurred by the State Controller covering the purchase of lost instrument indemnity bonds, or for payment to the person entitled thereto, for any unpaid lawful charges or costs which arose from holding any specific property or any specific funds which were delivered or paid to the State Controller, or which arose from complying with this chapter with respect to such property or funds;

(5) For payment of amounts required to be paid by the State as trustee, bailee, or successor in interest to the preceding owner;

(6) For payment of costs incurred by the State Controller for the repair, maintenance and upkeep of property held in the name of an account in such fund;

(7) For payment of costs of official advertising in connection with the sale of property held in the name of an account in such fund;

(8) For transfer to the General Fund as provided in paragraph (c) of this section.

(c) At the end of each month, or oftener if he deems it advisable, the State Controller shall transfer all money in the abandoned property account in excess of fifty thousand dollars ($50,000), to the General Fund. Before making this transfer, he shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, and the name of the corporation. The record shall be available for public inspection at all reasonable business hours.

Verified claim

1518. Any person claiming an interest in any property delivered to the State under this chapter may file a personally verified claim thereto or to the proceeds from the sale thereof on the form prescribed by the State Controller.

Hearing

1519. (a) The State Controller shall consider any claim filed under this chapter and may hold a hearing and receive evidence concerning it. If a hearing is held he shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

(b) There shall be deducted by the State Controller from the amount of any allowed and approved claim under this section, 1 percent of the total amount of such claim, but in no event less than ten dollars ($10), for each individual share claimed, as a service charge for the receipt, accounting for, and management of the money or other property claimed and for the processing of the claim filed to recover the same.

Petition in superior court

1520. Any person aggrieved by a decision of the State Controller or as to whose claim the Controller has failed to

act within 90 days after the filing of the claim, may file a petition to establish his claim in the superior court in any county or city and county in which the Attorney General has an office. The proceeding shall be brought within 90 days after the decision of the State Controller or within 180 days from the filing of the claim if the State Controller fails to act. A copy of the petition and of a notice of hearing shall be served upon the State Controller and the Attorney General and the Attorney General shall have not less than 30 days within which to respond by answer. In lieu of answer, the Attorney General may file a statement of noninterest whereupon the petitioner shall present to the court his prima facie proof of entitlement. The proceeding shall be tried without a jury. If judgment is awarded in favor of petitioner, the State Controller shall make payment subject to any charges provided by Section 1519(b). No costs of trial shall be allowed for or against the petitioner.

Refusal to receive

1521. (a) The State Controller, after receiving reports of property deemed abandoned pursuant to this chapter, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates.

(b) All property not reportable or deliverable under this chapter for want of obvious commercial value shall be retained by the holder as agent for the State of California until such time as the State Controller shall authorize such agent to destroy or otherwise dispose of the property. When the property is destroyed or disposed of in accordance with the State Controller's authorization, no action or proceeding shall be brought or maintained against the State or any officer thereof or against the holder as agent or otherwise for or on account of any action taken by the holder pursuant to this chapter with respect to such property. If the holder has not received any such direction within seven years after the final date for filing a report under Section 1510, the holder at his option may destroy or otherwise dispose of the property without the consent or direction of the State Controller.

(c) If the property is claimed by the owner or by his successor in interest at any time before the holder has destroyed or otherwise disposed of the property as provided in subdivision (b), the holder may pay or deliver the property against a written proof of claim and payment of any delinquent rent and other charges owing to the holder, and the holder shall notify the State Controller of such payment or delivery and file a copy of such proof of claim with the State Controller.

Examination of records

1522. The State Controller may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this chapter.

When requested by the State Controller, such examination shall be conducted by any licensing or regulating agency otherwise empowered by the laws of this State to examine the records of the holder. For the purpose of determining compliance with this chapter, the Superintendent of Banks and the Savings and Loan Commissioner are hereby respectively vested with full authority to examine the records of any banking organization and any savings and loan association doing business within this State but not organized under the laws of or created in this State.

Refusal to deliver

1523. If any person refuses to deliver property to the State Controller as required under this chapter, the State Controller shall bring an action in a court of appropriate jurisdiction to enforce such delivery.

Fines

1524. (a) Any person who willfully fails to render any report or perform other duties required under this chapter shall be punished by a fine of ten dollars ($10) for each day such report is withheld, but not more than one thousand dollars ($1,000).

(b) Any person who willfully refuses to pay or deliver abandoned property to the State Controller as required under this chapter shall be punished by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000), or imprisonment for not more than six months, or both, in the discretion of the court.

Rules and regulations

1525. The State Controller is hereby authorized to make necessary rules and regulations to carry out the provisions of this chapter.

Not applicable

1526. This chapter shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this chapter; nor shall this chapter apply to any property in the official custody of a municipal utility district; nor to a local agency if such property may be transferred to the General Fund under the provisions of Sections 50050-50053 of the Government Code.

1527. No agreement entered within nine months after the date of filing report under Section 1510(d) shall be valid if any person thereby undertakes to locate property reported under Section 1510 for a fee or other compensation exceeding 10 percent of the value of recoverable property unless the agreement is in writing and signed by the owner and discloses the nature and value of the property and the name and address of the holder thereof, as such facts are so reported; provided, that nothing herein shall be construed to prevent an owner from asserting, at any time, that any agreement to locate property is based upon an excessive or unjust consideration.

Applicability

SEC. 3. Notwithstanding the express or implied repeal of any provision of law by enactment of this act, such law shall be deemed effective (as though this act were not enacted) in all particulars expressed by such law concerning escheated or

permanently escheated funds or other property paid or delivered to the State or funds or other property in the process of payment or delivery to the State at the time this act becomes effective; provided, that any such funds or other property not permanently escheated at the time this act becomes effective shall be deemed to have been received by the State under Section 2 of this act and may be recovered in the manner prescribed therein. Nor shall any such repeal in any way affect the liability of any holder who shall have complied with such law prior to its repeal or as such law is deemed effective by the provisions of this section, and such holder shall be exonerated from liability as though this act had not been enacted.

Severability of provisions

SEC. 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Unclaimed Property Fund

SEC. 5. All money held in the Unclaimed Property Fund on the effective date of this act, other than money derived from the estates of deceased persons, shall be transferred to the credit of the abandoned property account in the Unclaimed Property Fund.

All money held in the Unclaimed Property Fund on the effective date of this act, which was derived from the estates of deceased persons, shall be transferred to the credit of the estates of deceased persons account in the Unclaimed Property Fund.

All property, real or personal, held in the name of the Unclaimed Property Fund on the effective date of this act, shall continue to be held in the name of said fund, and shall be held in the name of the estates of deceased persons account or in the name of the abandoned property account, according to its origin.

SEC. 6. Section 1356 of the Code of Civil Procedure is amended to read:

Deduction

1356. There shall be deducted by the State Controller from the amount of any allowed and approved claim filed by any claimant under the provisions of this chapter 1 percent of the total amount of such claim, but in no event less than ten dollars ($10), as a service charge for the receipt, accounting for, and management of the money or other property claimed, and for the processing of the claim filed to recover the same. On order of the State Controller, the amount of such service charge shall be transferred from the Unclaimed Property Fund to the School Land Fund. The amount of any service charge transferred to the School Land Fund shall be subject to the provisions of Section 1335 with the same force and effect as if said amount had been paid to the claimant from whose claim such service charge was deducted.

CHAPTER 1810

An act to amend Sections 27903 and 27904 of, and to add Division 14.5 (commencing at Section 33000) to, the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, relating to the transportation of radioactive materials.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 27903 of the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, is amended to read:

Cargo designated

27903. No person shall operate any vehicle transporting any explosive substance, poisonous gases, flammable liquids, liquefied petroleum gases, or radioactive materials unless at the time of such transportation there is displayed upon each side and the rear of the exterior of the vehicle a sign upon which shall appear the word "explosives," or "poisonous gases," or "flammables," or "radioactive materials," whichever may correctly designate the cargo, in letters not less than three inches in height upon a background of sharply contrasting color.

SEC. 2. Section 27904 of said code is amended to read:

Not applicable

27904. Section 27903 does not apply if each vehicle transporting the explosive, poisonous, or flammable cargo has prominently displayed on each side and the rear of the vehicle a trademark, trade name, other designating mark, or a legend, substantially descriptive of the type of cargo of the vehicle and generally known to the public as being applied to the explosive substance, poisonous gases, flammable liquids, or liquefied petroleum gases.

Section 27903 also does not apply to any vehicle transporting radioactive materials if the transportation of such radioactive materials is exempted from the provisions of Section 27903 in regulations adopted by the State Fire Marshal pursuant to Section 33001. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

SEC. 3. Division 14.5 (commencing at Section 33000) is added to said code, to read:

DIVISION 14.5 TRANSPORTATION OF RADIOACTIVE MATERIALS

"Radioactive materials"

33000. For the purposes of this division only, the term "radioactive materials" shall include any material or combination of materials that spontaneously emits ionizing radiation not exempted from the packaging, marking, and labeling requirements of the Interstate Commerce Commission and such

other materials as are designated by regulations adopted from time to time by the State Fire Marshal in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, after he has considered changes in the materials exempted from the packaging, marking, and labeling requirements of the Interstate Commerce Commission, as materials which the protection of life and property require to be considered radioactive materials for the purposes of this division. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

Rules and regulations

33001. The State Fire Marshal may adopt, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations, which, in the judgment of the State Fire Marshal, may promote the safe transportation of radioactive materials. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

Misdemeanor

33002. A violation of any regulation adopted by the State Fire Marshal pursuant to Section 33001 is a misdemeanor.

CHAPTER 1811

An act to amend Section 13842 of the Education Code, and to repeal Section 13842 of said code as amended by Chapter 1635 of the Statutes of 1953, and to repeal Section 13525 of, and to amend and renumber Section 13525.1 of the Education Code as proposed by Senate Bill No. 2, relating to the compensation of personnel employed in the public schools, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13842 of the Education Code is amended to read:

Minimum annual salary

13842. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than four thousand two hundred dollars ($4,200) prior to July 1, 1960, and four thousand five hundred dollars ($4,500) on and after July 1, 1960.

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to four thousand two hundred dollars ($4,200) prior to July 1, 1960,

and to four thousand five hundred dollars ($4,500) on and after July 1, 1960, as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

Notwithstanding the provisions of Section 47 of Chapter 1073 of the Statutes of 1957, the provisions of this section shall remain in effect on and after July 1, 1959.

SEC. 2. Section 13842 of said code, as amended by Chapter 1635 of the Statutes of 1953, is repealed. Repeal

SEC. 3. Section 13525 of the Education Code as proposed by Senate Bill No. 2 is repealed. Repeal

SEC. 4. Section 13525.1 of said code is amended and renumbered to read:

13525. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than four thousand two hundred dollars ($4,200) prior to July 1, 1960, and four thousand five hundred dollars ($4,500) on and after July 1, 1960. Minimum annual salary

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to four thousand two hundred dollars ($4,200) prior to July 1, 1960, and to four thousand five hundred dollars ($4,500) on and after July 1, 1960, as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

SEC. 5. Sections 3 and 4 of this code shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at the 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 13842 of the Education Code, as amended by Section 1 of this act is repealed. Effect. Stats 1959, Ch. 2

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In order to assure that the children of this State will receive the adequate education necessary to become good citizens, it is necessary that competent qualified persons be encouraged

to enter into the teaching profession. In view of the present shortage of teachers and the rapid increase in the number of school-age children in this State, it is imperative that the conservative minimum salary prescribed for certificated personnel by Section 13842 of the Education Code, as amended by Chapter 1073 of the Statutes of 1957, be continued beyond the terminal date fixed by that act.

CHAPTER 1812

An act to add Sections 34327.5 and 34327.6 to the Health and Safety Code, and to repeal Section 933 of the Penal Code, as enacted at the 1959 Regular Session, relating to housing authorities.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 34327.5 is added to the Health and Safety Code, to read:

Control by federal regulations

34327.5. Whether or not the type, amount, and manner of expenditure of any funds received by an authority from the Federal Government, or any funds derived from such funds, are in accordance with the law or contract under which the funds were received, or any applicable federal regulations, shall be matters to be determined exclusively by the federal agency. This section is not intended, and shall not be construed, to prohibit prosecution and conviction of violation of any law of this State.

SEC. 2. Section 34327.6 is added to said code, to read:

Housing authority funds audit

34327.6. All funds of housing authorities not subject to audit by a federal agency shall be audited at least once each year at the expense of the housing authority by the State Department of Finance or, at the option of the housing authority, by a certified public accountant approved by the Director of Finance. If the audit is made by a certified public accountant, a copy of the audit shall be filed with the Department of Finance.

Repeal

SEC. 3. Section 933 of the Penal Code, as enacted at the 1959 Regular Session, is repealed.

CHAPTER 1813

An act to add Section 53292 to, and to repeal Section 35005 of, the Government Code, relating to firemen.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 53292 is added to the Government Code, to read:

53292. Whenever a fire protection district or city fire department is dissolved or the area it serves is decreased by reason of a consolidation, merger, incorporation or annexation, and the fire protection district or city fire department taking over the duties of the dissolved or decreased district or department decides to hire additional firemen, it shall give first choice for the positions to be filled to firemen employed by the dissolved or decreased district or department. As nearly as possible such employees who are hired shall be given positions with a rank comparable to that which they held in the dissolved or decreased district or department. No employee shall be hired who is over the mandatory retirement age of the fire protection district or city fire department which is taking over the duties of the dissolved or decreased district or department. Employment of firemen

SEC. 2. Section 35005 of said code is repealed. Repeal

CHAPTER 1814

An act to amend Sections 980, 1521, 1528, 1529, 1532, 1534, 1555, 1556, and 1558 of, and to add Section 1528.5 to Article 2 of Chapter 6 of Part 1 of Division 1 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 980 of the Unemployment Insurance Code is amended to read:

980. In determining the balance in the Unemployment Fund for the purpose of Section 979 there shall be excluded: Unemployment Fund balance

(a) Any estimated contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

(b) Any amounts available for transfer to the Disability Fund.

(c) Any amount credited to this State's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not such amount has been withdrawn from such fund.

SEC. 2. Section 1521 of said code is amended to read:

1521. The Unemployment Fund is continued in existence as a special fund, separate and apart from all public money or funds of this State. This fund shall consist of (1) all employer contributions collected under this division; (2) interest earned upon any money in the fund; (3) any property or securities acquired through the use of mony belonging to the Composition of fund

fund; (4) all earnings of such property or securities; (5) all money credited to this State's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended: and (6) all other money received for the fund from any other source. All money in the fund shall be mingled and undivided.

All money in the Unemployment Fund and in the various accounts of that fund, except any money appropriated pursuant to Section 1528.5, is continuously appropriated without regard to fiscal years for the purposes authorized in this article.

SEC. 3. Section 1528 of said code is amended to read:

Benefit account

1528. The benefit account consists of all money requisitioned from this State's account in the Unemployment Trust Fund, except money requisitioned for administration pursuant to Section 1528.5, and any money so requisitioned, except money requisitioned for administration pursuant to Section 1528.5, shall be transferred out of the Unemployment Trust Fund account into the benefit account.

SEC. 4. Section 1528.5 is added to Article 2 of Chapter 6 of Part 1 of Division 1 of said code, to read:

Unemployment Trust Fund. Requisitions

1528.5. (a) Money credited to the account of this State in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, may not be requisitioned from this State's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this part. Such money may be requisitioned pursuant to Section 1529 for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this part but only pursuant to a specific appropriation by the Legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(1) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor.

(2) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law.

(3) Limits the amount which may be obligated during a fiscal year to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this State pursuant to Section 903 of the Social Security Act, as amended, during the same fiscal year and the four preceding fiscal years, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such five fiscal years. Amounts credited to this State's account in the Unemployment Trust Fund under Section 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and

which are not already so charged, except that no amount obligated for administration during a fiscal year specified herein may be charged against any amount credited during such a fiscal year earlier than the fourth preceding such fiscal year.

(b) Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the Unemployment Administration Fund, but, until expended, shall remain a part of the Unemployment Fund. The director and the Controller shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended shall be returned promptly to the account of this State in the Unemployment Trust Fund.

SEC. 5. Section 1529 of said code is amended to read:

Same: For benefit payments

1529. Except as provided in Section 1528.5, money shall be requisitioned from this State's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with authorized regulations. The director shall from time to time requisition from the Unemployment Trust Fund such amounts, not exceeding the amounts standing to this State's account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the Treasurer shall deposit such money in the benefit account of the Unemployment Fund. Any balance of money requisitioned from the Unemployment Trust Fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be considered in preparing subsequent estimates and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the Unemployment Trust Fund.

SEC. 6. Section 1532 of said code is amended to read:

Benefit payment account Purposes

1532. Money in the benefit payment account shall be used solely to pay benefits pursuant to authorized regulations and no other disbursement shall be made therefrom, but amounts erroneously and illegally deposited in such account may be refunded therefrom, except that money credited to this State's account pursuant to Section 903 of the Social Security Act, as amended, shall be used exclusively as provided in Section 1528.5. The procedure prescribed by such regulations shall be deemed to satisfy and shall be in lieu of any and all statutory requirements not contained in this division of specific appropriation or other form of release by state officers of money in their custody prior to expenditure which might otherwise be applicable to withdrawals from the benefit payment account. Any balance of money withdrawn from the benefit account which remains unclaimed or unpaid in the benefit payment account after the expiration of the period for which such

sums were withdrawn shall be considered in preparing subsequent estimates and may be utilized for the payment of benefits during succeeding periods or, in the discretion of the director, shall be redeposited in the benefit account.

SEC. 7. Section 1534 of said code is amended to read:

Refunds or judgments

1534. Refunds or judgments payable pursuant to this part, may be paid from the clearing account or from the benefit account with respect to any money erroneously deposited therein, upon warrants issued by the Controller under the direction of and in accordance with authorized regulations, except that money credited to this State's account pursuant to Section 903 of the Social Security Act, as amended, shall be used exclusively as provided in Section 1528.5. Refunds of interest, penalties and fines collected after January 29, 1945, and interest payable on refunds and judgments pursuant to this division may not be paid from the benefit account but may be paid from the clearing account to the extent that interest, penalties and fines collected are currently on deposit in that account.

SEC. 8. Section 1555 of said code is amended to read:

Unemployment Administration Fund

1555. The Unemployment Administration Fund is continued in existence as a special fund in the State Treasury. All money which is deposited or paid into this fund, except any money appropriated pursuant to Section 1528.5, is hereby continuously appropriated and made available to the director for the purposes authorized in this article without regard to fiscal years. Any balances in this fund shall not lapse at any time, but shall be continuously available to the director for expenditure consistent with the purposes authorized.

SEC. 9. Section 1556 of said code is amended to read:

Same. Composition

1556. Except for money appropriated under Section 1528.5, the Unemployment Administration Fund shall consist of all money appropriated by this State for the purpose of administering this part, and all money received from the United States of America, or any agency thereof, including the Secretary of Labor, the Railroad Retirement Board and the United States Employment Service, or from any other source for such purpose. Money received from the Railroad Retirement Board as compensation for services or facilities supplied to it shall be deposited in this fund. Money requisitioned and deposited in this fund pursuant to Section 1528.5 shall remain part of the Unemployment Fund and shall be used only in accordance with the conditions specified in that section.

SEC. 10. Section 1558 of said code is amended to read:

Same: Purpose

1558. All money in the Unemployment Administration Fund shall be expended solely for the purpose of defraying the cost of the administration of this division, including, but not limited to, payments authorized under Sections 1786 and 1788, and for no other purpose whatsoever, and all money except money received pursuant to Section 1528.5, received from the Federal Government for the fund pursuant to Section 302 of the Social Security Act shall be expended solely

for the purposes and in the amounts found necessary by the Secretary of Labor for the proper and efficient administration of this division.

CHAPTER 1815

An act to amend Section 709 of the Probate Code, relating to the filing of claims with an executor or administrator.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 709 of the Probate Code is amended to read:

709. If an action is pending against the decedent at the time of his death, the plaintiff must in like manner file his claim with the clerk or present it to the executor or administrator for allowance or rejection, authenticated as required in other cases; and no recovery shall be had against decedent's estate in the action unless proof is made of such filing or presentation; provided, if the action which is pending is an action for damages and the decedent was insured therefor and the insurer has accepted the defense of the cause and an appearance has been made in such action on behalf of the decedent, no claim shall be required except for amounts in excess of or not covered by such insurance.

CHAPTER 1816

An act to amend Section 8453 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to schools.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8453 of the Education Code is amended to read:

8453. No publication of a sectarian, partisan, or denominational character, shall be distributed or used for sectarian, partisan, or denominational purposes in any school, except that nothing herein shall restrict the development and use of school library collections. No sectarian or denominational doctrine shall be taught in any school. Any school district or city, the officers of which knowingly allow any classes or students to be taught in violation of this section, forfeits all rights to any state or county apportionment of school moneys, and upon satisfactory evidence of any violation, the Superintendent of Public Instruction and school superintendent shall withhold both state and county apportionments.

CHAPTER 1817

An act to amend Section 33738 of the Health and Safety Code, relating to community redevelopment.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 33738 of the Health and Safety Code is amended to read:

33738. If the plan provides for the temporary or permanent displacement of any occupants of housing facilities in the project area, the legislative body shall not approve the plan except upon the finding that adequate permanent housing facilities are or will be made available in the same county in which the housing facilities to be displaced are located, for such displaced occupants reasonably convenient to their needs as determined by the agency and at rents comparable to those in the community at the time of their displacement.

If it is necessary to make available permanent housing facilities for displaced occupants in such county outside the agency undertaking the plan, such activity shall be subject to the approval of the governing body of such county or of the city in which the housing is made available.

CHAPTER 1818

An act to amend Sections 72640, 72645, 72646, 72647, 72649, and 72650 of the Government Code, relating to the Office of Marshal of Municipal Courts, Los Angeles County.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 72640 of the Government Code is amended to read:

Marshal

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 56, set forth in Section 72649.

SEC. 2. Section 72645 of the Government Code is amended to read:

Marshal's appointees

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 53, set forth in Section 72649.

(b) One chief deputy inspector who shall receive the monthly compensation specified in Schedule 51, set forth in

Section 72649. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) One chief deputy marshal.

SEC. 3. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint: Same

(a) Four inspectors, each of whom shall receive monthly compensation as provided in Schedule 50, set forth in Section 72649. The first and second vacancies occurring in this position shall each cause a corresponding reduction in the number of inspectors hereby authorized.

(b) Thirteen captains, each of whom shall receive monthly compensation as provided in Schedule 47, set forth in Section 72649. The first, second and third vacancies occurring in this position shall each cause a corresponding reduction in the number of captains hereby authorized; provided, however, that each such vacancy shall increase by one the basic number of positions of lieutenant authorized in paragraph (c) of this section.

(c) Eighteen lieutenants, plus three additional such positions to which appointments shall be made as and when each of the first three vacancies mentioned in paragraph (b) shall occur, each of whom shall receive monthly compensation as provided in Schedule 44, set forth in Section 72649.

(d) Twenty-four sergeants, each of whom shall receive monthly compensation as provided in Schedule 41, set forth in Section 72649.

(e) Two hundred twenty deputies, each of whom shall receive monthly compensation as provided in Schedule 39, set forth in Section 72649. Appointments to such positions shall be at step B of said schedule.

SEC. 4. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint: Marshal's appointees

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 37, set forth in Section 72649.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 36, set forth in Section 72649.

(c) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 34, set forth in Section 72649.

(d) One property clerk who shall receive monthly compensation as provided in Schedule 34, set forth in Section 72649.

(e) Forty-two deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 35, set forth in Section 72649.

(f) Seventy deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 32, set forth in Section 72649.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 29, set forth in Section 72649. Appointments to said positions shall be at step D of said schedule.

(h) Four administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 37, set forth in Section 72649.

(i) Such deputies who shall be custodians as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One business manager, who shall receive monthly compensation as provided in Schedule 44, set forth in Section 72649.

(k) One payroll clerk who shall receive monthly compensation as provided in Schedule 33, set forth in Section 72649.

(*l*) One principal clerk who shall receive monthly compensation as provided in Schedule 38, set forth in Section 72649.

SEC. 5. Section 72649 of the Government Code is amended to read:

Applicability

72649. Except where this article otherwise provides, the provisions of law succeeding the Municipal and Justice Court Act of 1949 or this code shall govern the appointment and assignment of officers, deputies, and attaches to the offices and positions enumerated in this article, and shall define the rights, benefits, and privileges of the marshals, constables, deputies, and attaches of superseded courts, including the right of such persons to succeed to such offices and positions. All assistants, deputies, inspectors, and other employees of the Marshal of Municipal Courts, Los Angeles County, may be appointed, removed, suspended, or discharged for cause by the said marshal; subject in such appointment, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the Office of Sheriff, Los Angeles County.

(a) The following schedules of compensation shall apply to the Office of the Marshal, Municipal Courts, Los Angeles County, and to any court service division created under this chapter:

Schedule number	Step A	Step B	Step C	Step D	Step E
29	$273	$288	$303	$319	$337
30	288	303	319	337	355
31	303	319	337	355	375
32	319	337	355	375	395
33	337	355	375	395	417
34	355	375	395	417	440
35	375	395	417	440	464
36	395	417	440	464	489
37	417	440	464	489	516
38	440	464	489	516	545
39	464	489	516	545	575
40	489	516	545	575	608
41	516	545	575	608	641

Schedule number	Step A	Step B	Step C	Step D	Step E
42	545	575	608	641	677
43	575	608	641	677	715
44	608	641	677	715	755
45	641	677	715	755	797
46	677	715	755	797	842
47	715	755	797	842	889
48	755	797	842	889	940
49	797	842	889	940	992
50	842	889	940	992	1,048
51	889	940	992	1,048	1,107
52	940	992	1,048	1,107	1,170
53	992	1,048	1,107	1,170	1,236
54	1,048	1,107	1,170	1,236	1,306
55	1,107	1,170	1,236	1,306	1,380
56	1,170	1,236	1,306	1,380	1,458
57	1,236	1,306	1,380	1,458	1,540
58	1,306	1,380	1,458	1,540	1,627

(b) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(c) When any person in the service of the court or of the marshal is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(d) On the effective date of this act, any person who has served in his office or position for at least 18 months shall receive step E of the schedule pertaining to such office or position; and any person who has so served in excess of six months shall receive step D thereof. All others shall receive step C.

(e) When any person is demoted to another office or position he shall receive the fifth step rate of salary for the position to which he is demoted, except that if such demotion

is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person.

SEC. 6. Section 72650 of the Government Code is amended to read:

Salary schedules

72650. Effective July 1, 1960, each respective salary schedule number attached to a position mentioned in Sections 72645, 72646 and 72647 shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72649.

Operative date

SEC. 7. The provisions of this act shall become operative October 1, 1959.

CHAPTER 1819

An act to add Chapter 7.5 (commencing at Section 25700) to Division 20 of the Health and Safety Code, relating to atomic energy development and radiation protection.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.5 (commencing at Section 25700) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7.5. ATOMIC ENERGY DEVELOPMENT AND RADIATION PROTECTION

Article 1. Short Title

Short title

25700. This chapter may be cited and shall be known as the California Atomic Energy Development and Radiation Protection Law.

Article 2. Declaration of Policy

Declaration of policy

25710. The Legislature finds and declares that the peacetime uses of atomic energy and radiation can be instrumental in improving the health, welfare and economic productivity of the people of the State of California if properly utilized, and may be hazardous to the health and safety of the public if carelessly or excessively employed. It is therefore declared to be the policy of the State to:

(a) Encourage the constructive development of industries producing or utilizing atomic energy and radiation and to eliminate unnecessary exposure of the public to ionizing radiation.

(b) Have state agencies retain their traditional jurisdictions wherever possible.

(c) Have various departments and agencies of the State which are concerned with atomic energy and radiation and its various applications develop programs designed to protect the people of the State from unnecessary exposure to radiation.

(d) Assure the co-ordination of the programs of the state agencies and the laws, rules and regulations incident thereto and to insure the co-ordination of these activities with the development and regulatory activities of local agencies, other states and the Government of the United States, including the Atomic Energy Commission.

(e) Keep the public, labor, industry, and all other legitimate interests as completely informed as possible on all matters relating to peacetime atomic energy and radiation development and control in this State.

Article 3. Definitions

"Atomic energy"

25720. "Atomic energy" means all forms of energy released in the course of nuclear transformation.

"Radiation"

25721. "Radiation" means any or all of the following forms of ionizing radiation: gamma rays, X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or nuclear particles or rays, but does not include sound or radio waves, or visible, infrared, or ultraviolet light.

Article 4. Co-ordinator of Atomic Energy Development and Radiation Protection

Co-ordinator of Atomic Development and Radiation Protection

25730. There is in the Office of the Governor the position of Co-ordinator of Atomic Energy Development and Radiation Protection who shall be appointed by, and serve at the pleasure of, the Governor. The co-ordinator may appoint such clerical and secretarial employees as are necessary to perform his duties and may fix their salaries, subject to the approval of the Director of Finance. The co-ordinator and his staff shall be known as the Office of Atomic Energy Development and Radiation Protection. The compensation of the co-ordinator shall be fixed by the Director of Finance. He shall be a full-time officer and shall serve as advisor to the Governor with respect to the development of atomic energy and radiation protection in the State.

Same· Liaison functions

25731. The co-ordinator shall perform the liaison function between the State and the Federal Government, including the United States Atomic Energy Commission, and between this State and other states in matters pertaining to atomic energy development and radiation protection.

Same Further duties

25732. The co-ordinator shall co-ordinate the programs, and rules and regulations of the several departments and agencies of the State and the cities and counties relating to atomic energy development and radiation protection, and shall

so far as may be practicable co-ordinate the studies conducted and the recommendations and proposals made in this State on these subjects with like activities in other states and by the Federal Government and with the policies and regulations of the United States Atomic Energy Commission.

The departments and agencies of the State which are concerned with atomic energy and radiation, their various applications and uses, and the cities and counties, shall keep the co-ord nator currently informed as to their activities and programs relating to atomic energy and radiation.

Change of rule or regulation

25733. No state department or other state agency shall adopt, amend or repeal any rule or regulation, except emergency rules or regulations, relating to atomic energy development or radiation protection unless and until the proposed rule or regulation, or amendment thereto, or repeal thereof, has been first submitted to the co-ordinator for such comments, recommendations, or suggestions he may deem necessary or desirable with respect thereto.

Emergency regulations

25734. No rule or regulation applying to atomic energy development or radiation protection or amendment thereto or repeal thereof which any state agency may propose to adopt, unless it be an emergency regulation, shall be noticed under the provisions of Section 11423 of the Government Code prior to 30 days after it has been submitted to the co-ordinator.

Co-ordinator Recommendations

25735. The co-ordinator may when he deems necessary or appropriate recommend to any state department or other state agency the adoption, amendment, or repeal of rules and regulations relating to atomic energy development and radiation protection.

Same Informing the Governor

25736. The co-ordinator shall keep the Governor and the various interested state departments and agencies and the cities and counties informed of private and public activities affecting the peacetime uses of atomic energy and radiation and shall enlist their co-operation in protecting the health, safety and general welfare of the people of the State.

Same. Public information

25737. The co-ordinator shall disseminate to the public factual data and information and interpretations thereof concerning atomic energy development and the uses of radiation in the State with the view to providing a reliable source of accurate information relating to the benefits and hazards of such development and uses.

Same: Report to Governor

25738. The co-ordinator shall submit a report to the Governor and the Legislature not later than 10 calendar days following the commencement of each regular session of the Legislature recommending such action or legislation as he deems necessary or desirable, and shall submit his first report to the Governor and to the Legislature at the 1961 Regular Session, including but not limited to information and recommendations on:

(a) The environmental monitoring and surveillance program of the State relating to radiation

(b) The adequacy of the radiological laboratory facilities of the State necessary for discharging the duties and performing the service required by state agencies, whether or not there should be a centrally located laboratory facility to service all state agencies, and if so where it should be located administratively, or whether it would be feasible for the State to contract with private organizations for any needed technical laboratory work.

(c) The need for personnel trained in various aspects of radiological safety.

(d) The need for a program for the inspection of sources of radiation within the State.

Same Consultation and advice

25739. The co-ordinator may consult with and seek the advice of technically qualified persons within and without the State to advise on matters relating to atomic energy and radiation protection, particularly with regard to rules, regulations and safety standards relating to radiation usage and exposure.

Article 5. Departmental Co-ordinating Committee

Committee on Atomic Energy Development, etc.

25750. There is in the State Government the Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection which shall consist of the Co-ordinator of Atomic Energy Development and Radiation Protection as chairman and the heads of the following state departments and agencies, or the individuals designated by the heads of such departments or agencies to represent them: the Department of Public Health, the Department of Industrial Relations, the Department of Water Resources, the Department of Natural Resources, the Department of Fish and Game, the State Water Pollution Control Board, the California Disaster Office, the Attorney General, the Department of Agriculture, the Department of Public Works, the Department of Education, the Department of Finance, the University of California, the Public Utilities Commission, and such other state departments or agencies as the Governor may select.

Meetings

25751. Meetings of the committee shall be held as called by the co-ordinator or upon request of four or more of the members.

Duties

25752. The committee shall assist in the co-ordination and development of the programs and activities of the various state departments and agencies in matters pertaining to atomic energy development and radiation protection and shall report thereon to the Governor from time to time or upon his request.

Article 6. Advisory Council

Advisory Council

25760. There is in the State Government an Advisory Council on Atomic Energy Development and Radiation Protection, consisting of the Co-ordinator of Atomic Energy Development and Radiation Protection and nine members appointed by the Governor. One member shall be appointed from

each of the following fields: industry, labor, medicine, education, science and technology, agriculture, insurance, city government, and county government.

Members

25761. Of the members first appointed four shall be appointed by the Governor to serve a term which shall expire on October 1, 1960, and five shall be appointed to serve a term which shall expire on October 1, 1961. Thereafter all members shall be appointed for terms of two years, except that members appointed to fill vacancies prior to the expiration of a term shall be appointed for the remainder of such term. The chairman shall be selected by the Governor, and the co-ordinator shall act as secretary to the council.

Compensation

25762. Members of the council shall receive no compensation but shall be allowed their actual necessary traveling expenses incurred in the discharge of their duties.

Meetings

25763. The council shall meet at least twice each year at the call of the Governor.

Purposes

25764. The council shall evaluate the programs of the several state departments and agencies and advise and make recommendations to the Governor bearing on the development of state policy in the field of atomic energy development and radiation protection.

Article 7. Permits and Licenses Required

Misdemeanor

25770. It is unlawful for any person to manufacture, construct, produce, transfer, acquire, use, or possess any of the materials or facilities for which a permit or license is required under the provisions of the Atomic Energy Act of 1954 (Public Law 85-256) unless he shall have first obtained such permit or license. Violation of this section is a misdemeanor.

Information

25771. The Department of Public Health shall keep current information on the permits or licenses issued by the United States Atomic Energy Commission in the State and shall transmit such information to the Co-ordinator of Atomic Energy Development and Radiation Protection and upon request to any state department or agency or member of the public.

Article 8. Registration of Sources of Radiation

Registration

25780. Any person possessing a source of radiation shall register with the Department of Public Health pursuant to rules and regulations which shall be promulgated by the Board of Public Health and shall give such information relating to such source of radiation as shall be required by such rules and regulations on forms to be prescribed by the Board of Public Health and furnished by the department. Violation of this section is a misdemeanor.

Information

25781. The information obtained by registrations under Section 25780 shall be transmitted by the department to the

Co-ordinator of Atomic Energy Development and Radiation Protection and shall be made available to state departments and agencies, city and county governments, and the public.

CHAPTER 1820

An act making an appropriation for support of the Department of Public Health.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. The sum of thirty-two thousand dollars ($32,000) is hereby appropriated out of the General Fund in augmentation of Item 201 of the Budget Act of 1959 for support of the Department of Public Health, to be used for the purposes specified in Article 8 (commencing at Section 25780) of Chapter 7.5 of Division 20 of the Health and Safety Code, as proposed by Assembly Bill No. 1403 of the 1959 Regular Session.

CHAPTER 1821

An act to amend Sections 71085, 74502, 74503, 74504 and 74504.5 of the Government Code, relating to municipal courts.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 71085 of the Government Code is amended to read:

Officers of the court. Compensation and establishment

71085. The clerk, or chief clerical officer by whatever name known, the marshal or constable, or similar official, their deputies and attaches, and all other officers or employees of each court wholly or partly superseded by a municipal or justice court, shall become the clerk, the marshal, or constable, their deputies and attaches, and officers or employees of such municipal or justice court upon its organization, so far as such positions are provided by law. If no provision is made by law for officers and employees of a municipal court, there shall be the following officers and employees for such court and they shall receive the compensation for their services fixed by the judge within the ranges provided below, until express provision has been made for officers and employees of the court; provided, that if there are one or more other municipal courts in the county in which the court is established, the officers and employees of the court shall not be compensated at a rate greater than that provided by law for comparable officers and employees in any other municipal court in the county.

There shall be one clerk of the court who shall receive a monthly salary in the following range: six hundred dollars ($600), six hundred fifty dollars ($650), seven hundred dollars ($700).

The clerk may appoint with the approval of the judge as many deputies as may be necessary who shall receive a monthly salary in the following range: three hundred fifty dollars ($350), three hundred seventy-five dollars ($375), four hundred dollars ($400), four hundred twenty-five dollars ($425), four hundred fifty dollars ($450), four hundred seventy-five dollars ($475), five hundred dollars ($500).

There shall be one marshal. His monthly salary shall be in the following range: five hundred dollars ($500), five hundred fifty dollars ($550), six hundred dollars ($600).

The marshal may appoint with the approval of the judge as many deputy marshals as may be necessary. The monthly salary of a deputy marshal shall be in the following range: four hundred dollars ($400), four hundred fifty dollars ($450), five hundred dollars ($500), five hundred fifty dollars ($550).

The judge of an existing court who does not succeed to judicial office shall be deemed to be a clerk or chief clerical officer within the meaning of this section.

SEC. 2. Section 74502 of said code is amended to read:

Salaries: Clerk, etc.

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand three hundred fifty dollars ($1,350) a month. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 3. Section 74503 of said code is amended to read:

Same. Jury commissioners and deputy clerks

74503. (a) There shall be one jury commissioner who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a salary of nine hundred ten dollars ($910) monthly. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive a salary hereinabove provided.

(b) The clerk shall appoint four deputy clerks who shall be the chief division clerks in the civil, criminal, traffic and accounting departments of the court, and who shall be paid a minimum salary of seven hundred eighty dollars ($780) monthly during the first year of service, a salary of eight

hundred fifteen dollars ($815) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred forty-five dollars ($845) monthly after the second year of service commencing on the first day of the month following the second aniversary of his appointment. While assigned to the traffic department or the civil department of the court such chief division clerks shall be paid in addition to the salary provided by this article the additional sum of twenty-five dollars ($25) monthly.

SEC. 4. Section 74504 of said code is amended to read:

74504. The clerk shall also appoint:

Deputy clerks

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of six hundred seventy dollars ($670) monthly during the first year of service, a salary of seven hundred dollars ($700) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred thirty dollars ($730) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-two deputy clerks who shall be paid a minimum salary of five hundred eighty-five dollars ($585) monthly during the first year of service, a salary of six hundred ten dollars ($610) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred forty dollars ($640) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Fifteen deputy clerks who shall be paid a minimum salary of five hundred dollars ($500) monthly during the first year of service, a salary of five hundred twenty-five dollars ($525) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred fifty dollars ($550) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Sixteen deputy clerks who shall be paid a minimum salary of four hundred sixty-five dollars ($465) monthly during the first year of service, a salary of four hundred eighty dollars ($480) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred ninety dollars ($490) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(e) Nineteen deputy clerks who shall be paid a minimum salary of four hundred thirty dollars ($430) monthly during the first year of service, a salary of four hundred

forty-five dollars ($445) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred sixty dollars ($460) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Twenty-seven deputy clerks who shall be paid a minimum salary of three hundred eighty dollars ($380) monthly during the first year of service, a salary of four hundred dollars ($400) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred twenty-five dollars ($425) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Two information clerks who shall be paid a minimum salary of three hundred fifty dollars ($350) monthly during the first year of service, a salary of three hundred eighty dollars ($380) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred ten dollars ($410) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

SEC. 5. Section 74504.5 of said code is amended to read:

Salary increase

74504.5. The salary of each position mentioned in Sections 74503 and 74504 of this article shall be increased four (4) percent over the amount therein specified, effective July 1, 1960.

CHAPTER 1822

An act to amend Section 1858.56 of the Civil Code, relating to warehousemen's liens.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1858.56 of the Civil Code is amended to read:

1858.56. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered or certified letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue shall be paid on or before the day mentioned, not less than 10 days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published pursuant to Section 6066 of the Government Code in the place where such sale is to be held. The sale shall not be held less than 15 days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least 10 days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this article, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

CHAPTER 1823

An act to add Title 4 (commencing with Section 13500) to Part 4 of the Penal Code, relating to standards for recruitment and training of local law enforcement officers, and making an appropriation.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

Statewide interest

SECTION 1. In enacting this legislation the Legislature finds that vocational training and the enforcement of state laws are matters of statewide interest and concern.

Short title

SEC. 2. Title 4 (commencing with Section 13500) is added to Part 4 of the Penal Code, to read:

TITLE 4. STANDARDS AND TRAINING OF LOCAL LAW ENFORCEMENT OFFICERS

CHAPTER 1. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Article 1. Administration

The Commission: Membership and terms

13500. There is in the Department of Justice a Commission on Peace Officer Standards and Training, hereafter referred to in this chapter as the commission. The commission consists of nine members appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate, of whom five must be either sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police, two must be elected officers or chief administrative officers of cities in this State, and two must be elected officers or chief administrative officers of counties of this State, as well as the Attorney General, who shall be an ex officio member of the commission. Of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

Same Officers

13501. The commission shall select a chairman and a vice chairman from among its members. Five members of the commission shall constitute a quorum. The Attorney General shall summon the commission to its first meeting.

Compensation

13502. Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the commission shall be deemed performance by a member of the duties of his local governmental employment.

13503. In carrying out its duties and responsibilities, the commission shall have all of the following powers: Duties

(a) To meet at such times and places as it may deem proper;

(b) To employ an executive secretary and, pursuant to civil service, such clerical and technical assistants as may be necessary;

(c) To contract with such other agencies, public or private, or persons as it deems necessary, for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out its duties and responsibilities;

(d) To co-operate with and to secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions;

(e) To co-operate with and secure the co-operation of every department, agency, or instrumentality in the State Government;

(f) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

13504. The Attorney General shall, so far as compatible with other demands upon the personnel in the Department of Justice, make available to the commission the services of such personnel to assist the commission in the execution of the duties imposed upon it by this chapter. Availability of Attorney General's services

13505. In exercising its functions the commission shall endeavor to minimize costs of administration, so that the greatest possible proportion of the funds available to it shall be expended for the purposes of providing training for local law enforcement officers. All expenses for the operation of the commission shall be a proper charge against the revenue accruing under the provisions of Article 3 (commencing with Section 13520). Administrative costs

13506. The commission may adopt such regulations as are necessary to carry out the purposes of this chapter. Regulations

Article 2. Standards for Recruitment and Training

13510. For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers or peace officer members of a county sheriff's office, in any city, county, or city or county receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers and peace officer members of county sheriff's offices, which shall apply to those cities, counties, and cities and counties receiving state aid pursuant to this Rules on standards

chapter. All such rules shall be adopted and amended pursuant to the Administrative Procedure Act (Chapter 4 (commencing at Section 11370) and Chapter 5 (commencing at Section 11500) of Part 1, Division 3, Title 2 of the Government Code).

Training

13511. In establishing standards for training, the commission may, so far as consistent with the purposes of this chapter, permit required training to be obtained at existing institutions approved by the commission.

Adherence to standards

13512. The commission shall make such inquiries as may be necessary to determine whether every city, county, and city and county receiving state aid pursuant to this chapter is adhering to the standards for recruitment and training established pursuant to this chapter.

Article 3. Peace Officers' Training Fund and Allocations Therefrom

Peace Officers' Training Fund

13520. There is hereby created in the State Treasury a Peace Officers' Training Fund, which is hereby appropriated, without regard to fiscal years, exclusively for costs of administration and for grants to local governments pursuant to this chapter.

Penalty assessment

13521. On and after the effective date of this section, there shall be levied a penalty assessment in an amount equal to 5 percent of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses, other than a fine, penalty or forfeiture for a violation of the Vehicle Code or any local ordinance relating to the stopping, standing, parking, or operation of a vehicle, and other than for a violation of the Fish and Game Code. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Peace Officers' Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

13522. Any city, county, or city and county which desires to receive state aid pursuant to this chapter shall make application to the commission for such aid. The application must be accompanied by a certified copy of an ordinance adopted by its governing body providing that while receiving any state aid pursuant to this chapter, the city, county or city and county will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request. Application for state aid

13523. The commission shall annually allocate and the State Treasurer shall pay from the Peace Officers' Training Fund to each city, county, and city and county which has applied and qualified for aid pursuant to this chapter a sum which will reimburse the city, county, or city and county in an amount not to exceed one-half of the salary paid to each peace officer meeting the recruitment standards and participating in training meeting the standards prescribed pursuant to this chapter, during the period covered by the allocation, plus one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence overnight. If the moneys in the Peace Officers' Training Fund budgeted by the commission for such salary reimbursement are insufficient to allocate such amount to each participating city, county, and city and county, the amount allocated to each shall be reduced proportionately. In no event shall any allocation be made to any city, county, or city and county which has not, throughout the period covered by the allocation, adhered to the recruitment and training standards established by the commission as applicable to personnel recruited or trained by such city, county, or city and county during such period. Reimbursement

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CHAPTER 1824

An act to add Article 13.5 (commencing at Section 73840) to Chapter 10, Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 13.5 (commencing at Section 73840) is added to Chapter 10, Title 8 of the Government Code, to read:

Article 13.5. Newport Beach Municipal Court

73840. This article applies to the municipal court established in the judicial district embracing the Cities of Newport Beach and Costa Mesa. Scope

Judges

73841. There shall be two judges. The judge of the justice court superseded by such municipal court shall automatically succeed to the office of judge of such municipal court and shall serve as such for the balance of the term for which he was last elected or appointed as judge of the justice court and until the election and qualification of his successor.

Salaries: Clerk

73842. There shall be one clerk who shall receive a minimum of six hundred eight dollars ($608) monthly with annual increments of thirty-three dollars ($33), thirty-six dollars ($36), thirty-eight dollars ($38), and forty dollars ($40) to a maximum of seven hundred fifty-five dollars ($755) monthly.

73843. The clerk may appoint:

Same: Deputy clerks

(a) One chief deputy clerk who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with annual increments of twenty-seven dollars ($27), twenty-nine dollars ($29), thirty dollars ($30), and thirty-three dollars ($33) to a maximum of six hundred eight dollars ($608) monthly.

(b) Three deputy clerks grade IV (division heads), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Two deputy clerks grade III (courtroom clerks), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) Three deputy clerks grade II (bookkeeper, cashier, calendar clerk), each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(e) Six deputy clerks grade I (general clerks), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

(f) One telephone operator who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of twelve dollars ($12), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly.

Same. Marshals, etc.

73844. There shall be one marshal who shall receive a monthly salary of eight hundred dollars ($800). The marshal may appoint:

(a) Five deputy marshals grade II (field deputies), each of whom shall receive a minimum salary of four hundred

seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(b) Two deputy marshals grade I (bailiffs), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(c) One chief clerk who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One clerk grade II (bookkeeper) who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly.

(e) Four clerks grade I (general clerical duties) each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

Administration of salary plan

73845. Administration of the salary plan provided by this article, including the determination of the anniversary dates for entitlement to salary increments, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the provisions of the salary ordinance of the County of Orange relating to the administration of the county salary plan for county employees generally.

The increments provided for in this article shall be subject to the provisions of Section 72001.

Applicability

73846. All appointments provided for in this article are subject to the provisions of the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act.

Privileges

73847. The officers and attaches of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to other employees of the County of Orange by the salary ordinance of said county.

Salary rate

73848. The initial hiring rate for each position shall be the minimum salary provided for the position by this article. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is engaged,

the appointing authority, with the approval of a majority of the judges, or in the event of an equal division of the judges, of the judge senior in service, and of the Board of Supervisors of the County of Orange may employ such person at one of the higher salary steps provided for the position.

CHAPTER 1825

An act to add Sections 1012.1 and 1035.1 to, to amend Sections 1035, 1037, 1038, 1039, and 1041 of, and to repeal Section 1040 of, the Military and Veterans Code, relating to the Veterans' Home of California.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1012.1 is added to the Military and Veterans Code, to read:

Investigation of financial status

1012.1. Prior to the admission of a veteran as a member of the home, and at any time during which a veteran is a member of the home, the department may investigate the veteran's financial status to insure that the veteran is unable to pay for necessary hospital or domiciliary care outside of the home. The department may contract with any other state agency to conduct such an investigation in its behalf.

SEC. 2. Section 1035 of said code is amended to read:

Balance of deceased veterans moneys

1035. Any balance of moneys of any veteran held by the home, or by its authority, shall, upon the death of the veteran, where undisposed of by will, executed prior to the date of the veteran's admission to the home, be held as a trust fund to be paid by the home upon proof deemed to be proper to the commandant, directly and without probate, to the spouse, dependent children, or dependent father or mother of the veteran; provided, that the commandant is hereby empowered to disburse funds of any deceased veteran for payment of such funeral expenses.

If no spouse, dependent children, or dependent father or mother are discovered within five years after the death of the veteran, or if the spouse, dependent children, or dependent father or mother discovered within such time are not entitled to the whole thereof, the moneys not paid to the spouse, dependent children, or dependent father or mother, and undisposed of by will executed prior to the date of the veteran's admission to the home or by will executed thereafter, leaving such property to the spouse, dependent children, or dependent father or mother, shall be paid to the post fund of the home which fund shall be used for the common benefit of the veterans under the direction of the commandant.

SEC. 3. Section 1035.1 is added to said code, to read:

1035.1. If any member of the home dies, any balance of money or personal property held by the home shall be distributed in the manner prescribed in this chapter, and any will executed subsequent to the date of the veteran's admission to the home shall not be valid as it relates to money or personal property held by the home, except to the extent that such will disposes of the money or property to the spouse, dependent children, or dependent father or mother of the veteran. Same

SEC. 4. Section 1037 of said code is amended to read:

1037. The money belonging to a veteran and voluntarily deposited with the home may be withdrawn, in whole or in part, at the will of the veteran. Any balance remaining upon his death, undisposed by will, executed prior to the veteran's admission to the home, and not paid to his spouse, dependent children, or dependent father or mother pursuant to a will or within the time and in the manner hereinbefore provided, shall be paid to the post fund. Withdrawal of funds

SEC. 5. Section 1038 of said code is amended to read:

1038. All money deposited with the home for a veteran shall be paid to him on demand, upon his discharge from or voluntary leaving the home. If such money is not so demanded at the time of discharge or leaving or within a period of five years thereafter, or demanded by the spouse, dependent children, dependent father or mother, devisees, or legatees in case of his decease after his discharge or voluntary leaving, the same shall be paid to the post fund. Same. Discharge from home

SEC. 6. Section 1039 of said code is amended to read:

1039. All moneys received by the home under specific trust agreements shall be paid into the post fund five years after the trust agreement terminates if not claimed by the spouse, dependent children, dependent father or mother, devisees, or legatees of the veteran as hereinabove provided. Trust agreements

SEC. 7. Section 1040 of said code is repealed. Repeal

SEC. 8. Section 1041 of said code is amended to read:

1041. If the personal property of a veteran is unclaimed for a period of one year after the date of his death or the date of his discharge or voluntary departure from the home, the commandant of the home may proceed by public auction or private sale to sell the property. The sale shall take place at a public place in the home, and notice of sale shall be posted in such place at least 10 days previous to the date of sale. The proceeds of sale shall be credited to the post fund. Unclaimed personal property

CHAPTER 1826

An act to amend Section 9575 of the Business and Professions Code, relating to dry cleaning.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 9575 of the Business and Professions Code is amended to read:

9575. All funds collected pursuant to this chapter shall be transmitted to the State Treasurer for deposit in the State Treasury and shall be credited to the Dry Cleaners' Fund which fund is hereby created. The Cleaners' Fund is hereby abolished and the unexpended balance remaining in this fund on the effective date of this chapter shall, on order of the State Controller, be transferred to the Dry Cleaners' Fund. The Dry Cleaners' Fund is appropriated for expenditure for support of the State Board of Dry Cleaners and for expenditure for support of the State Fire Marshal in administering and enforcing the provisions contained in Chapter 2 (commencing at Section 13201) and Chapter 3 (commencing at Section 13501) of Part 2 of Division 12 of the Health and Safety Code.

CHAPTER 1827

An act to amend Sections 11710, 11711, and 11713 of, and to add Sections 11718, 11719, 11720, and 11721 to, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the licensing and regulation of manufacturers, transporters, and dealers of vehicles.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11713 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Unlawful acts Holders of licenses

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this chapter:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 666 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the State unless such amount has in fact been paid by the dealer prior to such sale.

(i) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing at Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(j) To deliver, following sale of a new unregistered vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

SEC. 2. Section 11718 is added to said code, to read:

Probationary licenses

11718. Except where the provisions of this code require the refusal to issue a license and certificate, the department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 3. Section 11719 is added to said code, to read:

Temporary permit

11719. Pending the satisfaction of the department that the applicant has met the requirements under this article, it may issue a temporary permit to any person applying for a manufacturer's, transporter's or dealer's license and certificate. The temporary permit shall permit the operation by the manufacturer, transporter or dealer for a period not to exceed 60 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license and certificate. Such temporary permit shall be invalid when the applicant's license and certificate have been issued or refused.

SEC. 4. Section 11720 is added to said code, to read:

Certificate of convenience

11720. The department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of validly outstanding

special plates, license and certificate issued under this article, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to exercise the privileges granted by such special plates, license and certificate for a period of one year from and after the date of death and necessary one-year renewals thereafter, pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving widow, heir or other persons for such special plates, license and certificate under the provisions of this article. The department may restrict or condition the license and certificate and attach to the exercise of the privileges thereunder such terms and conditions as in its judgment the protection of the public requires.

SEC. 5. Section 11721 is added to said code, to read:

Cancellation

11721. The special plates, license and certificate provided for in this article shall be automatically canceled upon:

(a) The abandonment of the established place of business of the dealer or the change thereof without notice to the department as provided in Section 11712 of this code.

(b) The failure of the licensee to procure and file another bond as provided in Section 11710 of this code prior to the effective date of the termination by the surety of any existing bond.

(c) The voluntary surrender for any cause by the licensee of the special plates, license and certificate.

(d) Notification that the person designated as licensee has changed, except that the special plates issued to the original licensee may be transferred and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

(e) The failure of the licensee to file an application for renewal of the special plates, license and certificate before January 1st following the expiration date of the current special plates, license and certificate

SEC. 6. Section 11710 of said code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Issuance or renewal of dealer's license: Bond

11710. (a) Before any dealer's license shall be issued or renewed by the department to any applicant therefor, the said applicant shall procure and file with the department a good and sufficient bond in the amount of five thousand dollars ($5,000) with corporate surety thereon, duly licensed to do business within the State of California approved as to form by the Attorney General, and conditioned that said applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a purchaser, seller, financing agency, or governmental agency.

(b) Liability under such bond is to remain at five thousand dollars ($5,000). If the amount of liability under the bond is decreased or there is outstanding a final court judgment for

which the dealer and bonding company is liable, the dealer's license shall be automatically suspended. In order to reinstate the license and certificate, the licensee shall either file an additional bond or restore the bond on file to the original amount, or shall terminate the outstanding judgment for which he and the bonding company are liable.

(c) From and after the effective date of this section, a dealer's license, or renewal of such license, shall not be issued to any applicant therefor, unless and until such applicant shall file with the department a good and sufficient instrument in writing in which he shall appoint the director as the true and lawful agent of said applicant upon whom all process may be served in any action, or actions, which may thereafter be commenced against such applicant, arising out of any claim for damages suffered by any firm, person, association or corporation, by reason of the violation of said applicant of any of the terms and provisions of this code or any condition of the dealer's bond. The applicant shall stipulate and agree in said appointment that any process directed to said applicant, when personal service of process upon him cannot be made in this State after due diligence, in such a case which is served upon the director, or in the event of his absence from his office, upon any employee in charge of the office of such director, shall be of the same legal force and effect as if served upon said applicant personally. Said applicant shall further stipulate and agree in writing that the agency created by said appointment shall continue for and during the period covered by any license that may be issued and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of his bond, as aforesaid. The instrument appointing the director as the agent for the applicant for service of process shall be acknowledged by the applicant before a notary public. In any case wherein the licensee be served with process by service thereof upon the director one copy of the summons and complaint shall be left with the director or in his office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars ($5) shall also be paid to the director at the time of service of the copy of the summons and complaint. Such service on the director shall be a sufficient service on said licensee; provided, a notice of such service and a copy of the summons and complaint shall be forthwith sent by registered mail by the plaintiff or his attorney to said licensee. A copy of the said summons and complaint shall also be mailed by the plaintiff or his attorney to the surety on the applicant's bond at the address of the surety given in said bond, postpaid and registered with request for return receipt. The director shall keep a record of all process so served upon him which record shall show the day and hour of service and shall retain the summons and complaint so served on him on file. Where the licensee is served with process by service thereof upon the director, the licensee shall have and be allowed thirty (30) days

from and after the service thereof within which to answer any complaint or other pleading which may be filed in said cause; and provided further, that for purposes of venue, where the licensee is served with process by service thereof upon the director, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his established place of business.

SEC 7. Section 11711 of said code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Fraud as basis of action

11711. (a) If any person shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed dealer or one of such dealer's salesmen acting for the dealer, in his behalf, or within the scope of the employment of such salesman; provided, such person has possession of a written instrument furnished by the licensee, containing stipulated provisions and guarantees which the person believes have been violated by the licensee, or shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of Division 3 of this code, or is not paid for a vehicle sold to and purchased by a licensee, such person shall have a right of action against such dealer, his said salesman, and the surety upon the dealer's bond, in an amount not to exceed the value of the vehicle purchased from or sold to the dealer.

(b) If the State or any political subdivision thereof shall suffer any loss or damage by reason of any fraud practiced on the State or fraudulent representation made to the State by a licensed dealer, or one of such dealer's representatives acting for the dealer, in his behalf, or within the scope of employment of such representatives, or shall suffer any loss or damage by reason of the violation of such dealer or representative of any of the provisions of Division 3 of this code, or Division 2, Part 5 of the Revenue and Taxation Code, the State or any political subdivision thereof, through the department, shall have a right of action against such dealer, his representative, and the surety upon the dealer's bond in an amount not to exceed the value of the vehicles involved.

CHAPTER 1828

An act to repeal and add Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code, thereby recodifying the law relating to horse racing.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 19400) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 4. HORSE RACING

Article 1. General Provisions and Definitions

19400. This chapter is known and may be cited as the "Horse Racing Law." Short title

19401. The purpose of this chapter is to encourage agriculture and the breeding of horses in this State. Purpose

19402. Except where the context otherwise requires, the definitions set forth in this article govern the construction of this chapter. Construction

19403. "Association" means any person engaged in the conduct of a recognized horse race meeting. "Association"

19404. "Board" means the California Horse Racing Board. "Board"

19405. "Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of five cents ($0.05). "Breakage"

19406. "California-bred horse" is a foal dropped by a mare in California after being conceived in California and remaining in California until the foal is weaned. "California-bred horse"

19407. "Charity days" means racing days granted to a licensed racing association for the purpose of contributing net proceeds from such days to charitable organizations. Charity days are part of a regular race meeting and do not constitute a separate meeting. "Charity days"

19408. "Fund" means the Fair and Exposition Fund. "Fund"

19409. "Harness racing" means the form of horse racing in which each horse is harnessed to a sulky, carriage, or similar vehicle, as distinguished from the form of horse racing in which each horse participating is mounted by a jockey. "Harness racing"

19410. "Inclosure" means all areas of a racing association's grounds to which admission can be obtained only by payment of an admission fee or upon presentation of authorized credentials. "Inclosure"

19410.5. "Inclosure—public" means the areas to which the public is admitted upon payment of admission fees but excluding restricted areas such as the jockey room, the racing strip, the receiving barn and the stable area. "Inclosure—public"

19411. "Parimutuel" is a form of wagering on the outcome of horse races in which those who wager purchase tickets of various denominations on a horse or horses and all wagers for each race are pooled and held by the racing association for distribution. When the outcome of the race has been decided, the association distributes the total wagers comprising the pool, less the percentage allowed the State and association, to holders of tickets on the winning horse or horses. "Parimutuel"

19412. "Parimutuel pool" means the total money wagered by patrons and held by the association, under the parimutuel system, on any horse or horses in a particular race "Parimutuel pool"

to win, or place, or show. There is a separate mutuel pool for win, place and show and for daily double and quinella when they are used.

"Person"

19413. "Person" includes any individual, partnership, corporation, or other association or organization.

"Quarter horse racing"

19414. "Quarter horse racing" means the form of horse racing in which a participating horse is mounted by a jockey and engages in a straightaway race over a distance less than five-sixteenths of a mile.

"Secretary"

19415. "Secretary" means the Secretary of the California Horse Racing Board.

"Thoroughbred horse"

19416. "Thoroughbred horse" is any horse (including mare, gelding, colt and filly) that meets the requirements of and is registered by the Jockey Club of New York, including racing permits issued to foreign thoroughbred horses.

"Thoroughbred racing"

19417. "Thoroughbred racing" is the form of horse racing in which each participating horse is a "thoroughbred" (as herein defined), is mounted by a jockey and engages in races on the flat but does not include a steeplechase or hurdle race.

Restatements

19418. The provisions of this chapter insofar as they are substantially the same as existing code provisions relating to the same subject matter shall be construed as restatements and continuations thereof, and not as new enactments.

Article 2. General Administration and Enforcement

California Horse Racing Board

19420. Jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board.

Same: Membership and terms

19421. The board consists of three members, appointed by the Governor.

Each member shall hold office for a term of four years, commencing at the expiration of the previous term.

The term of the members of the board in office on January 1, 1959, shall expire as follows one member July 26, 1959, one member July 26, 1960, and one member July 26, 1961. The terms shall expire in the same relative order as to each member as the term for which he holds office on January 1, 1959.

Any vacancy shall be filled by the Governor for the unexpired term.

Each member shall be eligible for reappointment in the discretion of the Governor.

Residence

19422. Each member of the board shall have been a resident of this State for two years next preceding his appointment.

Disqualifications

19423. A person is disqualified from membership on the board for any of the following reasons:

(a) Holding any financial interest in a horse race track or in the operation of any such track within this State, or in the operation of authorized wagering on the results of horse races.

(b) Accepting any pecuniary reward from any horse race track in this State or in respect to its operation or the operation of authorized wagering on the results of horse races.

Not disqualified

19424. No board member is disqualified from receiving a share of any purse awarded him as the result of any horse race as an owner of a horse or as a breeder of a California-bred horse.

Compensation

19425. The members of the board shall serve without compensation, but shall receive their necessary traveling expenses.

Removal

19426. The Governor may remove any board member for cause upon first giving him a copy of the charges against him and an opportunity to be heard.

Employees

19427. The board shall appoint such employees as may be necessary to carry out the provisions of this chapter.

Secretary

19428. The board shall appoint a secretary who shall receive the annual salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

Disqualifications for employment

19429. A person is disqualified from employment by the board for any of the following reasons:

(a) Holding any financial interest in a horse race track or in the operation of any such track within this State, or in the operation of authorized wagering on the results of horse races.

(b) Accepting any pecuniary reward, other than authorized salary, from any horse race track in this State or in respect to its operation or the operation of authorized wagering on the results of horse races.

Payment of compensation

19430. The salaries of the secretary and other employees of the board, and the necessary traveling and other expenses of the secretary and members of the board, shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certification of the chairman of the board out of the money appropriated for that purpose.

General office, meetings, etc.

19431. The board shall establish and maintain a general office for the transaction of its business at a place to be determined by the board. The board may establish any branch office for the transaction of its business at a place to be determined by it. The board may hold meetings at any other place when the convenience of the members of the board requires.

All meetings of the board shall be open and public, and all persons shall be permitted to attend any meeting of the board.

A majority of the board constitutes a quorum for the transaction of its business or the exercise of any of its powers.

Records

19432. The secretary shall keep a full and true record of all proceedings of the board, preserve at the board's general office all books, documents, and papers of the board, prepare for service such notices and other papers as may be required of him by the board, and perform such other duties as the board may prescribe.

All records of the board shall be open to inspection by the public during regular office hours.

Investigations

19433. The board may visit, investigate, and place expert accountants and such other persons as it may deem necessary in the office, track, or other place of business of any licensee for the purpose of satisfying itself that its rules and regulations are strictly complied with.

Books and statements

19434. The board may require that the books and financial or other statements of any person licensed under this chapter shall be kept in any manner which to the board may seem best.

Production of documents

19435. The board may compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person licensed under this chapter.

Subpoenas of witnesses

19436. The board may issue subpoenas for the attendance of witnesses before it and administer oaths or affirmations to such witnesses whenever, in the judgment of the board, it may be necessary to do so for the effectual discharge of its duties. Any person subpoenaed who fails to appear before the board at the time and place specified in answer to the subpoena or, upon such appearance, refuses to testify, is guilty of a misdemeanor

Same

19437. The secretary may, under the direction of the board, issue subpoenas for the attendance of witnesses before the board with the same effect as if they were issued in an action in the superior court, and may, under direction of the board, administer oaths, in all matters pertaining to the duties of his office or connected with the administration of the affairs of the board.

Disobedience of subpoena

19438. Disobedience of a subpoena issued by the secretary or false swearing before such secretary shall be attended by the same consequence and shall be subject to the same penalties as if such disobedience or false swearing occurred in an action in the superior court.

Certification

19439. In lieu of requiring an affidavit or other sworn statement in any application or other paper or document required to be filed with it, the board may require a certification thereof under the penalty of perjury, in such form as the board may prescribe.

Any person who willfully makes and subscribes any such certificate which is materially false in any particular is guilty of a felony, and shall be punished in the manner prescribed by the Penal Code for the punishment of perjury.

Powers of enforcement

19440. The board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter.

Reports

19441 The board shall biennially make a full report to the Legislature of its proceedings for the two fiscal years ending with the last day of June next preceding a general session of the Legislature, and shall embody therein such recommendations as it deems desirable.

Attorney General

19442. The Attorney General and every district attorney shall enforce this chapter in their capacities as law enforcement officers

Article 3. Licenses Generally

19460. All licenses granted under this chapter: Licenses generally

(a) Shall be in writing.

(b) Are subject to all rules, regulations, and conditions from time to time prescribed by the board.

(c) Shall contain such conditions as are deemed necessary or desirable by the board for the purposes of this chapter.

19461. Every license granted under this chapter is subject to suspension or revocation by the board in any case where the board has reason to believe that any condition regarding it has not been complied with or that any law or any rule or regulation of the board affecting it has been broken or violated. Suspension and revocation

All proceedings to revoke a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

19462. If any license is suspended or revoked, the board shall state publicly its reasons for the suspension or revocation, and shall cause an entry of such reasons to be made on its minute book. Same Public statement

19463. The action of the board in suspending or revoking a license issued under this chapter is final, except that the propriety of such action is subject to review by any court of competent jurisdiction. The action of the board shall stand unless and until reversed by such a court. Judicial review

Article 4. Licenses for Track Operators

19480. The board may issue to any person who makes application therefor in writing, who has complied with the provisions of this chapter, and who makes the deposit to secure payment of the license fee imposed by this article, a license to conduct a horse racing meeting in accordance with this chapter at the track specified in the application. License procedure

19481. No license to conduct a horse racing meeting may be granted under this article unless the applicant's liability for workmen's compensation is secured in accordance with Division 4 of the Labor Code. Workmen's compensation

Any termination of security for such liability during the period of a license is ground for the revocation of the license.

19482. No license to conduct a horse racing meeting shall be issued to any of the following: Nonprofit corporation operations

(a) Any nonprofit corporation entitled to an exemption from any tax imposed by this State.

(b) Any applicant who proposes to conduct a horse racing meeting for the benefit of any such nonprofit corporation or under any arrangement pursuant to which such nonprofit corporation is to share in the receipts of the licensee from the conduct of such meeting, whether by rentals or otherwise.

Nothing in this section prohibits the board, in its discretion, from issuing a license to conduct a horse racing meeting to any corporation to which it has, prior to September 7, 1955, issued a license to conduct such a meeting.

Financial interest in meeting

19483. No license to conduct a horse racing meeting at any track shall be issued to any person having any financial interest in the conduct of any horse racing meeting by any other person at any other track in this State.

Ownership of stock in one corporation by another corporation constitutes a financial interest within the meaning of this section.

Financial interest in wagering

19484. No person licensed under this article to conduct a horse racing meeting at any place, track or inclosure shall own any stock or hold any other financial interest in any other track of another such licensee or in the operation thereof, or in the operation of authorized wagering on the results of horse races at any such other track.

Track for meeting

19485. The board shall not issue a license to conduct a horse racing meeting at any place, track or inclosure, not used for horse racing meetings prior to July 1, 1941, unless prior to the beginning of the construction or preparation of such track for horse racing meetings, the board, upon application in such form as it may require, has determined that the conduct of horse racing meetings at such track will be in the public interest and will subserve the purposes of this chapter.

This section does not apply in respect to any track not less than five-eighths of one mile in circumference in the infield of a mile track constructed and operated by a licensee under this article.

Length of track

19486. No license shall be granted to conduct a horse race meeting upon a track less than one mile in circumference or length to any applicant other than a county fair, district agricultural association, or quarter horse racing association.

Infield tracks

19487. Notwithstanding Section 19486, any licensed racing association operating a mile track may construct another track of not less than five-eighths of one mile in circumference in the infield of such mile track, and may operate such infield track for either racing in which the horses participating are mounted by jockeys or for harness racing. Also notwithstanding Section 19486, a license may be granted to any harness racing association to conduct a horse race meeting upon such an infield track.

License specifications

19488. Every license issued under this article shall specify the following:

(a) The name of the person to whom it is issued.

(b) The track where the horse racing meeting to which it relates is to be held or conducted.

(c) The days and hours of the day when the meeting will be permitted.

The license shall also recite the payment to and receipt by the board of the deposit to secure payment of the license fee required by this article.

Nontransferability

19489. A license issued under this article is not transferable nor does it permit the conduct of a horse racing meeting at any track not specified therein.

If, however, the track specified in a license becomes unsuitable for racing because of fire, flood, or other catastrophe,

the meeting or any remaining portion thereof may be conducted at any other track specified by the board in the same area. The board may specify any other track within the area for the conduct of the meeting, whether or not such conduct would result in increasing the number of racing days in the county or area in which such track is situated. Before any other track is so specified, the board shall obtain the consents of the person licensed to conduct a meeting at the track which has become unsuitable for racing and of the owners and operators licensed to conduct a meeting at such other track.

Security deposits

19490. Each application for a license to conduct a horse racing meeting shall be accompanied by a deposit to secure the payment of any license fee imposed by this article, in the form of a certified check payable to the Treasurer of the State of California, in the applicable amount specified below:

(a) Where the meeting is to be held in a county of the first class	$10,000
(b) Where the meeting is to be held in a county of the second class	10,000
(c) Where the meeting is to be held in a county of the second and one-half class	5,000
(d) Where the meeting is to be held in a county of the third class, at the rate of fifty dollars ($50) per day for the period of such meeting.	

For the purposes of this section, counties are classified in accordance with Section 19530 of this code.

License fee

19491. Every person licensed under this article who conducts a horse racing meeting shall pay a license fee equal to the sum of the following:

(a) Four percent of all money not in excess of ten million dollars ($10,000,000) handled in the parimutuel pools operated by him during the period of the license.

(b) Five percent of the amount by which the total amount so handled by him exceeds ten million dollars ($10,000,000) but is not more than twenty million dollars ($20,000,000).

(c) Six percent of the amount by which the total amount so handled by him exceeds twenty million dollars ($20,000,000).

(d) The "breakage" deducted by him pursuant to Section 19597 on the amount by which the total amount so handled exceeds twenty-seven million dollars ($27,000,000).

Payment of the fee shall be made daily on account during each meeting, and the amount attributable to breakage shall be reported and paid as a separate item.

Exceptions

19492. Notwithstanding Section 19490, no deposit shall be required for any horse racing meeting conducted by the California State Fair and Exposition, by a county fair, or by a district agricultural association.

19493. Upon the termination of the horse racing meeting for which a license has been granted:

(a) If the licensee has fully paid the license fee imposed by this article, the sum deposited with the application for the license shall be returned to the licensee.

(b) If the licensee fails, refuses, or neglects to pay such fee, the amount thereof shall be deducted from the sum deposited and the balance, if any, shall be returned to the licensee.

Return of fee

19494. If by reason of any cause beyond control, and through no fault or neglect of any licensee, and when the licensee is not in default, it becomes impossible for the licensee to hold or conduct racing upon any day authorized by the board, the board, in its discretion and at the request of the licensee, may either return any fee paid by the licensee for racing on that day or, as a substitute for such day, may specify any other day for the holding or conducting of racing by the licensee.

Fee limitations

19495. Except as provided in this chapter, no license or excise tax or fee in excess of one hundred dollars ($100) for each racing day shall be assessed against or collected from any licensee by the State or by any county, city, district, or any other body having the power to assess or collect any license, tax, or fee.

Same County fairs

19496 Except as provided in this chapter, no license, tax, or fee shall be assessed against or collected from any county fair or district agricultural association which, directly and not through any private person, conducts a horse racing meeting.

Transfer of property prohibition

19497. Any person who is licensed to conduct a horse racing meeting at any place, track or inclosure which is leased by him from the State, shall not transfer any such property to any other person, whether licensed under this chapter or not, for the purpose of furnishing such other person a place, track or inclosure at which it may conduct a horse racing meeting, unless such transfer is first submitted to the Department of Finance and the department finds that its terms and provisions are just and reasonable and approves of it.

As used in this section, "transfer" includes any sublease, permit to use, license to use, and any other transaction or arrangement of any kind or nature whereby any right to the use or possession of property, or any part thereof, for the purpose of conducting a horse racing meeting is conferred upon any person.

The provisions of this section which are applicable to a person licensed under this chapter to conduct a horse racing meeting shall also apply to any person to whom a transfer is made by such a licensee in accordance with this section.

Article 5. Other Licensees

Rules and regulations for licensing

19510. Every person not required to be licensed under Article 4 who participates in or has anything to do with the racing of horses, including a horse owner, jockey, driver, apprentice, exercise boy, agent, trainer, observer, stable foreman,

groom, valet, veterinarian, horseshoer, steward, stable watchman, starter, timer, judge, any other person acting as an official at any horse racing meeting, and every employee of a parimutuel department, shall be licensed by the board pursuant to such rules and regulations as the board may adopt, and upon the payment of a license fee fixed and determined by the board.

No person required to be licensed by this section may participate in any capacity in any horse race meeting without a valid and unrevoked license authorizing such participation.

Workmen's compensation

19511. No horse owner may be licensed under this article unless his liability as a horse owner for workmen's compensation is secured in accordance with Division 4 of the Labor Code.

Any termination of security for such liability during the period of a license is ground for the revocation of the license.

Period of license

19512. An original license issued under this article shall be issued for a period of the calendar year in which it is issued, and shall be renewable annually upon payment of the fee prescribed for the issuance of an original license of the same kind. The license shall be valid at all horse racing meetings in this State during the period for which it is issued, unless it is suspended or revoked prior to the expiration of such period.

Registered voter requirement

19513. No license shall be issued by the board to any person who is eligible to vote in this State but has not registered as a voter in this State.

Same Employees

19514. At least 90 percent of all employees in the parimutuel department of any track shall have been residents or registered voters of this State for at least two years prior to the issuance of a license to them or any of them.

Refusal of license

19515. No qualified person shall be refused a license under this article without just cause.

Revocation

19516. A license issued under this article is subject to revocation for just cause.

Removal of official

19517. The board may at any time require the removal of any official or employee of any licensee in any case where it has reason to believe that the official or employee has been guilty of any dishonest practice in connection with horse racing or has failed to comply with any condition of the licensee's license, or has violated any law or any rule or regulation of the board.

Article 6. Racing Days Generally

Definitions

19530. For the purposes of this chapter:

(a) A county of the first class is one with a population of 1,000,000 or over.

(b) A county of the second class is one with a population of 600,000 or over and less than a million.

(c) A county of the second and one-half class is one with a population of 500,000 or over and less than 600,000.

(d) A county of the third class is one with a population of less than 500,000.

The population figures here used are those determined by the United States census of 1940.

Racing days allocated

19531. The board shall allocate the racing days for the conduct of racing.

Same Apportionment

19532. The board may apportion the maximum number of racing days permitted in each county or in an area described in Section 19535 equally among licensed racing associations in the county or area (other than the California State Fair and Exposition, county fairs, or district agricultural associations), where there is more than one licensed racing association. Unless the licensee consents to noncontinuous days, the racing days granted for any meeting shall be continuous, nonracing days excepted.

Same County fair, etc

19533. The period for which a license to conduct a horse race meeting may be issued to a county fair or district agricultural association in a county of the first, second or second and one-half class, or in an area described in Section 19535, shall not in any such county or area exceed 14 racing days. Such days shall not diminish the number of racing days per year allowed other licensees under this article.

Counties: First class

19534. In each county of the first class the board may allow not to exceed 100 racing days per year for thoroughbred racing, exclusive of charity days hereinafter provided for.

Same: Second class

19535. In the area embraced within each county of the second class and such territory as may lie within 20 miles of the exterior boundary thereof, the board may allow not to exceed 90 racing days per year for the entire area. No part of a county of the second and one-half class may be included in such area.

Same: Second and one-half and third class

19536. In each county of the second and one-half class the board may allow not to exceed 45 racing days per year.

19537. In each county of the third class, but outside any area lying within 20 miles of the exterior boundary of a county of the second class, the board may allow not to exceed 14 racing days per year.

In addition, in each county of the third class with a population of over 200,000, but outside any area lying within 20 miles of the exterior boundary of a county of the second class, the board may also allow not to exceed 25 additional racing days per year.

Harness racing

19538. The board may allow not to exceed a total of 100 days for harness racing only. Fifty of such days shall be allocated to licensed racing associations conducting horse racing meetings south of the sixth standard parallel south, Mount Diablo Base and Meridian, and the remainder to licensed racing associations conducting such meetings north of that parallel.

At any harness racing meeting, the licensee may, as approved by the board, conduct one or more quarter horse races.

Quarter horse racing

19539. The board may allow not to exceed a total of 100 days for quarter horse racing only. Fifty of such days shall

be allocated to licensed racing associations conducting horse racing meetings south of the sixth standard parallel south, Mount Diablo Base and Meridian, and the remainder to licensed racing associations conducting such meetings north of that parallel.

No quarter horse racing meeting, including any charity days allowed during the meeting, shall, in any one county, in any one year, extend over a total period of more than seven weeks of seven consecutive days each. Such a meeting may be for consecutive racing days or split into not more than two periods; and if split into two periods, the periods may be separated by any number of days or weeks.

Racing days

19540. Racing days allowed pursuant to Sections 19534, 19535, 19536, 19537 and Section 19550, and those allowed the California State Fair and Exposition or county or district agricultural association fairs, may be allowed for such types of racing (including running or thoroughbred racing, harness racing, or quarter horse racing) as may be approved by the board. However, racing days for harness racing shall be allowed only under Section 19538, and racing days for quarter horse racing shall be allowed only under Section 19539.

The provisions of Sections 19569 and 19570 are not affected by this section.

Article 7. Charity Racing Days

Charity days

19550. The board may grant not to exceed five additional racing days to each licensee during any one meeting, to be conducted as charity days by such licensee for the purpose of distribution of the net proceeds therefrom as hereinafter defined to beneficiaries through the distributing agent, as provided herein.

Same As condition to license

19551. As a condition of the issuance of the license, the board shall require that the licensee of such meeting shall conduct such charity day racing and shall furnish its plant, facilities and all personnel and property necessary for the conduct of racing on the charity days.

Racing officials

19552. All racing officials required by law or regulation to serve in connection with the meeting shall also serve, without further authority or designation, in their respective capacities and at the same rate of compensation in connection with the charity day racing.

Income

19553. On such charity days the income from all operations carried on in connection with or resulting from the conduct of racing on such days, including income from parimutuel wagering, admissions, parking, program sales and concessions shall be income from operations on such charity days.

From the gross income from such operations on charity days there shall be deducted only the expenses incurred because of the conduct of racing on such days, but no deduction shall be made by the licensee for any overhead expenses or for expenses of the licensee which would be incurred irrespective of the conduct of the charity days racing.

The balance of such income after such deductions is herein designated as charity days' net proceeds and shall be paid by such licensee to a distributing agent selected and qualified in accordance with this article. No profit shall be made, either directly or indirectly, from such charity days' operations by the licensee of the meeting.

Distributing agent

19554. The distributing agent for such charity days' net proceeds shall always be a nonprofit organization or corporation, or nonprofit organizations or corporations, selected by the licensee of the meeting and approved by the board.

(a) Each such distributing agent to be qualified hereunder must conform to the then existing laws and regulations of this State and the United States, so as to be exempt or be entitled to exemption from the payment of any tax measured by income.

(b) It shall have not less than five trustees or directors. None of the individuals constituting the governing board of trustees or directors of such distributing agent shall be directly connected with, be a stockholder, or have any interest in the racing association which is the licensee of the race meeting. Each of such individual trustees or directors shall be a person who is at the time (1) a resident of this State, and (2) an executive, officer, director, trustee, or member of the governing body or board, by whatever name such governing body or board may be known, of an organization engaged in civic, religious, charitable, educational or veteran activities in this State.

(c) Each distributing agent shall adopt bylaws, shall provide for election to fill vacancies in the board of directors or trustees, and shall hold at least one meeting each year.

Net proceeds

19555. Each licensee shall pay over such charity days' net proceeds to such distributing agent as soon as practicable after the determination thereof, and such agent or agents shall hereafter distribute not less than 90 percent of the aggregate proceeds from charity days' racing received and available for distribution by it to beneficiaries within 12 calendar months after the last day of the meeting during which such charity days were conducted. The balance, if any, of such aggregate charity days' net proceeds not distributed within such 12-month period shall be distributed as soon thereafter as is practicable.

Distribution to beneficiaries

19556. Such distribution shall be made by such distributing agent to beneficiaries qualified under this article. For the purposes of this article, a beneficiary shall be:

(a) A nonprofit corporation or organization entitled by law to receive a distribution made by a distributing agent.

(b) Exempt or entitled to an exemption from the same taxes measured by income imposed by this State and the United States as those under which the distributing agent is exempt or entitled to an exemption.

(c) Engaged in charitable, benevolent, civic, religious, or veterans' work similar to that of agencies recognized by an organized community chest in the State of California, except

that the funds so distributed may be used by such beneficiary for capital expenditures.

(d) Approved by the board.

19557. Within the 12-month period specified in Section 19555, and prior to the payment of any charity days' net proceeds to any beneficiary, the distributing agent shall submit the name of the beneficiary to the board for the board's approval. Approval of beneficiaries

If the board does not disapprove of the beneficiary within 60 days after the submission, its approval shall be deemed to have been given.

Article 8. Regulation Generally

19560. No person shall, without complying with this chapter, hold or conduct, or assist, aid, or abet in holding or conducting, any meeting in this State where there is horse racing with wagering on its results. Application

19561. Any county holding an annual county fair either directly or through an agent pursuant to Section 25905 of the Government Code may at such fair conduct horse racing with wagering on its results subject to all the provisions of this chapter. County fair

19562. The board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State. Rules and regulations

19563. The board may adopt any rules and regulations of the United States Trotting Association, not inconsistent with this chapter, for the regulation of harness racing. Same

19564. The board may adopt any rules and regulations of the Pacific Coast Quarter Horse Association, not inconsistent with this chapter, for the regulation of quarter horse racing. Same

19565. Subject to the provisions of Section 19566, the board shall by rule provide for the registration of all California-bred horses. Registration of horses

19566. The official Stud Book and Registry of the American Quarter Horse Association shall be recognized as the sole official registry for American quarter horses. The board shall, however, by rule provide for the registration of California-bred American quarter horses to enable compliance with this chapter. Official registry

19567. Since the purpose of this chapter is to encourage agriculture and the breeding of horses in this State, a sum equal to 10 percent of the first money of every purse won by a California-bred horse at a horse race meeting shall be paid by the licensee conducting the meeting to the breeder of such animal Payments to breeders

19568. Every licensee conducting a horse racing meeting shall each racing day provide for the running of at least one race limited to California-bred horses, to be known as the "California-bred race." If, however, sufficient competition "California-bred race"

cannot be had among horses of that class on any day, the race may, with the consent of the board, be eliminated for that day and a substitute race provided.

American quarter horse racing at fairs

19569. In order to encourage and develop the racing of American quarter horses:

(a) Whenever the California State Fair and Exposition or a district or county fair conducts a program of horse races on which there is parimutuel wagering, it shall, so far as practicable, provide a program of quarter horse racing on the same days that it provides a program of other types of horse racing, if sufficient quarter horses are available to provide competition in one or more quarter horse races.

(b) Any licensee which conducts a program of horse races on which there is parimutuel wagering may provide a program of quarter horse racing on the same days that it provides a program of other types of horseracing, if sufficient quarter horses are available to provide competition in one or more quarter horse races.

Such quarter horse events may be in addition to the customary number of thoroughbred or standard-bred events.

Harness racing at fairs

19570. In order to encourage and develop harness racing, whenever the California State Fair and Exposition or a county or district fair conducts a program of horse races on which there is parimutuel wagering, it shall provide a program of harness racing on the same days that it provides a program of racing in which the horses participating are mounted by jockeys, if sufficient harness horses are available to provide competition in one or more harness races.

Racing hours

19571. No horse races shall be held except during daylight hours.

Exclusion of persons

19572. The board may, by rule, provide for the exclusion or ejection from any inclosure where horse races are authorized, or from specified portions of such inclosure, of any known bookmaker, known tout, person who has been convicted of a violation of any provision of this chapter or of any law prohibiting bookmaking or any other illegal form of wagering on horse races, or any other person whose presence in the inclosure would, in the opinion of the board, be inimical to the interests of the State or of legitimate horse racing, or both. No such rule shall provide for the exclusion or ejection of any person on the ground of race, color, creed, or sex.

Hearing

19573. Any person who, pursuant to a rule of the board, is excluded or ejected from any inclosure where horse racing is authorized may apply to the board for a hearing on the question of whether the rule is applicable to him.

The board shall hold the hearing either at its next regular meeting after receipt of the application at the office of the board nearest the residence of the applicant or at such other place and time as the board and the applicant may agree upon.

If, upon the hearing, the board determines that the rule does not or should not apply to the applicant, it shall notify

all persons licensed under Article 4 of this chapter of such determination.

If the board determines that the exclusion or ejection was proper, it shall make and enter in its minutes an order to that effect. Such order shall be subject to review by any court of competent jurisdiction in accordance with law.

Article 9. Wagering

Rules concerning wagering

19590. The board shall adopt rules governing, permitting, and regulating mutuel wagering on horse races under the system known as the parimutuel method of wagering. Such wagering shall be conducted only by a person licensed under this chapter to conduct a horse racing meeting, and only within the inclosure and on the dates for which horse racing has been authorized by the board.

Places of wagering

19591. Any licensee conducting a horse racing meeting shall provide a place or places within the meeting grounds or inclosure where the licensee may conduct, operate, and supervise the parimutuel method of wagering upon the results of the races within the inclosure.

Parimutuel wagering

19592. The parimutuel system of wagering shall be operated only by a totalizator or other mechanical equipment approved by the board. The board shall not require any particular make of mechanical equipment.

The board shall determine the contents to be printed on each parimutuel ticket.

Limitation

19593. No method of betting, pool making, or wagering other than by the parimutuel method shall be permitted or used by any person licensed under this chapter to conduct a horse racing meeting.

Method of wagering

19594. Any person within the inclosure where a horse racing meeting is authorized may wager on the result of a horse race held at that meeting by contributing his money to the parimutuel pool operated by the licensee under this chapter. Such wagering is not unlawful, any other law of the State of California to the contrary notwithstanding.

Limitation

19595. Any form of wagering or betting on the result of a horse race other than that permitted by this chapter is illegal. Also illegal is any wagering or betting on horse races outside an inclosure where the conduct of horse racing is licensed by the board.

Commission deducted

19596. Any commission deducted by any person licensed under this chapter to conduct a horse racing meeting from a parimutuel pool operated by him shall not exceed the following:

(a) Nine percent of the gross amount of money not in excess of ten million dollars ($10,000,000) handled in the parimutuel pools during the period of the license.

(b) Eight percent of the amount by which the total amount so handled exceeds ten million dollars ($10,000,000) but is not more than twenty million dollars ($20,000,000).

(c) Seven percent of the amount by which the total amount so handled by him exceeds twenty million dollars ($20,000,000).

(d) The "breakage" deducted by him pursuant to Section 19597 on the first twenty-seven million dollars ($27,000,000) or less of the total amount so handled.

The amount of the commission deducted by the licensee shall be in addition to any deduction for the license fee payable by him under this chapter.

Deduction of odd cents

19597. Notwithstanding any other provision of this chapter, a person licensed under this chapter to conduct a horse racing meeting shall, as to any payment made to a person who has wagered by contributing to a parimutuel pool operated by such licensee, also deduct the odd cents by which the amount payable on each dollar ($1) wagered exceeds a multiple of five cents ($0.05). The amount so deducted is known as "breakage."

Failure to claim redistribution money

19598. Any person claiming to be entitled to any part of a redistribution from a parimutuel pool operated by a licensee under this chapter, who fails to claim the money due him prior to the completion of the horse racing meeting at which such pool was formed, may, within 60 days after the close of such meeting file the following with the board:

(a) A verified claim, in such form as the board shall prescribe, setting forth its details, including such information as may be necessary to identify the particular pool and the amount claimed therefrom.

(b) A substantial portion of the parimutuel ticket upon which such claim is based sufficient to identify the particular track, race, and horse involved, the amount wagered, and whether the ticket was a win, place, or show ticket.

The board shall hear the claim and consider the proof offered in its support

Unless the claimant satisfactorily establishes his right to participate in the pool, the claim shall be rejected. If the claim is allowed, the licensee shall, upon order of the board, pay its amount to the claimant.

Article 10. Revenue

Fair and Exposition Fund

19620. Fees, commissions, and other money received by the board, except that part of any license fee for conducting a horse racing meeting, including the portion attributable to breakage, in excess of 4 percent of the gross amount of money handled in the parimutuel pool, and except as otherwise provided in Sections 19640 and 19641, shall be paid into the State Treasury to the credit of the "Fair and Exposition Fund."

Same Appropriations

19621. The Legislature will appropriate annually out of the fund such sums as it deems necessary for the following purposes:

(a) For the support of the board, including any costs and expenses incurred by the Attorney General in the enforcement of this chapter as shall be authorized by the board.

(b) To the Department of Finance for the supervision and auditing of all fairs, including citrus fruit fairs, and district agricultural associations receiving money from the fund.

19622. The following amounts are hereby annually appropriated out of the fund:

(a) Two hundred fifty thousand dollars ($250,000) for the support of the California State Fair and Exposition.

(b) Two hundred fifty thousand dollars ($250,000) for the support of the Los Angeles County Fair.

(c) Two hundred fifty thousand dollars ($250,000) for the support of the 1-A District Agricultural Association.

(d) One hundred twenty-five thousand dollars ($125,000) for the support of the 48th District Agricultural Association.

(e) Fifteen thousand dollars ($15,000) to the Sixth District Agricultural Association (1) for the purpose of holding a permanent exposition and exhibition of all citrus products and of all the industries and industrial enterprises, resources, and products of every kind and nature of the State of California, with a view toward improving, exploiting, encouraging, and stimulating such industries, resources, and products, and (2) for the support of the buildings, grounds, and other property of the Sixth District Agricultural Association. No admission fee shall be charged by or for such exposition.

There is appropriated the sum of one hundred twenty-five thousand dollars ($125,000) during each of the 1957-58 and 1958-59 Fiscal Years, which, notwithstanding any other provision of this section, shall be available in accordance with Section 16304 of the Government Code, to the Sixth District Agricultural Association of the State of California, for the purpose of holding an annual industrial and trade exposition to demonstrate and promote the trade and industrial progress of the State by means of displays of the industrial products and techniques of the State, such other displays and exhibits as will illustrate the importance of trade and industry as a vital factor in California's economy and California's standing as an important industrial state, and such other activities as will encourage and stimulate further development of trade and industry in this State.

Los Angeles County Fair appropriation

19623. The money appropriated for the Los Angeles County Fair by Section 19622 may be expended for the payment of premiums and, with the approval of the Department of Finance, for capital outlay purposes, including the purchase of land and construction, improvements, and equipment, and for the support, and maintenance of such fair.

California State Fair appropriation

19624. There is hereby appropriated annually out of the fund fifteen thousand dollars ($15,000) to the California State Fair and Exposition, for the support of an annual junior agricultural fair.

Balance of fund

19625. The balance of the money in the fund after the deduction of the amounts appropriated by the preceding sections of this article, constitutes "the first balance of the fund."

Appropriation First balance of fund

19626. The first balance of the fund is hereby appropriated as follows:

(a) Five percent for payment to and the use of the citrus fruit fairs defined in Section 94 of the Agricultural Code, excluding any district or county fairs, for the purpose of conducting and carrying on annual citrus fruit fairs and expositions to promote and encourage the citrus fruit industry of this State.

(b) One hundred fifty thousand dollars ($150,000) of such 5 percent is allocated annually to the citrus fruit fairs defined in Section 94 of the Agricultural Code held in counties with a population in excess of 160,000, as shown by the last federal population census. If there is but one such fair in such counties, all of such one hundred fifty thousand dollars ($150,000) is allocated to and for the use of such fair.

(c) The balance of the 5 percent is allocated to the citrus fruit fairs defined in Section 94 of the Agricultural Code in counties with a population of less than 160,000, and to those other citrus fruit fairs and expositions in such counties with a population of less than 160,000 which have been conducted and carried on annually for not less than 20 years by nonprofit associations or corporations for the purpose of promoting and encouraging the citrus fruit industry of California.

Each citrus fruit fair held in a county with a population of less than 160,000 shall receive thirty thousand dollars ($30,000) each year.

(d) Any balance of the 5 percent remaining after the foregoing allocations shall revert to and become a part of the first balance of the fund.

Same

19627. (a) Forty percent of the first balance of the fund is hereby annually appropriated for the encouragement of county, district, or combined county and district fairs (exclusive of the California State Fair and Exposition, the Los Angeles County Fair, the Sixth District Agricultural Association, and citrus fruit fairs), to be apportioned by and expended under the supervision of the Department of Finance in the manner and for the purpose prescribed by Section 92 of the Agricultural Code and other applicable provisions of law.

(b) No such county, district, or combined county and district fair shall receive a sum greater than sixty-five thousand dollars ($65,000) under Section 92 of the Agricultural Code in any one year.

(c) If in any year the sum appropriated to county, district, or combined county and district fairs under this section is less than two hundred twelve thousand one hundred seventy-two dollars and seventy-nine cents ($212,172.79), then during that year the apportionment to all fairs shall be made in the

manner and upon the basis prescribed by Section 13 of Chapter 769 of the Statutes of 1933 and by Section 92 of the Agricultural Code.

Not applicable

19628. If any fair or exposition has not been or is not held in any year because of war conditions, or because the grounds or buildings of the fair or exposition have been taken over and occupied by the United States or its Armed Forces, such year shall not be considered for the purpose of any requirement of Sections 19626 and 19627 of this code or of Section 94 of the Agricultural Code that a fair or exposition be conducted annually or conducted annually for a prescribed period of years.

Balance of fund

19629. The balance of the money in the fund after the deduction of the amounts appropriated by the preceding sections of this article constitutes "the second balance of the fund."

Appropriations

19630. The second balance of the fund is hereby appropriated for expenditure without regard to fiscal years, as follows:

(a) Twenty-five percent (25%) for permanent improvements or minor construction and repairs at, the support of, or the purchase of land for, the California Polytechnic School.

(b) Thirty-three percent (33%) for permanent improvements at, or the support of, the University of California.

(c) The remainder for any of the following, in such amounts as may be approved by the State Public Works Board and allocated by the Director of Finance in his discretion:

(1) Permanent improvements for fair purposes upon the property of the State or any county, district agricultural association, citrus fruit fair defined in Section 94 of the Agricultural Code, or other citrus fruit fair and exposition qualified to receive an allocation under Section 19626.

(2) The purchase of equipment for fair purposes.

(3) The acquisition or purchase of real property, including costs of appraisal and incidental costs, to be used as sites for the permanent improvements specified in (1).

Expenditures by 1-A District Agricultural Association

19631. Notwithstanding any other provision of law, the 1-A District Agricultural Association may, with the approval of the Department of Finance, expend any money available for expenditure by it, for construction, repairs, and equipment.

License fees

19632. All license fees for conducting horseracing meetings, other than those attributable to breakage, not payable into the Fair and Exposition Fund shall be paid as follows:

(a) During each fiscal year there shall be paid into the Wildlife Restoration Fund, to carry out the provisions of the Wildlife Conservation Act of 1947, the sum of seven hundred fifty thousand dollars ($750,000).

(b) Except as otherwise provided by this article, the remainder shall be paid into the General Fund in the State Treasury.

Same Due to breakage

19633. All license fees for conducting horse racing meetings attributable to breakage shall be paid into the State College Fund.

Appropriation

19634. From the State College Fund established under Section 19633 of this code, there is appropriated to the California State Polytechnic College five hundred thousand dollars ($500,000) to be expended for the purchase of not to exceed three hundred sixty (360) acres of farm land for the California State Polytechnic College.

This section shall be construed as a continuance of the provisions of Section 19620.2 of this code as added by Chapter 1582 of the Statutes of 1957, and not as an additional appropriation from the State College Fund.

Appropriation

19635. During each of the Fiscal Years 1951-52, 1952-53, and 1953-54, out of the license fees for conducting horse racing meetings not payable into the Fair and Exposition Fund, the Wildlife Restoration Fund, or the State College Fund, there is appropriated to the California State Polytechnic College for permanent improvements at the Kellogg and Voorhis Units the sum of one million dollars ($1,000,000), and the remainder shall be paid into the General Fund in the State Treasury.

The amounts appropriated by this section shall be transferred to the Capital Outlay and Savings Fund, but the permanent improvements mentioned shall be deferred and no expenditures made therefor until or unless authorized by other legislation.

The amounts appropriated by this section shall be available for expenditure without regard to fiscal year.

Exemptions

19636. All money appropriated pursuant to this article to the California State Fair and Exposition, the Los Angeles County Fair, the Sixth District Agricultural Association, the citrus fruit fairs defined in Section 94 of the Agricultural Code, and the 1-A District Agricultural Association, except money allocated by the Director of Finance for fair purposes under Section 19630 of this code, is exempt from the provisions of Section 16304 of the Government Code, and shall remain available for expenditure from year to year until expended.

Same

19637. Appropriations and allocations from the Fair and Exposition Fund made pursuant to this article, other than those made under Section 19621 and allocations made by executive order of the Director of Finance for permanent improvements for fair purposes under Section 19630, are exempt from the provisions of Section 16304 of the Government Code. The date of such executive order is deemed to be the date when the appropriation becomes available for expenditure.

All appropriations and allocations made by this article which are not exempted by this section from the provisions of Section 16304 of the Government Code are subject to those provisions.

Allocations for permanent improvements for fair purposes under Section 19630 of this code are available to defray expenditures lawfully incurred prior to the date of the executive order involved, if the executive order so provides.

Upon reversion an allocation made by the Director of Finance for permanent improvements for fair purposes under Section 19630 reverts to and becomes a part of the appropriation from which the allocation was made.

Appropriation

19638. The Controller shall pay from the fund to the 1-A District Agricultural Association the appropriation for the support of that organization.

Same

19638.5. The Controller shall pay from the fund to the 48th District Agricultural Association the appropriation for its support.

Books and records

19639. The books and records of any county or citrus fruit fair or exposition receiving an appropriation or an allocation from the Fair and Exposition Fund, insofar as they relate to revenues and expenditures for fair or exposition purposes, may be audited by the Department of Finance.

When any county or citrus fruit fair or exposition receiving an appropriation or allocation from the Fair and Exposition Fund contracts with an association to conduct such fair or exposition, the contract shall include a provision that the books and records of such association shall be subject to audit by the Department of Finance at the discretion of the department.

Penalty or fine funds

19640. All money representing penalties or fines imposed by the stewards of a horse race meeting shall be collected by the licensee of the meeting and paid to the board within 10 days after its close, and the board shall deposit all such money in the State Treasury to the credit of the General Fund.

Redistribution money

19641. Ninety days after the close of any horse racing meeting any redistributable money in a parimutuel pool subject to payment to a claimant pursuant to Section 19598, but not successfully claimed within that period, shall be paid to the board, and the board, in turn, shall immediately pay such money into the State Treasury to the credit of the General Fund.

Article 11. Penalties

Misdemeanor

19660. Any person who, without first having procured a license under Article 4 of this chapter, directly or indirectly holds or conducts any meeting where there is horse racing and betting on its results by the parimutuel or mutual method of wagering, is guilty of a misdemeanor.

Same

19661. Any person who violates any of the provisions of this chapter for which a penalty is not herein expressly provided, is guilty of a misdemeanor.

Nonparimutuel betting

19662. Any person who bets upon the results of a horse race except by a parimutuel or mutual method of wagering conducted by a person licensed under Article 4 of this chapter, and upon or within the grounds or inclosure of such licensee, is punishable as provided in the Penal Code.

Nonlegal fund contributions

19663. It is unlawful for an individual performing services as a jockey, or any person representing or purporting to represent such individual, to compel or attempt to compel the State, while conducting horse racing, either directly itself or through a state agency or state instrumentality, to pay money into any fund to which it has no legal obligation to contribute.

SEC. 2. Section 19539 of the Business and Professions Code as proposed to be added by this act is amended to read:

Length of time for quarter horse racing

19539. The board may allow not to exceed a total of 100 days for quarter horse racing only. Fifty of such days shall be allocated to licensed racing associations conducting horse racing meetings south of the sixth standard parallel south, Mount Diablo Base and Meridian, and the remainder to licensed racing associations conducting such meetings north of that parallel.

This section shall not be applied to deprive any nonquarter-horse racing association of racing days which such association was using during 1958 and 1959 or of the number of Saturdays allocated to such association during 1958 and 1959.

Effect. Stats 1959, Ch 441

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 1154 is enacted into law at the 1959 Regular Session of the Legislature, and in such case at the same time as Assembly Bill No. 1154 takes effect, at which time Section 19539 as proposed to be added to the Business and Professions Code by this act is repealed.

CHAPTER 1829

An act to amend Section 2165d of the Welfare and Institutions Code, relating to property qualifications for old age assistance.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2165d of the Welfare and Institutions Code is amended to read:

2165d. Any proceeds, including trust deeds, promissory notes, or mortgages from the conversion of real property into personal property received by an applicant or recipient of aid under this chapter shall be considered real property having the same assessed value as the real property converted for a period of one year from the time of their receipt, if such proceeds are retained for the purpose of providing a home. If the applicant or recipient receives as part or all of the consideration for such conversion trust deeds, promissory notes or mortgages, such trust deeds, promissory notes or mortgages shall be considered real property having the same assessed value as the real property converted for whatever period of time they are retained

by the applicant or recipient, if within one year from the conversion he purchases property for use as a home, and all payments thereafter received by him on the trust deeds, promissory notes or mortgages are utilized as payments on the balance due on such home.

If a person at the time of his application for old age assistance, owns trust deeds, promissory notes, or mortgages as proceeds from the sale of real property and is applying all proceeds, both principal and interest, on the purchase of his home, such trust deeds, promissory notes, or mortgages shall be considered real property having the same assessed valuation as the property sold.

CHAPTER 1830

An act to amend Sections 72709, 72710 and 72712 of the Government Code, relating to court reporters in the Municipal Court, Los Angeles Judicial District.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 72709 of the Government Code is amended to read:

Official reporters

72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall be an attache of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a monthly salary at the rate specified in Step E of Schedule 46 of the salary schedule set forth in Section 72705. On July 1, 1960, the monthly salary for this position shall become that specified in Step E of Schedule 47 of said salary schedule. The salaries of official court reporters shall be paid from the reporters' salary fund.

SEC. 2. Section 72710 of said code is amended to read:

Official reporters pro tempore

72710. The judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the sum of forty dollars ($40) per day, which upon order of the court shall be paid from the reporters' salary fund.

SEC. 3. Section 72712 of said code is amended to read:

Reporters' salary fund

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of thirty-two thousand dollars ($32,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal thirty-two thousand dollars ($32,000), and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

Operative date

SEC. 4. The provisions of this act shall become operative October 1, 1959.

CHAPTER 1831

An act to amend Section 16562 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to use of school property for public purposes.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16562 of the Education Code is amended to read:

16562. In the case of entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the pupils of the district or for charitable purposes a charge shall be made for the use of the schoolhouses, property, and grounds which charge shall not be less than the fair rental value for the use of such schoolhouses, property and grounds, as determined by the governing board of the district.

The governing board may, however, permit such use, without charge, by organizations, clubs, or associations organized for general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its character building or welfare work, are accepted.

CHAPTER 1832

An act to amend Section 70046 of the Government Code, relating to court reporters.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 70046 of the Government Code is amended to read:

70046. In a county with a population of 280,000 or more and under 285,000, each regular official reporter shall be paid an annual salary of eight thousand four hundred dollars ($8,400), and each pro tempore official reporter shall be paid thirty-five dollars ($35) a day for the days he actually is on duty under order of the court.

CHAPTER 1833

An act to amend Section 74265 of the Government Code, relating to the municipal court established in a district embracing the City of San Bernardino.

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 74265 of the Government Code is amended to read:

74265. Official reporters in the Municipal Court of the San Bernardino Judicial District appointed pursuant to Section 72194 shall be attaches of such court and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the County of San Bernardino, which shall be a charge against the general fund of the county.

CHAPTER 1834

An act to repeal Sections 69894, 69898, 69899, 69899.5, 69899.6, 69905, 70050 and 70140 of the Government Code, to repeal Section 1744 of the Code of Civil Procedure, to amend Sections 69892.1, 69901 and 70043 of the Government Code, to amend Sections 575 and 5026 of the Welfare and Institutions Code, and to add Sections 69894.1, 69894.2, 69894.3 and 69894.4 to, the Government Code, relating to officers and

employees of the superior court in counties of over 2,000,000 population.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Sections 69894, 69898, 69899, 69899.5, 69899.6, 69905, 70050 and 70140 of the Government Code are repealed.

Same

SEC. 2. Section 1744 of the Code of Civil Procedure is repealed.

SEC. 3. Section 69892.1 of the Government Code is amended to read:

Executive officer

69892.1. The superior court in any county with a population of over 2,000,000 shall appoint an executive officer who shall hold office at the pleasure of the court and shall exercise such administrative powers and perform such other duties as may be required of him by the court. The court shall fix the qualifications of such executive officer and may delegate to him any administrative powers and duties as are now or may hereafter by law be vested in or required to be exercised by such court. The annual salary of the executive officer shall be as provided in Section 69894.1. He shall be allowed actual traveling and other necessary expenses while engaged in the discharge of the duties of his office.

SEC. 4. Section 69901 of said code is amended to read:

Employees' compensation

69901. All of the employees provided for in Section 69900 shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their office.

The salaries provided for in the said section shall be paid in monthly installments out of the salary fund of the county, or, if there is none, out of such fund as other salary demands against the county are paid. The expenses provided for in this section shall be paid in monthly installments out of the general fund. Salaries and expenses shall be allowed and audited in the same manner as the law requires for other demands against the county.

SEC. 5. Section 70043 of said code is amended to read:

Phonographic reporters

70043. To assist the court in the transaction of its judicial business by having the duties of phonographic reporters performed, a majority of the judges of the superior court of the county may appoint as many regular official phonographic reporters as necessary to report the proceedings in the court and to perform such duties. The number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for the court. The reporters shall hold office during the pleasure of a majority of the judges of the court. The number of reporters and compensation of reporters in counties over 2,000,000 population shall be as provided in Section 69894.1.

SEC. 6. Section 575 of the Welfare and Institutions Code is amended to read:

575. In counties of the first and the third class, such referees shall serve without compensation, save that in each county of the first class having a charter the numbers and compensation of employees shall be as provided in Section 69894.1 of the Government Code, and in each county of the third class the board of supervisors shall fix the compensation for at least one referee. In counties of the second class the compensation of each of the two referees shall be nine hundred seventy-five dollars ($975) per month. Referees' compensation

SEC. 7. Section 5026 of said code is amended to read:

5026. In each county where the office of counselor in mental health has been created under the provisions of this article, the judge of the superior court may appoint two such counselors. In counties of the first class having a charter the numbers, compensation and benefits of officers and employees shall be as provided in Section 69894.1 of the Government Code. Counselor in mental health

SEC. 8. Section 69894.1 is added to the Government Code, to read:

69894.1. In each county with a population of over 2,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be: Appointment of officers and employees

		Schedule number	
(a)	One executive officer		57
(b)	Twenty court commissioners	55	56
(c)	One secretary and jury commissioner	52	
(d)	Twelve referees, juvenile court	50	
(e)	Ten probate examiners	49	50
(f)	One hundred ten official court reporters	46	47
(g)	Thirty-five court reporters, pro tempore	46	47
(h)	One supervising conciliation counselor	48	49
(i)	One chief, jury division	48	49
(j)	One finance assistant	46	47
(k)	One chief assistant jury commissioner	44	45
(*l*)	One personnel assistant	43	44
(m)	One assistant secretary	43	44
(n)	One jury interviewer	43	44
(o)	One supervising domestic relations investigator	43	44
(p)	Six senior conciliation counselors	43	44
(q)	Twelve domestic relations investigators	41	42
(r)	One jury qualification supervisor	41	42
(s)	One master calendar assistant	40	41
(t)	One probate investigator	40	41
(u)	One chief clerk	41	
(v)	Nine counselors	40	41
(w)	One court statistician	40	41
(x)	One secretary to presiding judge	39	40
(y)	One property control assistant	39	40
(z)	Two supervising judicial secretaries	39	40
(aa)	One jury assignment supervisor	36	37
(bb)	Sixteen senior judicial secretaries	38	39

		Schedule number	
(cc)	Five senior probate checkers	38	39
(dd)	One secretary to executive officer	38	39
(ee)	Six law clerks	38	39
(ff)	One court reporter assignment clerk	38	39
(gg)	One supervising court transcriber secretary	37	38
(hh)	Fourteen judicial secretaries	37	38
(ii)	One accounts and supply clerk	35	36
(jj)	Six court transcriber secretaries	35	36
(kk)	One jury supervisor	35	36
(*ll*)	Two assistant jury supervisors	34	35
(mm)	Seven intermediate probate checkers	34	35
(nn)	Twenty legal secretaries	35	
(oo)	One senior property custodian	34	35
(pp)	Three accounting clerks	33	
(qq)	Three probate checkers	32	33
(rr)	Eleven senior typist-clerks	33	
(ss)	Four senior clerks	33	
(tt)	One stock clerk	33	
(uu)	Eight stenographic secretaries	33	
(vv)	Fourteen intermediate typist-clerks	31	
(ww)	Two office duplicator operators	30	31
(xx)	Four receptionist-clerks	31	
(yy)	Three intermediate clerks	31	
(zz)	Ten typist-clerks	28	
(aaa)	Three clerks	27	

The judges of the superior court may also appoint the following psychiatric court positions:

(a)	One counselor in mental health	51
(b)	One assistant counselor in mental health	46
(c)	One executive assistant, mental health	44
(d)	Four supervising deputy counselors in mental health	44
(e)	Eight senior deputy counselors in mental health	42
(f)	One financial investigation supervisor	40
(g)	Seven deputy counselors in mental health	40
(h)	One accountant	37
(i)	Four intermediate collection investigators	37
(j)	Four assistant deputy counselors in mental health	36
(k)	One intermediate stenographic secretary	36
(*l*)	Two collection investigators	34
(m)	One intermediate supervising typist-clerk	34
(n)	One accounting clerk	33
(o)	Two senior clerks	33
(p)	Eleven intermediate typist-clerks	31
(q)	Five transcriber typists	30
(r)	Seven typist-clerks	28
(s)	Two clerks	27

Whenever a reference to a numbered salary schedule is made in any section of this article that found in Section 72705 shall apply. On October 1, 1959, the rates of compensation shown by the schedule number where there is only one schedule number for a position, and by the lower schedule number where there are two schedule numbers for a position, shall be effective. On July 1, 1960, the rates of compensation shown by the higher schedule number where there are two schedule numbers for a position shall be effective.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 9. Section 69894.2 is added to the Government Code, to read:

Additional officers and employees

69894.2. With the approval of the board of supervisors the court may appoint and employ such additional commissioners, officers, assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers, assistants and other employees, except those of court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

Such appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire 90 days after the adjournment of the next regular session of the Legislature unless ratified at such session.

SEC. 10. Section 69894.3 is added to the Government Code, to read:

Employees benefits and privileges

69894.3. Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to such step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by regulation of the court.

Such benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of such county.

SEC. 11. Section 69894.4 is added to the Government Code, to read:

Expenses

69894.4. All of the employees provided for in Section 69894.1 and judges of the superior court in each county having a population of over 2,000,000 shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their office, which shall be the same as allowed to officers and employees of such county. Any expenses for travel outside of the county shall require the prior approval of the board of supervisors.

Whenever, because of the nature of the duties of any judge or officer of the court, the board of supervisors determines that the best interest of the county and the court would be

served, it may assign an automobile in lieu of allowing travel expenses.

The salaries provided for in said Section 69894.1 shall be paid by the county out of such fund as other salary demands against the county are paid. The expenses provided for in this section shall be paid in monthly installments out of the general fund. Salaries and expenses shall be audited in the same manner as the law requires for other demands against the county.

CHAPTER 1835

An act to amend Section 72604 of the Government Code, relating to the fees of official reporters of municipal courts of judicial districts in Los Angeles County.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 72604 of the Government Code is amended to read:

72604. Notwithstanding the provisions of Section 274c of the Code of Civil Procedure and Sections 69947 to 69953, inclusive, of the Government Code, or any other provision of law in conflict herewith, in each municipal court in counties having a population of 2,000,000 inhabitants, or over, as determined by the 1950 federal census, except in municipal court districts where a statute provides otherwise, the official reporter and official reporters pro tempore shall receive for their services a fee of forty dollars ($40) per day. All other fees of such reporters for transcription shall be as provided in Sections 69947 to 69953 of the Government Code.

CHAPTER 1836

An act to amend Sections 70050.5 and 70059.5 of the Government Code, relating to compensation for superior court reporters.

In effect September 18, 1959

[Approved by Governor July 11, 1959. Filed with Secretary of State July 13, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 70050.5 of the Government Code is amended to read:

Reporters' salaries

70050.5. In each county with a population of 750,000 and under 4,000,000, the annual salary of the regular official phonographic reporters and official reporters pro tempore shall be the same as that now or hereafter paid regular

official reporters and pro tempore official reporters in counties with a population of 2,000,000 or over.

SEC. 2. Section 70059.5 of said code is amended to read:

70059.5. In a county with a population of 750,000 and under 4,000,000 the fee required by Section 70053 shall be nine dollars and fifty cents ($9.50). Fee

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CHAPTER 1837

An act to add Section 19588.1 to the Education Code as enacted at the 1959 Regular Session, relating to state school building aid.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 19588.1 is added to the Education Code, to read:

19588.1. When a unified district which is otherwise qualified for an apportionment under this chapter applies for an apportionment and the area of adequate school construction existing in any one of the component elementary districts included in the unified district is of such an amount that the district is prevented, by Sections 19581 to 19588, inclusive, from receiving an apportionment, the maximum area of school construction for each unit of attendance, for elementary school construction prescribed by such sections, may be computed separately for each component elementary district without regard to the area of adequate school construction existing in the other component districts, and apportionments made to the unified district on the basis of such separate computations. On request of the governing board of the unified district the State Superintendent of Public Instruction shall make or cause to be made a survey of building needs in the district and the area computations for elementary school construction. He shall report his findings and recommendations to the board for consideration in connection with any application before the board from the unified school district.

CHAPTER 1838

An act to amend Section 10407 of the Government Code, relating to the Commission on Uniform State Laws.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10407 of the Government Code is amended to read:

10407. The commission may expend in accordance with law for expenses and actual disbursements in effectuating the objects of this chapter, including travel expenses, all money made available for its use. The commission may participate in the work of the National Conference of Commissioners on Uniform State Laws, and may pay, from the sums available for the support of the commission, its proportionate share of the expenses of the National Conference of Commissioners on Uniform State Laws. Such proportionate share shall be based upon the population of the State in comparison to that of other states.

CHAPTER 1839

An act to amend Section 68542 of the Government Code, relating to expenses of judges.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 68542 of the Government Code is amended to read:

68542 The expenses for travel, board, and lodging of each judge assigned to a superior court or court of lower jurisdiction than a superior court in a county other than that in which he regularly sits shall be borne by the county to which the judge is assigned. If the judge is out of the county overnight or longer, the judge is entitled to, and the county shall pay, a per diem allowance in lieu of expenses for board and lodging in the same amounts as are payable for such purposes to justices of the Supreme Court under the rules of the State Board of Control. If the judge is not out of the county, in which he regularly sits, overnight, he shall be reimbursed by the county to which he is assigned for his board in the amount of his actual expenditures therefor and he shall not be entitled to an allowance for lodging.

CHAPTER 1840

An act to amend Section 16302.1 of, and to repeal Section 13145 of, the Government Code, and to amend Sections 6901, 6981, 9151, 9154, 9196, 10251, 10321, 12977, 19052, 19053, 19053.9, 26072, and 26073 of the Revenue and Taxation Code, relating to the disposition of overpayments of taxes, fees, and other revenues collected by state agencies.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 13145 of the Government Code is repealed.

SEC. 2. Section 16302.1 of said code is amended to read:

16302.1. Whenever any person pays to any state agency pursuant to law an amount covering taxes, penalties, interest, license or other fees, or any other payment, and it is subsequently determined by the state agency responsible for the collection thereof that such amount includes an overpayment of three dollars ($3) or less of the amount due the State pursuant to the assessment, levy, or charge to which the payment is applicable, the amount of such overpayment may be disposed of in either of the following ways: Overpayment of fees

(1) The state agency responsible for the collection to which the overpayment relates may apply the amount of such overpayment as a payment by such person on any other taxes, penalties, interest, license or other fees, or any other amount due the State from such person; provided, such state agency is responsible by law for the collection to which such overpayment is to be applied as a payment.

(2) Upon written request of the state agency responsible for the collection to which the overpayment relates, the amount of such overpayment shall, on order of the Controller, be deposited as revenue in the fund in the State Treasury into which such collection, exclusive of overpayments, is required by law to be deposited.

The State Board of Control may adopt rules and regulations to permit state agencies to retain such overpayments where a demand for refund permitted by law is not made within six months after the refund becomes due; and such retained overpayments shall belong to the State.

Except as provided in the foregoing paragraph, the provisions of this section shall not affect the right of any person making overpayment of any amount to the State to make claim for refund of such overpayment, nor the authority of any state agency or official to make payment of any amount so claimed, if otherwise authorized by law.

SEC. 3. Section 6901 of the Revenue and Taxation Code is amended to read:

6901. If the board determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors. Refunds

In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may credit the amount on any amounts then due and payable under this part

from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the use tax by a purchaser to a retailer who is required to collect the tax and who gives the purchaser a receipt therefor pursuant to Article 1, Chapter 3, of this part shall be credited or refunded by the State to the purchaser.

SEC. 4. Section 6981 of the said code is amended to read:

Cancellation of illegally determined amount

6981. If any amount in excess of one hundred dollars ($100) has been illegally determined either by the person filing the return or by the board, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board If an amount not exceeding one hundred dollars ($100) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

SEC. 5. Section 9151 of the said code is amended to read:

Refunds

9151. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid to the board or from whom it was collected. If the State Board of Control approves, the excess amount paid or collected shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the tax by a user to a vendor who is required to collect the tax and who gives the user a receipt therefor pursuant to Section 8732 shall be credited or refunded by the State to the user.

SEC. 6. Section 9154 of the said code is amended to read:

Deductions for overpayments

9154. In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit the amount on any amounts then due and payable under

this part from the person by whom the amount was paid and may authorize the person to deduct the balance from any amounts to become due from him under this part.

SEC. 7. Section 9196 of the said code is amended to read:

9196. If any amount in excess of one hundred dollars ($100) has been illegally determined either by the person filing the return or by the board, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding one hundred dollars ($100) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

Cancellation of illegally determined amount

SEC. 8. Section 10251 of said code is amended to read:

10251. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person from whom it was collected. If the State Board of Control approves, the excess shall thereupon be credited on any taxes then due from the operator under this part, and the balance shall be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

Refunds

In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit such amount on any amounts then due from the operator under this part, and the balance may be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

SEC. 9. Section 10321 of the said code is amended to read:

10321. If any amount in excess of one hundred dollars ($100) has been illegally determined either by the person filing the return or by the board, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board and the Controller. If an amount not exceeding one hundred dollars ($100) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board and the Controller.

Cancellation of illegally determined amount

SEC. 10. Section 12977 of the said code is amended to read:

Credits

12977. If the board determines that any tax, interest, or penalty has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the Board of Control the amount of the taxes, interest, or penalties collected in excess of what was legally due, and from whom they were collected or by whom paid. If approved by the Board of Control, the excess shall be credited to the insurer to whom it rightfully belongs at the time of the next payment of taxes following the approval, and at the time of such future payments as is necessary to completely credit the excess. In the case, however, of a determination by the board that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may credit the amount on any tax which will become due and payable by the insurer by whom the amount was paid.

SEC. 11. Section 19052 of the said code is amended to read:

Approval of credit or refund

19052. (a) No credit or refund exceeding one hundred dollars ($100) shall be allowed or made until approved by the State Board of Control.

(b) If the Franchise Tax Board determines that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the taxpayers by whom the amount was paid and may refund the balance to the taxpayer or his successors, administrators, or executors.

SEC. 12. Section 19053 of the said code is amended to read:

Limitation of actions

19053. No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of the period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allows a credit or makes a refund where the overpayment does not exceed one hundred dollars ($100), or if the overpayment exceeds one hundred dollars ($100) certifies such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 13. Section 19053 9 of the said code is amended to read:

Offset period

19053.9. Notwithstanding any statute of limitations provided in this part, any overpayment due a taxpayer for any year which results from a transfer of items of income or deductions or both to or from another year for the same taxpayer, or for the same year for a related taxpayer described in Section 18691.1, shall be allowed as an offset in computing any deficiency in tax for any other year resulting from the transfer

of such income or deductions or both, but no refund shall be allowed unless the Franchise Tax Board has allowed a credit or made a refund where the overpayment does not exceed one hundred dollars ($100), or where the overpayment exceeds one hundred dollars ($100), such overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

The offset provided herein, however, shall not be allowed after the expiration of seven years from the due date of the return on which the overpayment is determined.

SEC 14. Section 26072 of said code is amended to read:

Approval of credit or refund

26072. (a) No credit or refund exceeding one hundred dollars ($100) shall be allowed or made until approved by the State Board of Control.

(b) If the Franchise Tax Board determines that an amount not exceeding one hundred dollars ($100) was not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the taxpayer by whom the amount was paid and may refund the balance to the taxpayer, or its successors and assigns.

SEC. 15 Section 26073 of said code is amended to read:

Limitation of actions

26073. No such credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allowed a credit or made a refund where the overpayment does not exceed one hundred dollars ($100), or if the amount exceeds one hundred dollars ($100) has certified such overpayment to the State Board of Control for approval of the refunding or the crediting thereof

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CHAPTER 1841

An act to amend Sections 326, 347, 356, 376, 380, 403, 414, 443, 526, and 553.1 of the Streets and Highways Code, relating to state highway routes.

[Approved by Governor July 16, 1959 Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 326 of the Streets and Highways Code is amended to read:

Route 26

326. Route 26 is from:

(a) Los Angeles (Aliso Street) to Calexico via Ramona Boulevard, Monterey Park, Pomona, Colton, Brawley and El Centro.

(b) A point on the highway specified in subdivision (a) of this section, approximately two miles west of Brawley, to a point on said highway approximately two and one-half miles southwest of Brawley.

SEC. 2. Section 347 of said code is amended to read:

Route 47

347. Route 47 is from:

(a) Route 7 near Orland to Chico.

(b) Route 3 near Chico to Route 29 near Deer Creek Meadows.

SEC. 3. Section 356 of said code is amended to read:

Route 56

356. Route 56 is from:

(a) Route 2 near Las Cruces via the vicinity of Lompoc and Guadalupe to Route 2 near Pismo.

(b) San Luis Obispo to San Francisco along the coast via Cambria, San Simeon and Santa Cruz.

(c) State highway near southerly end of Marin Peninsula to Route 1 near Fernbridge via the coast route through Jenner, Westport and Ferndale, including lateral connection with Route 1 near Leggett Valley.

SEC 4. Section 376 of said code is amended to read:

Route 76

376 Route 76 is from:

(a) Route 23 near Bishop to Nevada state line near Montgomery Pass.

(b) Route 23 to Camp Sebrina.

(c) Route 125 near Fresno to Huntington Lake.

SEC. 5. Section 380 of said code is amended to read:

380. Route 80 is from:

(a) Route 2 near Santa Barbara to Route 2 near Zaca via San Marcos Pass.

(b) That portion of Route 80 specified in subdivision (a) in this section to Route 151 near Ventura-Santa Barbara county line via Foothill Road.

(c) That portion of Route 80 specified in subdivision (b) in this section to Route 2 via Sycamore Canyon.

SEC. 6. Section 403 of said code is amended to read:

Route 103

403. Route 103 is from Route 1 near Geyserville to Route 49 near Calistoga.

SEC. 7. Section 414 of said code is amended to read:

Route 114

414. Route 114 is from Route 5 to Route 68 near Mountain View.

SEC. 8. Section 443 of said code is amended to read:

Route 143

443. Route 143 is from Route 140 near Weed Patch to Route 57.

SEC. 9. Section 526 of said code is amended to read:

Route 226

526. Route 226 is from:

(a) A point in the vicinity of the intersection of Davis Street and East 14th Street in San Leandro, thence via Davis Street through the City of San Leandro and through the City of Oakland via Bayshore Boulevard and Doolittle Drive, thence through the City of Alameda via Webster Street and Posey Tube and any other tube or crossing to be used in con-

nection with Posey Tube, to Route 69 in Oakland near Seventh and Harrison Streets.

(b) Route 69 near Castro Street in Oakland to Route 5.

SEC. 10. Section 553.1 of said code is amended to read:

553.1. Route 253 is from: Route 253

(a) Route 68 near the south city limits of San Francisco to Route 224 near the San Francisco-Oakland Bay Bridge.

(b) Route 68 near Alemany Boulevard to the route described in subdivision (a) of this section.

(c) Construction of either portion of Route 253 described in subdivisions (a) and (b) may be commenced when the City and County of San Francisco has acquired all rights of way necessary for the construction of such portion and has conveyed these rights of way to the State of California for highway purposes.

CHAPTER 1842

An act to add Sections 6503.3 and 6503.4 to the Welfare and Institutions Code, relating to rights-of-way over lands of state hospitals.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6503.3 is added to the Welfare and Institutions Code, to read:

6503.3. The Director of Finance shall transfer to the Department of Public Works of the State of California under such terms, conditions and restrictions as he deems to be for the best interests of the State, the necessary easements and right-of-way for all purposes of a state highway on the Agnews State Hospital property. The right-of-way shall be across, along and upon the following described property: State highway

All that real property in the County of Santa Clara, State of California, described as:

A portion of that certain 118-acre parcel of land, situate in the Rancho Rincon de Los Esteros, described in the Deed of Trust recorded in Book 687, at page 50, Official Records of Santa Clara County, more particularly described as follows:

COMMENCING at the northwesterly corner of said Parcel; thence along the Southerly line of the existing State highway in Santa Clara County, Road IV-SCl-113-A, N. 74°49′08″ E., 2018.23 feet; thence N. 14°33′52″ W., 33.00 feet to the center line of said State highway; thence along said center line N. 74°49′08″ E., 1117.32 feet to the general easterly line of said Parcel; thence along last said line S. 15°10′52″ E., 95.00 feet, from a tangent that bears N. 81°39′12″ W., along a curve

to the left with a radius of 203.99 feet, through an angle of 76°23′40″, an arc length of 271.99 feet and S. 21°57′08″ W., 68.90 feet to a line parallel with and distant 83.00 feet southerly measured radially from the "A_3" Line of the Department of Public Works Survey for the State freeway in Santa Clara County Road IV-SCl-113-A; thence along said parallel line from a tangent that bears S. 77°03′12″ W., along a curve to the left with a radius of 3917.00 feet, through an angle of 2°14′04″, an arc length of 152.76 feet and S. 74°49′08″ W., 1746.04 feet; thence S. 73°01′07″ W., 704.53 feet to a line parallel with and distant 275.00 feet easterly, at right angles from the general westerly line of aforesaid 118 Acre parcel of land; thence along last said parallel line S. 6°22′52″ E., 250.30 feet; thence S. 9°08′55″ W., 556.89 feet; thence S. 5°26′26″ E., 253.18 feet; thence S. 14°31′51″ E., 176.27 feet to the general Southerly line of said Parcel; thence along said general Southerly line N. 89°37′51″ W., 72.44 feet to the aforesaid general Westerly line of said Parcel; thence along last said line N. 14°31′51″ W., 527.64 feet, and N. 6°22′52″ W., 843.44 feet to the point of commencement.

CONTAINING 17.216 acres, more or less in addition to 0.846 of an acre more or less within the adjoining public way.

This transfer shall be for the purposes of a freeway and the grantor shall release and relinquish to the Department of Public Works any and all abutter's rights of access, appurtenant to the Agnews State Hospital's remaining property, in and to said freeway, over and across the courses described above with lengths of 152.76 feet, 1746.04 feet, 704.53 feet and 250.30 feet, and over and across the northerly 206.89 feet of the course described above with the length of 556.89 feet.

The bearings and distances used in the above description are on the California Co-ordinate System, Zone 3.

SEC. 2. Section 6503 4 is added to said code, to read:

Right-of-way granted

6503 4. Notwithstanding Section 6503 of the Welfare and Institutions Code, the Director of Finance, with the consent of the Department of Mental Hygiene, may grant a right-of-way for road purposes to the City of Stockton over and along a portion of the Stockton State Hospital property adjacent to Harding Way upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of Finance may be for the best interests of the State.

The Director of Finance under the same conditions may grant a right-of-way for road purposes to the County of Orange over a portion of the Fairview State Hospital property adjacent to Harbor Boulevard.

CHAPTER 1843

An act to add Article 3 (commencing at Section 11200) to Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code, relating to state departments.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing at Section 11200) is added to Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 3. Staff

Governor's appointments

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the directors of the Departments of Finance, Public Works, and Mental Hygiene, and not to exceed one chief deputy for the directors of the Departments of Social Welfare, Agriculture, Insurance, Employment, Motor Vehicles, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

Deputies' duties

11201. Each deputy appointed pursuant to Section 11200 shall serve at the pleasure of the director of the department in which he is appointed, and his salary shall be fixed by the director of that department in accordance with law. The deputy shall have such duties as may be assigned to him by the director of the department, and he shall be responsible to the director of the department for the performance of those duties.

Exempt positions

11202. The exempt position for each deputy appointed pursuant to this article, which is authorized under subdivision (5) of Section 4 of Article XXIV of the Constitution, shall be a secretary holding a position confidential to the appointee.

CHAPTER 1844

An act to amend Sections 11270, 11272, and 11413 of the Government Code, relating to administrative costs of state agencies.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 11270 of the Government Code is amended to read:

"Administrative costs"

11270. As used in this article "administrative costs" means the amounts expended by the Legislature, Controller,

Treasurer, the State Personnel Board, the Secretary of State, the State Employees' Retirement System, and the State Department of Finance, and a proration of any other cost to or expense of the State for services or facilities provided for the Legislature and the above agencies, for supervision or administration of the State Government or for services to the various state agencies, other than those for which the Department of Finance may charge and collect pursuant to Article 3.

SEC. 2. Section 11272 of said code is amended to read:

Same Determination

11272. In determining or redetermining such fair share, the Board of Control may consider such factors of cost distribution and cost estimation as it deems necessary; provided, however, that as to the proceeds of those taxes, the use of which is restricted by Article XXVI of the California Constitution, the State Board of Control shall assess only those administrative costs ascertained as being necessarily incurred in connection with highway purposes as set forth in said article.

SEC. 3. Section 11413 of said code is amended to read:

"Administrative costs"

11413. The amounts expended by the department in compiling, codifying, indexing, printing, and publishing regulations, and a proration of any other costs to or expense of the State for services or facilities provided for the department in carrying out the provisions of this article, are "administrative costs" as defined in Article 2, Chapter 3, Part 1, Division 3, Title 2 of this code, and shall be charged and paid to the credit of the General Fund at the time or times and in the manner provided in said Article 2.

CHAPTER 1845

An act to amend Sections 21121, 21122, 21605, 21606, 21607, 21608, 21652, 21654, 21658, 21661, 21826, 21827, 21830 of, and to add Section 21650.1 to, the Water Code, relating to irrigation districts.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21121 of the Water Code is amended to read:

Order of consolidation

21121. The order of consolidation shall be made at least 90 days prior to a general election and shall take effect at said election.

SEC. 2. Section 21122 of said code is amended to read:

Segregation of offices

21122. A board may at least 90 days before a general election segregate consolidated offices, and each office so segregated shall be filled at said election.

SEC. 3. Section 21605 of said code is amended to read:

Divisional boundary changes

21605. When it deems it advisable for the best interests of the district and the convenience of its voters, the board may,

not less than 70 days before an election, change the boundaries of the divisions. The changes shall be made to keep the divisions as nearly equal in area and population as may be practicable. The changes shall be shown on the minutes of the board.

SEC. 4. Section 21606 of said code is amended to read:

Re-establishment of boundaries

21606. When land is excluded from a district after its formation, if the board deems it desirable, but not less than 70 days before any election in the district, it may re-establish the boundaries of the divisions within the district.

SEC. 5. Section 21607 of said code is amended to read:

Same. Equalizing the districts

21607. When land is included within a district after its formation, its board shall, not less than 70 days before any election in the district, re-establish the boundaries of the divisions within the district so as to include the included land therein and so as to make the divisions as nearly equal in size and population as may be practicable.

SEC. 6. Section 21608 of said code is amended to read:

Voting rights

21608. When land is included within a district after its formation and less than 70 days before an election, the voters in the area included shall not be entitled to vote at the election.

SEC. 7. Section 21650.1 is added to said code, to read:

Preliminary notice of election

21650.1. At least 65 days before a general election the secretary shall publish a preliminary notice of election in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district published in any affected county in the district. The preliminary notice shall contain the date of the general election in the district and name the offices for which candidates may be proposed. The notice shall state that official nominating petitions for eligible candidates desiring to file for any of the elective offices may be obtained from the office of the secretary of the district.

SEC. 8. Section 21652 of said code is amended to read:

Appointment of precinct board

21652. Prior to giving the regular notice of election as required in Section 21654, the board shall by order: (a) Appoint for each precinct from its electors one inspector, two judges, and two clerks, or one inspector, one judge, and one clerk, who shall in either case constitute a precinct board for the precinct. No precinct board shall be appointed for a precinct in which there is no issue or candidate to be voted upon. (b) Designate within each precinct for which a precinct board has been appointed, the place for its polls. The board may also make changes in either the number of election precincts or the boundaries of the election precincts within the divisions in which an election is to be held.

SEC. 9. Section 21654 of said code is amended to read:

Publication of election data

21654. Prior to a general election the secretary shall publish a notice of the day, hours, and polling places in each precinct in which an election is to be held. Publication shall consist of publishing a notice once a week for two successive

weeks in a newspaper of general circulation published in the district, or if no newspaper of general circulation is published in the district, shall either publish a notice once a week for two successive weeks in a newspaper having general circulation in the district published in any affected county of the district, or post notices in three public places in each election precinct in which an election is to be held. The last publication must be made at least one week before the election. Posted notices must be posted at least one week before the election.

SEC. 10. Section 21658 of said code is amended to read:

Nomination petitions and form, etc.

21658. Petitions required for nomination and election to all district offices shall be obtained from the district secretary's office. The forms will first be available on the sixty-fifth day prior to the election and must be filed not later than the fortieth day prior to the election in the office of the secretary during regular office hours. At the time of issuance of such forms, there shall be filled in the name of the candidate and the office for which he is a candidate. The form will be marked "Official Filing Form" and signed by the secretary. The petition must be signed by 10 or more electors.

The nomination papers and affidavits shall be substantially in the following form:

NOMINATION PAPER

We, the undersigned voters of _____ of the _____ Irrigation District, hereby nominate _____ for the office of _____ of said irrigation district.

Name	Date	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____

AFFIDAVIT OF CIRCULATOR

State of California } ss.
County of _____}

_____, being duly sworn deposes and says: That he circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

_____
(Signature of circulator)

Subscribed and sworn to before me the _____ day of _____, 19___.

_____
Notary Public in and for the County of _____, State of California.

AFFIDAVIT OF NOMINEE

State of California }
County of _____} ss.

_____, being duly sworn, says that he is the above-named nominee for the office of _____, that he will accept the office in the event of his election, that he desires his name to appear on the ballot as follows:

_____
(Print name above)

and that he desires the following designation to appear on the ballot under his name:

_____
(Print desired designation above)

_____
(Signature of nominee)

Subscribed and sworn to before me this
_____ day of _____, 19___.

_____
Notary Public in and for the
County of _____,
State of California

SEC. 11. Section 21661 of said code is amended to read:

Resolution against holding election

21661. If, on the thirty-fifth day prior to the day fixed for the irrigation district general election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the irrigation district general election be held, has not been presented to the board of directors of the district, said board shall by resolution entered in their minutes order that an election shall not be held for such office in which only one person has been nominated or in which no one has been nominated. Upon adoption by the board of such a resolution it shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated, at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint to such office or offices wherein only one person has been nominated the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at an irrigation district general election for such office. In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held for each such office and that the board of supervisors will appoint, or

has appointed, the elective officers to serve for the ensuing term for any such offices.

If more than one person has been nominated for any office, an election shall be held for such office and notice given as provided in Section 21654.

SEC. 12. Section 21826 of said code is amended to read:

Election time

21826. The election shall be held not less than 40 nor more than 45 days after the making of the order.

SEC. 13. Section 21827 of said code is amended to read:

Recall proposal

21827. If a general election is to be held not less than 40 nor more than 65 days from the making of the order calling a recall election, the board may submit the recall proposal and candidates at the general election.

SEC. 14. Section 21830 of said code is amended to read:

Nominations upon recall election

21830. Nominations for candidates for any office to be filled at a recall election shall be made in the manner prescribed for nominations for candidates at general elections and shall be filed not less than 40 days before the election.

SEC 15. Section 21650.1 is added to said code, to read:

Preliminary notice

21650.1. At least 65 days before a general election the secretary shall publish a preliminary notice of election in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district published in any affected county in the district. The preliminary notice shall contain the date of the general election in the district and name the offices for which candidates may be proposed. The notice shall state that official nominating petitions for eligible candidates desiring to file for any of the elective offices may be obtained from the office of the secretary of the district. The substance of this notice may be combined with the notice required by Section 21661.1.

SEC. 16. Section 15 of this act becomes operative only if Section 21661.1 is added to the Water Code by Senate Bill No. 1168 of the 1959 Regular Session, and at the same time as said section takes effect, at which time Section 21650.1 added to the Water Code by Section 7 of this act is repealed.

CHAPTER 1846

An act to add Article 4 (commencing at Section 21625) to Chapter 9 of Division 8 of the Business and Professions Code, relating to the reporting of transactions involving identifiable secondhand tangible personal property.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing at Section 21625) is added to Chapter 9 of Division 8 of the Business and Professions Code, to read:

Article 4. Identifiable Secondhand Tangible Personal Property

21625. It is the intent of the Legislature in enacting this article to require the statewide reporting of identifiable secondhand tangible personal property acquired by persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of secondhand personal property, unless the property or the transaction is specifically exempt herein, for the purpose of correlating these reports with other reports of city, county, and city and county law enforcement agencies and further utilizing the services of the State Bureau of Criminal Identification and Investigation to aid in tracing and recovering stolen property. Legislative intent

Further, it is the intent of the Legislature that this article shall not supersede or supplant the provisions or affect the operation of any city, county, or city and county ordinance with respect to reporting by secondhand dealers, as defined herein, whether or not such ordinance requires incidental holding or releasing of identifiable secondhand tangible personal property required to be reported.

It is the further intent of the Legislature that this article shall be applicable to any secondhand dealer, as defined herein, that is not required to report identifiable secondhand tangible personal property under the provisions of a city, county, or city and county ordinance.

21626. A "secondhand dealer," as used in this article, means and includes any person, copartnership, firm, or corporation whose principal business is primarily that of engaging in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand personal property. "Secondhand dealer"

21627. "Identifiable," as used in this article, means secondhand tangible personal property which bears a serial number or personalized initials or inscription, and shall include secondhand tangible personal property which, at the time it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized initials or inscription. "Identifiable"

21628. Every secondhand dealer shall report all identifiable secondhand tangible personal property which he has purchased, taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auctioning to the chief of police or to the sheriff, in accordance with the provisions of Section 21630, not later than 12 noon of the day following the acquisition of such property. Reporting of identifiable property

21629. The provisions of this article shall not apply to any identifiable secondhand tangible personal property which has been: Not applicable

(a) Acquired in good faith in a transaction involving the stock in trade of another secondhand dealer who previously has made the report or reports required by this article of such property included in the transaction and who states in writing

that the report or reports so required have been made, and provided the acquiring secondhand dealer submits a copy of such statement to the chief of police or to the sheriff. Each of the secondhand dealers involved in the transaction shall retain a copy of the statement referred to in this subdivision for a period of three years as a matter of record which shall be made available for inspection by any law enforcement officer;

(b) Acquired in a nonjudicial sale, transfer, assignment, assignment for the benefit of creditors, or consignment of the assets or stock in trade, in bulk, or a substantial part thereof, of an industrial or commercial enterprise for purposes of voluntary dissolution or liquidation of the seller's business, or for the purpose of disposing of an excessive quantity of personal property; or which has been acquired in a nonjudicial sale or transfer from an owner of his entire household of personal property, or a substantial part thereof; provided, the secondhand dealer retains in his place of business for a period of three years a copy of the bill of sale, receipt, inventory list, or other transfer document as a matter of record which shall be made available for inspection by any law enforcement officer; and provided further, that the secondhand dealer notifies the chief of police or the sheriff that exemption from reporting is being claimed under this subdivision. "Industrial or commercial enterprise" and "owner" as used in this subdivision do not include a secondhand dealer;

(c) Acquired in a sale made by any public officer in his official capacity, trustee in bankruptcy, executor, administrator, receiver, or public official acting under judicial process or authority, or which has been acquired in a sale made upon the execution of, or by virtue of, any process issued by a court, or under the provisions of the Warehouse Receipts Act (Article 3B (commencing at Section 1858.01) of Chapter 2 of Title 3 of Part 4 of Division 3 of the Civil Code);

(d) Acquired in good faith as part or complete payment for other personal property by a person, copartnership, firm, or corporation whose principal business is primarily that of selling new personal property directly to the consumer:

(e) Acquired as the surplus property of the United States Government or of a state, city, county, city and county, municipal corporation, or public district and which after requisition or acquisition by the United States Government or by a state, city, county, city and county, municipal corporation, or public district has never thereafter been sold at retail; and

(f) Reported by a secondhand dealer as an acquisition or a purchase, or which has been reported as destroyed or otherwise disposed of, (1) to a state agency by the authority of any other law of this State; or (2) to a city, county, or city and county officer or agency by the authority of any other law of this State or a city, county, or city and county ordinance.

21630. If the transaction takes place within the territorial limits of an incorporated city, or city and county, the report shall be submitted to the chief of police of the city or the city and county. If the transaction takes place outside the territorial limits of an incorporated city, or within the limits of an incorporated city which does not maintain a police department, the report shall be submitted to the sheriff of the county. Submission of reports

21631. Where reporting by a secondhand dealer is required by a city, county, or city and county ordinance, the report shall comply with and be submitted in accordance with the provisions of the applicable ordinance. Reports in accordance with ordinances

21632. In the absence of a city, county, or city and county ordinance requiring any reporting of property acquired by a secondhand dealer in transactions enumerated in Section 21628, the report shall be submitted on forms prescribed by the State Bureau of Criminal Identification and Investigation and in accordance with the provisions of Sections 21628 and 21630. Form of reports

21633. The report forms prescribed by the State Bureau of Criminal Identification and Investigation shall consist of not less than an original and two copies. The original and the duplicate copy shall be submitted by the secondhand dealer in accordance with the provisions of Sections 21628 and 21630. The triplicate copy shall be retained by the secondhand dealer in his place of business for a period of three years and shall be made available for inspection by any law enforcement officer. Same

21634. The chief of police or the sheriff who receives a report on a form filed pursuant to the provisions of this article shall daily submit the original to the State Bureau of Criminal Identification and Investigation. Original copy of report

21635. Where a report is made in conformity with the provisions of a city, county, or city and county ordinance, on a form not prescribed by the State Bureau of Criminal Identification and Investigation, the chief of police or the sheriff who receives the report shall submit to the State Bureau of Criminal Identification and Investigation the information contained in the report concerning identifiable secondhand tangible personal property as set forth in Section 21627 and transactions as set forth in Section 21628. Same

21636. Every secondhand dealer shall retain in his possession for a period of 10 days all identifiable secondhand tangible personal property reported under the provisions of Sections 21628 and 21630. The 10-day holding period with respect to such identifiable secondhand tangible personal property shall commence with the date the report of its acquisition was made to the chief of police or to the sheriff by the secondhand dealer. The chief of police or the sheriff may for good cause authorize prior disposition of any such property described in a specific report, or a secondhand dealer, in lieu of holding the property for the prescribed 10-day period, may sell or dispose of such property; provided, he obtains the name, address, and description of the buyer and retains this information for a period of Disposition of personal property

three years as a matter of record which shall be made available for inspection by any law enforcement officer.

Compliance with ordinances and state laws

21637. Nothing herein contained shall be deemed to excuse compliance with the provisions of any city, county, or city and county ordinance or any other state law covering the reporting, holding, or releasing of identifiable secondhand tangible personal property.

Exceptions

21638. The provisions of this article shall not prohibit enactment, amendment, or enforcement by any city, county, or city and county of any local ordinance relating to a secondhand dealer, nor do the provisions of this article supersede any city, county, or city and county ordinance except insofar as such city, county, or city and county ordinance does not require any reporting procedure of identifiable secondhand tangible personal property.

Misdemeanor

21639. A violation of any provision of this article constitutes a misdemeanor.

CHAPTER 1847

An act to amend Sections 11044, 11271, and 14030 and to repeal Section 11273 of the Government Code, relating to charges against state funds, and making an appropriation.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11044 of the Government Code is amended to read:

Costs of legal services

11044. The State Board of Control shall determine and may at any time redetermine which funds, other than the General Fund, and which functions or activities of the Department of Water Resources supported by the General Fund, shall be charged with the costs of all legal services rendered by the Attorney General or his deputies or assistants to the function supported by any such fund. Such costs shall be fixed and determined by the Attorney General and shall be a charge against any fund so designated by the board. Reimbursements for such charges shall be credited to and in augmentation of the appropriation for the support of the Attorney General's Office from which the cost of said services was or will be paid.

SEC. 2. Section 11271 of said code is amended to read:

Administrative costs

11271. The State Board of Control shall determine and may at any time redetermine which funds, other than the General Fund, and which functions or activities of the Department of Water Resources supported by the General Fund, shall be charged a share of administrative costs as to the function supported by any such fund and the amount which shall be charged against any such fund as its fair share of admin-

istrative costs. Such costs shall be a charge against any fund so designated by the board.

SEC. 3. Section 14030 of said code is amended to read:

Division of Architecture Revolving Fund

14030. The Division of Architecture Revolving Fund in the State Treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the Division of Architecture, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, and other building and improvement projects, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Architecture, when approved by the Department of Finance.

Money in the fund also may be used, upon approval of the Department of Finance, to finance the cost of any construction projects within the powers and duties of the Division of Architecture for which the Federal Government will contribute a partial cost thereof; provided, written evidence has been received from a federal agency that money has been appropriated by Congress and the Federal Government will pay to the State the amount specified upon the completion of construction of the project. The Director of Public Works may approve plans, specifications and estimates of cost, and advertise for and receive bids on such projects in anticipation of the receipt of such evidence.

Money so transferred or deposited is available for expenditure by the Division of Architecture for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

Repeal

SEC. 4. Section 11273 of said code is repealed.

CHAPTER 1848

An act to amend Section 135 of the Water Code, and to amend Sections 11044, 11271 and 20751 and to repeal Section 11273 of the Government Code, relating to charges against state funds, and making an appropriation.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 135 of the Water Code is amended to read:

Water Resources Revolving Fund

135. The Water Resources Revolving Fund in the State Treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the Department of Water Resources, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Department of Water Resources (or any predecessor), when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Department of Water Resources, for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304 of the Government Code. The Department of Water Resources may withdraw from the fund for use in work for other public agencies, local, state, or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in said fund in advance of the work being done.

SEC. 2. Section 11044 of the Government Code is amended to read:

Legal services costs

11044. The State Board of Control shall determine and may at any time redetermine which funds, other than the General Fund, and which functions or activities of the Department of Water Resources supported by the General Fund, shall be charged with the costs of all legal services rendered by the Attorney General or his deputies or assistants to the function supported by any such fund. Such costs shall be fixed and determined by the Attorney General and shall be a charge against any fund so designated by the board. Reimbursements for such charges shall be credited to and in augmentation of the appropriation for the support of the Attorney General's Office from which the cost of said services was or will be paid.

SEC. 3. Section 11271 of said code is amended to read:

Administrative costs

11271. The State Board of Control shall determine and may at any time redetermine which funds, other than the General Fund, and which functions or activities of the Department of Water Resources supported by the General Fund, shall be charged a share of administrative costs as to the function supported by any such fund and the amount which shall be charged against any such fund as its fair share of administrative costs. Such costs shall be a charge against any fund so designated by the board.

Repeal

SEC. 4. Section 11273 of said code is repealed.

SEC. 5. Section 20751 of said code is amended to read:

20751. From the General Fund in the State Treasury there is appropriated monthly to the Retirement Fund the State's contribution for: Retirement Fund

(a) All state miscellaneous members and all other categories of members whose compensation is paid from the General Fund.

(b) All university members whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All state miscellaneous members who are employed by the Department of Education and whose compensation is paid from the Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the State under restrictions preventing its use for state contributions to the retirement system.

(d) All state miscellaneous members whose compensation is paid from moneys in the Water Resources Revolving Fund, where such moneys were derived from an appropriation from the General Fund, until July 1, 1960. On and after July 1, 1960, the provisions of Section 20752 shall apply to the State's contributions for such members.

(e) All state miscellaneous members whose compensation is paid from the Senate Contingent Fund or the Assembly Contingent Fund.

CHAPTER 1849

An act to amend Section 1417, and to repeal Section 1418 of, and to add Sections 1418, 1418.5, and 1418.6 to, the Penal Code, relating to disposal of exhibits in criminal cases.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1417 of the Penal Code is amended to read:

1417. All exhibits which have been introduced or filed in any criminal action or proceeding may be disposed of as provided in this chapter. Exhibits in criminal actions

SEC. 2. Section 1418 of said code is repealed. Repeal

SEC. 3. Section 1418 is added to said code, to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court without prejudice to the State, delivered to such party any time after the final determination of the action or proceeding. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows: Release of exhibits

After the expiration of one year from the final determination of the action or proceeding, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the State. Upon receipt of such an order, the clerk of the court shall post a notice conspicuously in three public places in the county referring to the order, describing briefly the exhibits which the court has ordered disposed of and fixing the date and the place at which such exhibits will be offered for sale at public auction. The date fixed must be at least 20 days after the posting of the notice.

At any time prior to the time fixed for the auction, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the auction shall be sold by the clerk to the highest bidder for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

All exhibits offered for sale for which no bids have been received may be destroyed by the clerk or returned to the files.

Where the exhibit consists of money or currency and is unclaimed at the time of the auction, the clerk shall not offer it for sale but shall immediately upon the conclusion of the sale deposit it in the general fund of the county.

SEC. 4. Section 1418.5 is added to said code, to read:

Same

1418.5. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order such documentary exhibits as may be released from the custody of the court without prejudice to the State delivered to such party any time after the final determination of the action or proceeding.

If the party entitled to such documentary exhibits is unknown, or fails to apply for the return of said exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the final determination of the action or proceeding, the court in which the case was tried shall make an order requiring such exhibits to be destroyed; provided, that no such order shall be made authorizing the destruction of any documentary exhibit which conveys title or creates a lien on real property, nor shall any such order be made if the destruction of such exhibits would prejudice the State.

SEC. 5. Section 1418.6 is added to said code, to read:

"Final determination of the action or proceeding"

1418.6. For the purposes of Section 1418 and 1418.5, it shall be deemed that there has been no "final determination of the action or proceeding" while defendant is imprisoned, including any period on parole, pursuant to judgment in the action or proceeding.

CHAPTER 1850

An act to amend Sections 6915 and 8951 of, to repeal Section 8955 of, and to add Sections 6913.1, 8955, 8955.1 and 18352.2 to, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to education of mentally retarded children.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8955 of the Education Code as enacted by the Legislature at its 1959 Regular Session, is hereby repealed:

Repeal

SEC. 2. Section 6913.1 is added to said code, to read:

Maximum tax rate and funds

6913.1. The maximum rate of school district tax for any school year is hereby increased by such amount as the governing board of any school district required to provide educational services or facilities for mentally retarded minors who come within the provisions of Section 6902 may include in its budget and the board of supervisors shall levy a school district tax necessary to raise such amount. No amounts shall be included in its budget for the purchase or improvement of school sites or the construction of school buildings.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in the tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized for the education of mentally retarded minors who come within the provisions of Section 6902.

SEC. 3. Section 6915 of said code is amended to read:

Applications for advance apportionment

6915. The application shall be made prior to September 1st of each school year in the form and manner prescribed by the Superintendent of Public Instruction and shall include an estimate of the average daily attendance that will be credited to such schools, classes or integrated programs during the school year for which an advance apportionment is requested. Such estimate shall be based upon the number of minors residing in the district or in an adjacent district that come within the provisions of Sections 6801, 6802, and 6903 and who will attend such schools, classes or integrated programs, and shall be subject to the approval of the Superintendent of Public Instruction.

SEC. 4. Section 8951 of said code is amended to read:

Special training schools

8951. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section

6902. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17658 and 17663, or Sections 17658.1 and 17663.1, whichever are in effect, shall not apply.

(c) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903.

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

SEC. 5. Section 8955 is added to said code, to read:

Same Tax

8955. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a tax for the education of mentally retarded minors who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county super-

intendent of schools (1) the total of any balances remaining to be expended for this purpose, and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded minors who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which during the preceding fiscal year had less than 901 units of average daily attendance in the elementary schools of the district. The board of supervisors shall at the time of levying other county taxes add the tax so determined to the other taxes levied for each school district which had during the preceding fiscal year less than 901 units of average daily attendance in the elementary schools of the district, except that the tax added shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be added notwithstanding the provisions of Sections 20751 or 20803.

The county superintendent of schools shall adjust the budget of the district to reflect the amount to be received from the tax and the transfer of the same amount to the county school service fund. The amount received from the tax shall be transferred to the county school service fund by the county auditor upon the order of the county superintendent of schools.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from funds withheld pursuant to Section 18352.2.

SEC. 6. Section 8955.1 is added to said code, to read:

Certification of money necessary

8955.1. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6903 and for rental of property by the county superintendent of schools for special training schools or classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded minors and by adding to the result the amount required for rental of property. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors may, at the time of levying other county taxes, levy a county tax for the education of mentally

retarded minors who come within the provisions of Section 6903 upon the taxable property of the county sufficient to produce the amount required. The amount received from this tax shall be deposited in the county school service fund.

SEC. 7. Section 18352.2 is added to said code, to read:

Withholdings

18352.2. In making a withholding pursuant to subdivision (c) of Section 18352 or 18352.1, whichever is in effect, the Superintendent of Public Instruction may also withhold such amounts as he determines needed to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making emergency financial grants to school districts pursuant to Section 6913.1.

The amount withheld pursuant to this section, when added to the amount withheld pursuant to subdivision (c) of Section 18352 or 18352.1, whichever is in effect, shall not exceed the total amount prescribed in such subdivision (c).

CHAPTER 1851

An act to add Chapter 10 (commencing at Section 4500) to Division 2 of the Business and Professions Code, relating to the certification of psychiatric technicians.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing at Section 4500) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 10. PSYCHIATRIC TECHNICIANS

Article 1. Generally

Short title

4500. This chapter is known and may be cited as the "Psychiatric Technicians Law."

"Board"

4501. "Board," as used in this chapter, means the Board of Vocational Nurse Examiners of the State of California.

"Psychiatric technician"

4502. As used in this chapter, "psychiatric technician" means any person who, under the direction of a licensed physician or psychiatrist or a registered professional nurse, performs services in caring for and treatment of the mentally ill or mentally retarded for compensation or personal profit, which services:

(a) Involve responsible nursing and therapeutic procedures for such mentally ill or mentally retarded patients requiring interpersonal and technical skills in the observation and recognition of symptoms and reactions of such patients, and the accurate recording of the same, and the carrying out of treatments and medications as prescribed by a licensed physician or psychiatrist; and

(b) Require the application of such techniques and procedures as involve understanding of cause and effect and the safeguarding of life and health of the patient and others; and

(c) Require the performance of such other duties as are necessary to facilitate rehabilitation of the patient or are necessary in the physical, therapeutic, and psychiatric care of the patient; and

(d) Require the application of principles of treatment based upon biological, physical, and social sciences.

Enforcement

4503. The board shall administer and enforce the provisions of this chapter.

Rules and regulations

4504. The board may adopt rules and regulations to carry out the provisions of this chapter.

Employees

4505. The board may employ whatever personnel is necessary for the administration of this chapter and shall appoint an advisory committee composed of a psychiatric nurse educator, a psychiatrist educator, a public health nurse educator and two instructors in accredited licensed vocational nurse programs. Each member of the advisory committee shall serve without compensation, except that he shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties.

Applicability

4506. Nothing contained in this chapter shall be construed to limit or prevent the performance of psychiatric technician's services by a person not certificated under this chapter, if such person does not represent himself to be so certificated.

Article 2. Certification

Certificate issued

4510. After July 1, 1960, the board shall issue a psychiatric technician's certificate to each applicant who qualifies therefor, and, if required to take it, successfully passes the examination given pursuant to this chapter.

Qualifications

4511. An applicant for a psychiatric technician's certificate shall have the following qualifications:

(a) Be at least 19 years of age.

(b) Be a citizen of the United States or have indicated an intention to become a citizen of the United States. A statement under oath of citizenship or intention to become a citizen shall be sufficient proof of citizenship or intention to become a citizen.

(c) Have successfully completed an approved general education course of study through the twelfth grade or the equivalent thereof as determined by the board.

(d) Have successfully completed a prescribed course of study and training of at least 12 months in length in a school accredited by the board, which course of study and training shall combine the nursing knowledge and skills necessary for the care of any ill person and in addition those special skills necessary for the care of the mentally ill or the mentally retarded, or have completed a course of study and training which in the opinion of the board is equivalent to the mini-

mum requirements of an accredited program for psychiatric technicians in the State.

(e) Have committed no act which, if committed by a certified psychiatric technician, would be ground for disciplinary action.

Fee

4512. An applicant for a psychiatric technician's certificate shall, upon the filing of his application, pay to the board the required filing fee prescribed by the board.

Examination

4513. Unless otherwise provided in this chapter, every applicant for a psychiatric technician's certificate shall be examined by the board. The examination shall be held at least once a year and at the times and places determined by the board.

Issuance

4514. Prior to July 1, 1962, any person meeting the requirements of subdivisions (a), (b), and (f) of Section 4511, and, as determined by the board, possessing the equivalent of the education and training requirements of that section, shall, on application, be issued a certificate.

Other state or country applicants

4515. Upon written application and receipt of the required application fee the board may issue a certificate to any applicant who possesses a valid unrevoked license or certificate as a psychiatric technician issued by any other state or a foreign country, and who in the opinion of the board has the qualifications set forth in Section 4511.

"C P T"

4516. Every person certified under this chapter may be known as a certified psychiatric technician and may place the letters "C.P.T." after his name.

Article 3. Disciplinary Proceedings

Disciplinary proceedings

4520. Every certified psychiatric technician under this chapter may be disciplined as provided in this article. The disciplinary proceedings shall be conducted by the board in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Grounds for disciplinary action

4521. The board may suspend or revoke a certificate issued under this chapter for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

(1) Incompetence or gross negligence in carrying out usual psychiatric technician functions.

(2) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing at Section 2000) of Division 2 of this code, the record of conviction being conclusive evidence thereof.

(3) The use of advertising relating to psychiatric technician services which violates Section 17500 of this code.

(4) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or chiropodist administer to himself or furnish or administer to another, any narcotic as defined in Division 10 (commencing at Section 11000) of the Health and Safety Code or

any dangerous drug as defined in Article 8 (commencing at Section 4210) of Chapter 9 of Division 2 of the Business and Professions Code.

(5) Use any narcotic as defined in Division 10 (commencing at Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing at Section 4210) of Chapter 9 of Division 2 of the Business and Professions Code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself, any other person, or the public or to the extent that such use impairs his ability to conduct with safety to the public the practice authorized by his license.

(6) Be convicted of a criminal offense involving the falsification of records concerning prescription, possession, or consumption of any of the substances described in paragraphs (4) and (5) of this subdivision, in which event the record of the conviction is conclusive evidence of such conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix a degree of discipline.

(7) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in paragraphs (4) and (5) of this subdivision, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(8) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in paragraph (4) of this subdivision.

(b) Procuring a certificate by fraud, misrepresentation or mistake.

(c) Procuring, or aiding, or abetting, or attempting, or agreeing or offering to procure or assist at a criminal abortion.

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or terms of this chapter.

(e) Giving any false statement or information in connection with an application.

(f) Conviction of a felony or of any offense involving moral turpitude, in which event the record of the conviction shall be conclusive evidence of such conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction is of an offense involving moral turpitude.

(g) Impersonating any applicant or acting as proxy for an applicant in any examination required by this chapter.

(h) Impersonating another practitioner, or permitting another person to use his certificate.

(i) The use of excessive force upon or the mistreatment or abuse of any patient

(j) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the

performance of or arranging for a violation of any of the provisions of Article 13 (commencing at Section 2360) of Chapter 5 of Division 2 of this code

Adjudication of insanity, etc.

4522 The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental hospital of any certificate holder for a mental illness shall operate as a suspension of the right to practice of any such certificate holder under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the certificate of the person adjudicated or committed. The board shall not restore such certificate to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated; provided, that in the case of a voluntary commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent of said hospital that the certificate holder is restored to mental competency, shall constitute competent evidence of restoration to sanity. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

Effect of pleas or verdicts

4523. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the certificate suspended or revoked or may decline to issue a certificate, when the time for appeal has lapsed, or the judgment or conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

Article 4. Schools for Preparation of Psychiatric Technicians

Accredited schools list

4530. The board shall prepare and maintain a list of accredited schools which offer an accredited program for psychiatric technicians.

Courses of instruction

4531. The course of instruction of an accredited school shall consist of not less than the number of hours of instruction required for the other program administered by the board. The subjects of instruction shall include the principles of the care of the mentally ill and the mentally retarded.

4532. The board shall provide for the periodic inspection of all psychiatric technician schools in this State. Written reports of the inspection shall be made to the board, which shall then approve as accredited the schools which meet the standards prescribed by it. Periodic inspection

If the board determines from a report that any accredited school is not maintaining its prescribed standards, it shall immediately give the school a notice in writing specifying the defect. If the defect is not corrected the board shall, after written notice, remove the school from the accredited list.

Article 5. Penal Provisions

4540. It is unlawful for any person to whom a certificate has not been issued under this chapter to use any title or letters which imply that he is a certified psychiatric technician. Implying certification

4541. It is unlawful for any person willfully to make any false representation, impersonate any other person, or permit or aid any other person in any manner to impersonate him in connection with any examination or application for a certificate. False representations

4542. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon a conviction thereof shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500), or by both such fine and imprisonment. Misdemeanor

Article 6. Revenue

4543. The fee paid to the board by any person who is granted a certificate pursuant to this chapter shall also constitute the fee required by this chapter for the year in which the certificate is originally issued. Fee

4544. Each certified psychiatric technician shall pay an annual renewal fee in the amount required by this chapter between the first day of January and the fifteenth day of February of each year for a renewal of his certificate. Annual renewal fee

4545. The certificate of every person who does not pay the annual renewal fee during the time specified shall automatically be forfeited, but may be restored upon written application and the payment of the renewal fee and the delinquency fee required by this chapter and upon submission of such proof of the applicants' qualifications as may be required by the board. Automatic forfeiting of certificate

No examination shall be required for the restoration of a certificate that has been forfeited under the provisions of this section solely by reason of nonpayment of the renewal fee.

4546. The board shall report each month to the State Controller the amount and source of all revenue received by it pursuant to this chapter and at the same time pay the entire Revenue report

amount thereof into the State Treasury for credit to the Vocational Nurse Examiners Fund.

Expenses paid

4547. All expenses incurred in the operation of this chapter shall be paid out of the Vocational Nurse Examiners Fund from the revenue received by the board under this chapter and deposited in the Vocational Nurse Examiners Fund. No part of the expenses shall be charged against any funds which are derived from any functions of the board provided for in other chapters of this code.

Fee rates

4548. The amounts of the fees payable pursuant to this chapter shall be fixed by the board according to the following schedule:

(a) For a certificate, no more than ten dollars ($10) nor less than five dollars ($5).

(b) For annual renewal of a certificate, no more than five dollars ($5) nor less than one dollar ($1).

(c) For the restoration of a certificate forfeited for nonpayment of the annual renewal fee, five dollars ($5).

CHAPTER 1852

An act to add Section 18062 to the Education Code as enacted by the Legislature at the 1959 Regular Session, relating to allowances for transportation of physically handicapped minor pupils to special classes.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 18062 is added to the Education Code as enacted at the 1959 Regular Session, to read:

18062. In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting minor pupils whose vision or hearing is impaired to a degree making it practical to transport them to some location in another district where specialized instruction may be afforded. The amount allowed shall not be in excess of three hundred fifty dollars ($350) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the classes of specialized instruction to and from which they are transported.

Allowances under this section shall be subject to the approval of the Superintendent of Public Instruction of the practicality of transporting the pupils involved in any particular instance to the place where specialized instruction is afforded.

CHAPTER 1853

An act to add Section 516 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 516 is added to the Streets and Highways Code, to read:

516. Route 216 is from Route 20 north of Susanville to Route 28 near Adin.

CHAPTER 1854

An act to amend Section 12027 of the Penal Code, relating to concealed carrying of firearms.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 12027 of the Penal Code is amended to read:

12027. Section 12025 does not apply to or affect any of the following:

(a) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the Federal Government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this State.

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this State.

(f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established

target ranges, whether public or private, while such members are using any of the firearms referred to in this chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

CHAPTER 1855

An act to amend Section 12076 of the Penal Code, relating to the sale of concealable firearms.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12076 of the Penal Code is amended to read:

12076. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his legal name and affix his residence address to the register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. Any person furnishing a fictitious name or address and any person violating any of the provisions of this section is guilty of a misdemeanor.

The triplicate sheet of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the Bureau of Criminal Identification and Investigation at Sacramento and the duplicate shall be mailed, postage prepaid, to the chief of police, or other head of the police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the duplicate sheet shall be mailed to the sheriff of the county wherein the sale is made.

CHAPTER 1856

An act to amend Section 12052 of the Penal Code, relating to the issuance of licenses to carry concealed firearms.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12052 of the Penal Code is amended to read:

12052. The fingerprints of each applicant shall be taken and two copies on forms prescribed by the State Bureau of Criminal Identification and Investigation shall be forwarded

to the State Bureau of Criminal Identification and Investigation. Upon receipt of the fingerprints and the fee as prescribed in Section 12054, the bureau shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office. No license shall be issued by any licensing authority until after receipt of such report from the bureau.

Provided, however, that if the license applicant has previously applied to the same licensing authority for a license to carry concealed firearms and the applicant's fingerprints and fee have been previously forwarded to the State Bureau of Criminal Identification and Investigation, as herein provided, the licensing authority shall note such previous identification numbers and other data which would provide positive identification in the files of the State Bureau of Criminal Identification and Investigation on the copy of any subsequent license submitted to the bureau in conformance with Section 12053 and no additional application form, fingerprints or fee shall be required.

CHAPTER 1857

An act to amend Sections 2110, 2150, and 2152 of the Streets and Highways Code, relating to county roads.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2110 of the Streets and Highways Code is amended to read:

Apportionment of moneys to counties

2110. The moneys payable to the counties under Section 2104 shall be apportioned among the several counties as follows:

(a) The first five hundred thousand dollars ($500,000) shall be apportioned for snow removal on county roads to the following counties in the named percentages:

Alpine	.43 percent
Amador	.20 percent
Butte	1.91 percent
Calaveras	.70 percent
El Dorado	2.82 percent
Humboldt	1.14 percent
Inyo	1.94 percent
Kern	1.10 percent
Lassen	5.96 percent
Los Angeles	7.15 percent
Lake	.51 percent
Madera	1.02 percent
Mariposa	.52 percent

Modoc	3.47 percent
Mono	4.20 percent
Nevada	6.07 percent
Placer	4.77 percent
Plumas	13.38 percent
Riverside	1.08 percent
San Bernardino	8.39 percent
San Diego	2.98 percent
Shasta	6.40 percent
Sierra	2.51 percent
Siskiyou	11.79 percent
Tehama	.10 percent
Trinity	6.46 percent
Tuolumne	1.19 percent
Yuba	1.81 percent

(b) During the 1959-1960 and 1960-1961 Fiscal Years, an additional two hundred thousand dollars ($200,000), prior to the apportionment made pursuant to subdivision (c) hereof, shall be apportioned for snow removal on county roads to the following counties in the named percentages:

Alpine	2.21 percent
Calaveras	2.45 percent
Del Norte	1 45 percent
El Dorado	9.65 percent
Fresno	3.99 percent
Glenn	2 98 percent
Humboldt	3.27 percent
Inyo	1.85 percent
Kern	.07 percent
Lassen	3.94 percent
Mendocino	.28 percent
Mono	15.40 percent
Nevada	8.69 percent
Placer	16.06 percent
Plumas	9.22 percent
San Bernardino	5.84 percent
Sierra	5.52 percent
Tulare	.40 percent
Tuolumne	6.65 percent
Ventura	.08 percent

(c) The second five hundred thousand dollars ($500,000) shall be apportioned for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Alameda	2.874
Amador	.148
Butte	.176
Colusa	.370

Contra Costa	11.564
Del Norte	.275
Fresno	.698
Humboldt	5.395
Los Angeles	10.839
Marin	4.134
Mendocino	2.279
Monterey	4.046
Napa	2.133
Nevada	.785
Orange	.056
Placer	.093
Plumas	.981
Riverside	1 296
San Benito	1 170
San Bernardino	2.852
San Francisco	1.111
San Diego	3.017
San Luis Obispo	6 322
Santa Barbara	8.376
Santa Cruz	13.298
Sierra	.364
Siskiyou	.890
Sonoma	11 195
Trinity	2.337
Yuba	.926

(d) The remainder shall be apportioned among the several counties in the proportion that the number of fee-paid vehicles registered in each of such counties as of the last day of the second calendar quarter preceding the month in which the apportionment is required to be made bears to the total number of fee-paid vehicles registered in the State as of such date, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued.

The Department of Motor Vehicles shall, when requested by the Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county and in the State according to the records of the department, for the use of the Controller in making the apportionments provided for herein.

SEC. 2. Section 2150 of said code is amended to read:

Special road improvement fund

2150. All amounts paid to each county, out of the Highway Users Tax Fund shall be paid into its special road improvement fund. The board may pay into said fund any other money available for roads. All money received by a county from the Highway Users Tax Fund shall be expended by the county exclusively for county roads and highways and for other public street and highway purposes as provided by law.

The amounts paid to a county for snow removal on county roads and for heavy rainfall and storm damage on county roads, pursuant to Section 2110, shall be kept in separate ac-

counts in its special road improvement fund and shall be used solely for the purpose for which apportioned.

SEC 3. Section 2152 of said code is amended to read:

Report

2152. The report shall contain the following:

(a) A detailed statement of all money available from all sources during the fiscal year covered by the report, including money made available by the United States, the State, the county or city, any other governmental agency, and money available from bond issues, special assessments, or from any other source whatever for expenditure for street or road purposes.

(b) A detailed statement of all expenditures during the fiscal year covered by the report for street or road purposes, including obligations incurred but not yet paid. The statement shall be broken down into expenditure categories, such as expenditures for rights-of-way or other property, new construction, reconstruction, widening, resurfacing, maintenance, repair, and acquisition and maintenance of equipment. Expenditures on the county primary road system shall be separately reported.

The State Controller, with the advice of the department, may prescribe such other expenditure categories and may require such detail as may be deemed necessary by him fully to disclose the nature and extent of all financial transactions by the county or city relating to streets or roads.

(c) A detailed statement of all expenditures during the fiscal year covered by the report for snow removal, including expenditures of money apportioned to the county pursuant to subdivisions (a) and (b) of Section 2110. The statement shall include equipment costs in connection with snow removal on an hourly rental basis or on such other annual basis as the State Controller may require.

CHAPTER 1858

An act to amend Section 31569.1 of the Streets and Highways Code, relating to the formation of districts under the Vehicle Parking District Law of 1943.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 31569.1 of the Streets and Highways Code is amended to read:

31569.1. A petition for the formation of a district may request that if the petition is signed by owners, as defined in Sections 31530, 31530.1 and 31537.3, owning lands of an assessed value of not less than sixty percent (60%) of the total assessed value of all assessable lands in the district, as

defined in Sections 31530 and 31530.1, which lands also constitute more than one-half of the area of all assessable lands in the proposed district, then in lieu of the limit provided by Section 31569, the limit on the assessment shall be an amount not exceeding thirty-five percent (35%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land, as shown by the last equalized county assessment roll at the date the assessment is confirmed. If the petition is signed as specified in this section, the requirements of Section 31530 shall not apply. If the petition contains such request and if the legislative body determines that such petition is signed as specified in such request, then the limit stated in this section shall be substituted for the limit stated in Section 31569. In the case of any district to which the limit stated in this section has become applicable, the limit referred to in Section 31863 shall likewise be thirty-five percent (35%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land.

CHAPTER 1859

An act to amend Sections 7306, 7352, 7402, 7403, 7407, 7451, 7656, 7727, 8102 and 8252 of, to repeal Section 7405 of, and to add Sections 7506.5 and 8255 to, the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 7306 of the Revenue and Taxation Code is amended to read:

"Distributor"

7306. "Distributor" includes every person who, within the meaning of the term "distribution" as defined in this chapter, distributes motor vehicle fuel and also includes every person who refines, manufactures, produces, blends or compounds motor vehicle fuel in this State and every person who imports motor vehicle fuel into this State or who receives in this State motor vehicle fuel of which there has been no prior taxable distribution by a distributor licensed under this part, and any aircraft manufacturer, or certificated or licensed carrier by air, who files with the board an application for a license to engage in business as a distributor and to whom the board issues such a license. "Distributor" does not include any person who brings motor vehicle fuel into this State in the usual and ordinary supply tank connected to the engine of a motor vehicle if such fuel is not removed from the tank except as used for the propulsion of such engine, except to the extent such person acquires the fuel tax free for export or claims a refund of tax paid on account of exportation from the state from which such fuel is transported into this State. Distribu-

tor does not include any person who shall import into this State motor vehicle fuel in individual quantities of 500 gallons or less purchased from a distributor licensed under this part and who shall assume liability for the tax imposed by this part with respect to the fuel so imported.

SEC. 2. Section 7352 of said code is amended to read:

Presumption of distribution

7352. For the purpose of the proper administration of this part and to prevent evasion of the license tax, unless the contrary is established, it shall be presumed that all motor vehicle fuel refined, manufactured, produced, blended, or compounded in this State or imported into this State and no longer in the possession of the distributor has been distributed. This presumption cannot be overcome by proof that the motor vehicle fuel has been converted to his own use by any person to whom the distributor has entrusted the control or possession of the fuel either as bailee, consignee, employee, or agent; provided, however, any such person causing a distribution by the act of converting to his own use any fuel so entrusted to him, as well as any other person receiving such fuel with the knowledge that it was so converted, shall be jointly and severally liable with the distributor for payment of the tax imposed upon such distribution, and all such persons shall be considered as distributors for the purpose of Chapter 5 (commencing at Section 7651) or 6 (commencing at Section 7851) of this part.

SEC. 3. Section 7402 of said code is amended to read:

Export certificate

7402. In support of any exemption from license taxes claimed under this chapter on account of the exportation of motor vehicle fuel, every distributor shall execute and file with the board an export certificate in such form as shall be prescribed by the board. The certificate shall be made under penalty of perjury by a person having knowledge of the fact of the exportation of the fuel from the State.

SEC. 4. Section 7403 of said code is amended to read:

Period of filing

7403. All export certificates required to be filed with the board under Section 7402 shall be completed and be filed with the board within 90 days after the close of the calendar month in which the fuel is exported. Failure to file the certificate within the time required by this section shall not preclude the distributor from filing a claim for refund under Article 2 (commencing at Section 8126), Chapter 7, of this part with respect to the tax paid by the distributor on motor vehicle fuel which has been exported.

Repeal

SEC. 5. Section 7405 of said code is repealed.

SEC. 6. Section 7407 of said code is amended to read:

Extension of filing period

7407. The board may extend for good cause for not to exceed six months the time for filing certificates of export as fixed in Section 7403. The extension may be granted at any time; provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

SEC. 7. Section 7451 of said code is amended to read:

Application for license

7451. Every person before becoming a distributor shall apply to the board for a license authorizing the person to engage in business as a distributor. A distributor's license shall be issued only to a person who is a distributor of motor vehicle fuel within the meaning of the word "distribution" as defined in Section 7305, or who is an aircraft manufacturer, or certificated or licensed carrier by air. If an applicant for a license applies therefor to become authorized to distribute motor vehicle fuel under subsection (c) or (d) of Section 7305 of this part and is not engaged in refining, manufacturing, or producing motor vehicle fuel in this State, the board may limit the authorization granted by the license issued to such person to transactions under subsection (c) or (d) of Section 7305 of this part and the provisions of Section 7401(c) of this part shall not be applicable to the person whose license is so limited. It is unlawful for any person to be a distributor without first securing a license.

SEC. 8. Section 7506.5 is added to said code, to read:

Revocation of license

7506.5. The board may revoke any distributor's license held by a person who does not engage in, or who discontinues, the distribution of motor vehicle fuel within the meaning of "distribution" as defined in Section 7305.

SEC. 9. Section 7656 of said code is amended to read:

Extension of time periods

7656. The board for good cause may extend for not to exceed 30 days the time for making any report or return or paying any tax required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 10. Section 7727 of said code is amended to read:

Determination of license tax, penalties

7727. The board shall forthwith ascertain as best it may the amount of the distributions and shall determine immediately the license tax on the amount, adding to the license tax a penalty of 50 percent of the amount of the tax, and shall give the unlicensed distributor notice of this determination as prescribed by Section 7493; provided, however, that where the board shall determine that failure to secure a license was due to reasonable cause, such penalty may be waived. Provisions of Sections 7699 and 7700 shall be applicable with respect to the finality of the determination and the right of the unlicensed distributor to petition for a redetermination.

SEC. 11. Section 8102 of said code is amended to read:

Claim for refund

8102. The claimant of a refund shall present to the Controller a claim supported by the original invoice showing the purchase. The claim shall state the total amount of the fuel purchased by the claimant and the manner and the equipment

in which the claimant has used the fuel. The claim shall not be under oath but shall contain, or be accompanied by, a written declaration that it is made under the penalties of perjury.

SEC. 12. Section 8252 of said code is amended to read:

Necessary assistance employable by board

8252. The board may employ attorneys, accountants, auditors, investigators, and other expert and clerical assistance necessary to enforce its powers and perform its duties under this part. In enforcing this part the board and its authorized representatives have the powers conferred by law upon peace officers.

SEC. 13. Section 8255 is added to said code, to read:

Information furnished

8255. Upon request from the officials to whom is entrusted the enforcement of the motor fuel tax law of another government the board or the Controller may furnish to such officials such information in the possession of the board or the Controller which is deemed essential to the enforcement of the motor fuel tax laws.

Any information so furnished shall not be used for any purpose other than that for which it was furnished.

CHAPTER 1860

An act to add Section 469 to the Streets and Highways Code, relating to state highway routes.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 469 is added to the Streets and Highways Code, to read:

469. Route 169 is from Route 56 to Route 117 via Canyon del Rey.

CHAPTER 1861

An act to add Section 899 to the Military and Veterans Code, relating to educational assistance for veterans' children.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 899 is added to the Military and Veterans Code, to read:

899. Financial assistance as provided by this article shall be available to any child of a member of the United States Armed Services who was killed, or who has been determined by the United States Veterans Administration to be totally disabled, as a result of service in World War I, World War II

or the Korean conflict, and who meets the residence requirements of this article except that no person shall receive benefits under this article, who becomes eligible to receive duplicate benefits from any other government source. The department shall cause to be paid to all eligible students under this section, above the high school level and in lieu of the limitations elsewhere expressed in this article, an allowance for living expenses not exceeding fifty dollars ($50) for each month of satisfactory attendance. The department shall arrange for qualified applicants to receive their first monthly allowance at time of registration and is hereby authorized to establish a revolving fund if necessary to effect such payment. In the event funds are insufficient to enroll all worthy applicants, the department shall consider both scholastic achievement and financial need in limiting enrollment under Section 896 of this article. The department may, for the purposes of this article, draw upon its appropriation for educational assistance to veterans under Section 981 to 981.8 of the Military and Veterans Code.

CHAPTER 1862

An act to add Section 851.5 to the Penal Code, relating to telephone calls by arrested persons.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 851.5 is added to the Penal Code, to read:

851.5. (a) Any person arrested has, immediately after he is booked, the right to make, at his own expense, in the presence of a public officer or employee, at least one telephone call from the police station or other place at which he is booked, completed to the person called, who may be his attorney, employer, or a relative.

(b) Any public officer or employee who deprives an arrested person of the rights granted by this section is guilty of a misdemeanor.

CHAPTER 1863

An act to amend Sections 5828 and 6499.6 of, and add Sections 5829.1 and 5829.2 to, the Public Resources Code, relating to loans and agreements for small craft harbor planning and construction.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5828 of the Public Resources Code is amended to read:

Transfers to city, county or district

5828. A transfer pursuant to Section 5823 or a loan pursuant to Section 5827 shall not be made to a city, county, or district if it would provide for an indebtedness or liability contrary to the provisions of Section 18 of Article XI of the Constitution unless, at an election called by the governing body of the city, county, or district two-thirds of the qualified electors thereof voting thereat have authorized the governing body to accept, expend, and repay the amount of the indebtedness or liability under this chapter; nor shall such transfer or loan be made if written protest thereto signed by owners of one-half or more of the assessed valuation of taxable property in said city, county, or district is received by the governing body of such city, county, or district. Such election shall be held in accordance with provisions of law for the incurring of bonded indebtedness by the city, county, or district, as near as the same may be applicable. Except as may be prohibited by this section, a transfer pursuant to Section 5823 or a loan pursuant to Section 5827 may be made to a city, county, or district and it may accept such a transfer or loan, notwithstanding any other provision of law limiting or prohibiting the creation of any indebtedness on the part of the city, county, or district.

A transfer pursuant to Section 5823 or a loan pursuant to Section 5827 may be made to a city, county, or district without an election if the transfer or loan agreement provides that payments shall be made from the gross revenues of a small craft harbor, and that such gross revenues shall constitute security for such payments. Gross revenues of a small craft harbor include all charges received from, and all other income and receipts derived by the city, county, or district from, the operation of a small craft harbor.

SEC. 2. Section 6499.6 of the Public Resources Code is amended to read:

Loan to city, county, or district

6499.6. A loan pursuant to Section 6499 5 shall not be made to a county or city if it would provide for an indebtedness or liability contrary to the provisions of Section 18 of Article XI of the Constitution unless, at an election called by the governing body of the county or city two-thirds of the qualified electors of the county or city voting thereat have authorized the governing body to accept, expend, and repay the amount of the loan pursuant to Section 6499.5. Such election shall be held in accordance with provisions of law for the incurring of bonded indebtedness by the city or county, as near as the same may be applicable. Except as may be prohibited by this section, a loan as provided for in Section 6499.5 may be made to a city, county, or district and it may accept such a loan, notwithstanding any other provision of law limiting or prohibiting the creation of any indebtedness on the part of the city, county, or district.

A loan pursuant to Section 6499.5 may be made to a city, county, or district without an election if the loan agreement provides that payments shall be made from the gross revenues

of a small craft harbor, and that such gross revenues shall constitute security for such payments. Gross revenues of a small craft harbor include all charges received from, and all other income and receipts derived by the city, county, or district from, the operation of a small craft harbor.

SEC. 3. Section 5829.1 is added to said code, to read:

Contract for transfer or loan

5829.1. Any contract or agreement for a transfer pursuant to Section 5823 or a loan pursuant to Sections 5827 or 6499.5, for which gross revenues of a small craft harbor are made the security for repayment shall include, but is not limited to, provisions requiring the governing body of the city, county, or district to:

(a) Punctually pay all installments of principal and interest on money owed to the State.

(b) Continuously operate in an efficient and economical manner all small craft harbor facilities acquired, constructed, improved or completed in full or in part as a result of transfers or loans by the State.

(c) Make all repairs, renewals and replacements necessary to the efficient operation of the small craft harbor facilities and to keep them in good repair at all times.

(d) Preserve and protect the security interest of the State in all respects by procuring insurance on such facilities in an amount and of the type approved by the commission.

(e) Periodically fix, prescribe and collect fees, rentals or other charges for services and facilities of the small craft harbor facilities sufficient to produce gross revenues adequate for payment of the following in the order set forth:

(1) All installments of principal and interest on money owed the State as they come due.

(2) All expenses of operation, maintenance, and repair of the small craft harbor facilities.

(3) Such additional sums as may be required by the commission for any sinking fund, reserve fund or other special fund established for the further security of the loan or transfer or as a depreciation or other charge in connection with the small craft harbor facilities.

(f) Repay loans over a period not to exceed 20 years.

In addition to the foregoing, the commission shall include in any such contract or agreement a requirement that installments of principal and interest on money owed the State shall be paid from gross revenues prior to any other expenditures from such revenues and any other requirements which it deems necessary convenient or desirable to provide additional security for the performance by the city, county or district of its obligations under the contract or agreement No loan of funds shall be made to any city, county or district unless such loan is approved by the commission as conforming to the policies established by the commission. Such contracts or agreements shall not be effective until approved by the Department of Natural Resources and the Department of Finance. The Department of Finance as part of their review shall give con-

sideration to the economic feasibility of the project based on information provided by the division.

In the event of default the State shall proceed forthwith by means of legal action to recover such defaulted loans.

SEC. 4. Section 5829.2 is added to said code, to read:

Small craft harbor facilities

5829.2 If the legislative body of a city, county, or district has acquired, constructed or improved small craft harbor facilities pursuant to an agreement or contract for a transfer pursuant to Section 5823, or a loan pursuant to Sections 5827 or 6499.5, such facilities may not be leased in whole or in part to a private concessionaire or lessee until such legislative body has published a notice pursuant to Section 6066 of the Government Code inviting bids and has otherwise complied with this section. Prior to publication of the notice the legislative body shall obtain the approval of the commission to the proposed leasing of the harbor facility and to the terms and conditions of the proposed lease. The notice shall distinctly and specifically describe the harbor facilities which are to be leased and set forth the period of time for which the facilities are to be leased, and the minimum rental to be paid under the lease. The notice shall recite that the lease will reserve to the legislative body the power to fix and determine the rates to be charged by the lessee for the use by the public of such facilities. The notice also shall recite that award of the lease by the legislative body is subject to final approval by the commission, and fix a time and place for the opening of bids by the legislative body.

At the time and place fixed in the notice the legislative body shall meet and consider all bids which have been submitted. The lease shall be awarded to the highest responsible bidder, but the award shall become final only after the award by the legislative body has been approved by the commission.

CHAPTER 1864

An act to amend Section 8107 of the Education Code as enacted by the Legislature at the 1959 Regular Session, relating to automobile driver training in the public schools.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8107 of the Education Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

8107. The governing board of the school district may prescribe regulations determining who can profit by and who shall receive instruction in automobile driver training; provided, however, that no pupil shall be permitted to enroll in automobile driver training unless such pupil is presently enrolled

in a course of instruction in automobile driver education, or has satisfactorily completed such course. The regulations shall be subject to such standards for driver education and driver training as may be prescribed by the State Board of Education.

No pupil under the age of 15 years and 6 months or who is not enrolled in either grades 10, 11, or 12 shall receive automobile driver training after July 1, 1960.

CHAPTER 1865

An act to add Section 1242.5 to the Code of Civil Procedure, relating to survey and exploration of land for reservoir purposes.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1242.5 is added to the Code of Civil Procedure, to read:

1242.5. In any case in which the State, a county, city, public district, or other public agency in this State has the power to condemn land for reservoir purposes, and desires to survey and explore certain property to determine its suitability for such purposes, and in the event such agency is unable by negotiations to obtain the consent of the owner to enter upon his land for such purposes, the agency may undertake such survey and exploration by complying with the requirements of this section. It shall petition the superior court for permission to undertake such survey and exploration. The court shall ascertain whether petitioner in good faith desires to enter the land for this purpose, and, if it determines this issue in the affirmative, shall require that petitioner deposit with the court cash security in an amount sufficient to compensate the landowner for any damage resulting from the entry, survey, and exploration. Upon deposit of such security, the court shall issue its order granting permission for such entry, survey, and exploration.

The court shall retain such cash security for a period of 90 days following the termination of the entry, survey, and exploration activities or until the end of any litigation commenced during that period relating to such entry, survey and exploration activities and shall award to the landowner out of the cash security on deposit an amount equal to that necessary to compensate him for any damage caused by the State, county, city, public district, or other public agency while engaged in survey and exploration on his property as well as for any costs of court and reasonable attorney fees, to be fixed by the court, incurred in the proceeding before the court. Any suit for damages by a landowner under this section shall be governed by the applicable provisions of Part 2 of the Code

of Civil Procedure. Such cash security shall be held, invested, deposited, and disbursed in the manner specified in Section 1254 of the Code of Civil Procedure, and interest earned or other increment derived from its investment shall be apportioned and disbursed in the manner specified in that section.

CHAPTER 1866

An act to amend Sections 51 and 52 of, and to repeal Sections 53 and 54 of, the Civil Code, relating to civil rights.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 51 of the Civil Code is amended to read:

Short title and purpose

51. This section shall be known, and may be cited, as the Unruh Civil Rights Act.

All citizens within the jurisdiction of this State are free and equal, and no matter what their race, color, religion, ancestry, or national origin are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

This section shall not be construed to confer any right or privilege on a citizen which is conditioned or limited by law or which is applicable alike to citizens of every color, race, religion, ancestry, or national origin.

SEC. 2. Section 52 of said code is amended to read:

Damages

52. Whoever denies, or who aids, or incites such denial, or whoever makes any discrimination, distinction or restriction on account of color, race, religion, ancestry, or national origin, contrary to the provisions of Section 51 of this code, is liable for each and every such offense for the actual damages, and two hundred fifty dollars ($250) in addition thereto, suffered by any person denied the rights provided in Section 51 of this code.

Repeal

SEC. 3. Sections 53 and 54 of said code are repealed.

Severability clause

SEC. 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1867

An act to amend Sections 35120 and 35121 of the Government Code, relating to annexation procedure.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35120 of the Government Code is amended to read:

Written protest against election

35120. At any time not later than the hour set for hearing objections to the election, any owner of property within the territory may make a written protest against the election. If at the time set for hearing objections to the election, there are insufficient protests to terminate further proceedings, supplemental protests may be filed within 10 days thereafter. The protest shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A metes and bounds description shall not be required if the property can be otherwise described in a manner sufficient to identify it on the last equalized assessment roll. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, or the person or persons entitled to be shown as owner on the current assessment roll who shall be deemed the owner, or where such land is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner. Protests may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such land.

If protests are made by petition, the petition shall contain the same information required of individual protests, and there shall be attached to the petition an affidavit made by a voter or owner of property within the territory described in the petition, or an agent of either such owner or voter. The affidavit shall state that the affiant circulated that particular paper, saw written the signatures appended thereto; that he resides at _____; and that according to the best information and belief of affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is an owner or duly authorized agent of the owner of property within the territory.

The city shall, on request and without charge, provide forms of protest petitions and the affidavit required by this section to owners of property within the territory.

SEC. 2. Section 35121 of said code is amended to read:

Hearing of protests

35121. At the time set for hearing protests, or to which the hearing may have been continued, the city legislative body shall hear and pass upon all protests so made. If it finds that pro-

test is made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, or if protest is made by public and private owners equal to one-half of the value of the territory, further proceedings shall not be taken. The value to be given publicly owned property for protest purposes shall be determined by the legislative body. The value for protest purposes to be given property held in joint tenancy or tenancy in common shall be determined by the legislative body in proportion to the proportionate interest of the protestant in such property. As used in this article, "value of the territory" means the value of the land, exclusive of improvements thereon.

CHAPTER 1868

An act to amend Section 3365 of the Welfare and Institutions Code, relating to purchase of blind-made products by public agencies.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3365 of the Welfare and Institutions Code is amended to read:

3365. Anything to the contrary notwithstanding, any city or county, political subdivision or district of this State may purchase materials and supplies manufactured by the California Industries for the Blind at the prices fixed therefor by the committee without advertising or calling for bids.

It is the intent of the Legislature to encourage cities, counties, districts, and other political subdivisions to purchase products manufactured by the California Industries for the Blind whenever it is feasible for the political subdivision to do so and the proximity of the blind workshops makes such purchases reasonably convenient.

CHAPTER 1869

An act to add Section 53024 to the Government Code, relating to contract payments on local public works.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 53024 is added to the Government Code, to read:

53024. Payment on any contract with a local agency for the creation, construction, alteration, repair, or improvement

of any public structure, building, road or other improvement, of any kind which will exceed in cost a total of five thousand dollars ($5,000) shall be made as the legislative body prescribes upon estimates made and approved by the legislative body, but progress payments shall not be made in excess of 90 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the local agency, and unused. The local agency shall withhold not less than 10 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the legislative body finds that satisfactory progress is being made, it may make any of the remaining progress payments in full for actual work completed, or may withhold any amount up to 10 percent thereof as the governing body may find appropriate based on the contractor's progress.

CHAPTER 1870

An act to amend Section 19629 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to repayment of unauthorized expenditures or excess apportionments.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 19629 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

19629. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter (Sections 19551 to 19689, inclusive), or exceeds the final cost of the project which is authorized by Section 19571 of this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount

set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

It shall be the duty of such governing body and the county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

If, upon petition of the district, the State Controller determines that the amount to be included in the county settlement is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 20751 (increased by any increase in such rate authorized by the electors of the district pursuant to Section 20803), without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the February payment made to the district under the provisions of Section 17352.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

CHAPTER 1871

An act to amend Sections 7393, 7398, and 7442 of, and to repeal Section 7441 of, the Business and Professions Code, relating to the practice of cosmetology.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7393 of the Business and Professions Code is amended to read:

Licensed cosmetologists

7393. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed cosmetologist, who has had at least a total of three years' practical experience in the practice or teaching of all of the branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or a licensed school of cosmetology and who holds an instructor's license.

Every person employed in a school of cosmetology to instruct students therein shall be a licensed cosmetologist (1) who has had either (a) one year of practical experience in all branches

of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or (b) 600 hours of teacher training in a school of cosmetology and (2) who has passed an instructor's examination given by the board and has received an instructor's license In order to take the instructor's examination, the instructor's examination fee shall be paid.

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work, no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

Before any school of cosmetology license, as provided herein shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of not less than 25 bona fide students; and provided further, that the floor space shall provide a separate lecture room and a separate locker room with sufficient space for the proper placement of said equipment.

No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership and in this respect, if false statements are submitted to the board in connection with said application, this in itself shall constitute sufficient grounds for the refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of said school of cosmetology license even though it is detected after a license has been issued.

The board reserves the right to deny a school of cosmetology license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and in the event that the said applicant is a corporation, this shall apply to all the officers thereof; provided further, that no school of cosmetology license shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the said board and to transact all business negotiations in behalf of said school, including answers to citations for hearing, and compliance with rulings issued by the said board.

No school of cosmetology shall advertise student work to the public for pay through any medium including radio, unless the work advertised is expressly designated as student work.

SEC. 2. Section 7398 of said code is amended to read:

7398. Every school shall post with the board a good and sufficient surety bond executed by the applicant as principal and by a surety company as surety in the amount of five thousand dollars ($5,000). Bond

The bond shall be in the form approved by the board and shall be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any and all contracts, verbal or written, made by the school to furnish instruction to any person. The bond shall be to the State of California in favor of every person who pays or deposits any money with the school as payment for any instruction. Every bond shall continue in force and effect until notice of termination is given by registered mail to the board and every bond shall set forth this fact.

Any person claiming to be injured or damaged by any act of the school may maintain an action on the bond against the school and the surety named therein, or either of them, for refund of tuition paid and any judgment against the principal or surety in any such action shall include the costs thereof and those incident to the bringing of the action, including a reasonable attorney fee. The aggregate liability of the surety to all such persons shall not, however, exceed the sum of the bond.

Repeal

SEC. 3. Section 7441 of said code is repealed.

SEC. 4. Section 7442 of said code is amended to read:

Fee schedule

7442. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for examination as a hairdresser and cosmetician or cosmetologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(b) The fee for examination as an electrologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(c) The fee for examination as a manicurist shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(d) The application fee for a junior operator shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(e) The application fee for junior electrologist shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(f) The issuance fee for a duplicate license is one dollar ($1).

(g) The annual renewal fee for an individual license shall be set annually by the board at not more than five dollars ($5) and not less than one dollar ($1).

(h) The delinquency fee is one dollar ($1).

(i) The annual registration fee for a cosmetological establishment shall be set annually by the board at not more than five dollars ($5) and not less than two dollars ($2).

(j) The annual registration fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than one hundred fifty dollars ($150) and not less than one hundred dollars ($100).

(k) The fee for the instructors' examination shall be set by the board annually at not more than twenty-five dollars ($25) and not less than fifteen dollars ($15).

(*l*) The fee for an electrology instructor's examination shall be set by the board annually at not more than twenty dollars ($20) and not less than ten dollars ($10).

(m) The fee for examination as a permanent waver shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(n) The reinstatement fee is twice the amount of the fee set by the board for the particular type of license involved for each year in which the license was not renewed or reinstated within the time prescribed by this article.

CHAPTER 1872

An act to amend Section 538 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum claimed, exclusive of interest and attorney's fees, is less than seventy-five dollars ($75).

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of Section 690.11 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessaries of life, the affidavit must contain a statement to that effect, and must specify the character or nature of the items constituting the alleged necessaries.

CHAPTER 1873

An act to amend Sections 10177, 10302 and 10562 of the Business and Professions Code, and Section 25102 of the Corporations Code, relating to real estate transactions.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 10177 of the Business and Professions Code is amended to read:

Suspension or revocation of license Real estate

10177. The commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a real estate license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision (as defined in Chapter 1 of Part 2 of this division) offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Willfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Failed to pay when due a monetary penalty or forfeiture assessed by the commissioner.

(j) Violated Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, relating to maximum costs and expenses, and charges in connection with loans secured by real property.

(k) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(*l*) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 2. Section 10302 of said code is amended to read:

Same: Business opportunity

10302. The commissioner may suspend or revoke the license of any business opportunity licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a business opportunity license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for business opportunity license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any business opportunity offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a business opportunity license.

(f) Willfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(g) Demonstrated negligence or incompetence in performing any acts for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Failed to pay when due a monetary penalty or forfeiture assessed by the commissioner.

(j) Violated Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, relating to maximum costs and expenses, and charges in connection with loans secured by real property.

(k) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(*l*) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 3. Section 10562 of said code is amended to read:

Same: Mineral, oil and gas

10562. The commissioner may suspend or revoke the license of any mineral, oil and gas licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a mineral, oil and gas license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a mineral, oil and gas license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any mineral, oil or gas property offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a mineral, oil and gas license.

(f) Willfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(g) Demonstrated negligence or incompetence in performing any acts for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Failed to pay when due a monetary penalty or forfeiture assessed by the commissioner.

(j) Violated Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, relating to maximum costs and expenses, and charges in connection with loans secured by real property.

(k) Has used his employment by a governmental agency in a capacity giving access to records, other than public records,

in such manner as to violate the confidential nature of such records.

(*l*) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

CHAPTER 1874

An act to add Section 2982.5 to the Civil Code, relating to conditional sales of motor vehicles.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2982.5 is added to the Civil Code, to read:

2982.5. A conditional sales contract may contain a statement to the effect that the buyer or registered owner shall give written notice to the legal owner of any change of address of the buyer or registered owner within 30 days of such change of address. This statement may be printed in the contract in 6 point type or larger and may be separately signed or acknowledged by the buyer at the time of entering into the contract. If this statement is signed or acknowledged it then becomes a part of the contract.

CHAPTER 1875

An act to appropriate moneys in the Small Craft Harbors Revolving Fund for the Shelter Cove Project, Humboldt County.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Pursuant to Section 5882 of the Public Resources Code there is hereby appropriated four hundred sixty thousand dollars ($460,000) from the Small Craft Harbor Revolving Fund to be expended by the Division of Small Craft Harbors, Department of Natural Resources, for the construction of the west breakwater, or a portion thereof, including the necessary engineering and securing of materials involved at Shelter Cove, Humboldt County, as a state development project, pursuant to the provisions of the Small Craft Harbors Law (Division 5.7, commencing at Section 5801, Public Resources Code) and as recommended by the Small Craft Harbors Commission.

SEC. 2. Before any of the money appropriated in this act is expended, the State shall enter into a contract with the County of Humboldt which will require said county to assume total responsibility of maintenance, operation, and further development of this harbor project on the date the total amount appropriated by this act is expended, or at the termination date of the availability of this appropriation, whichever is earlier; and which will provide for the repayment by the County of Humboldt of the money expended by the State, such repayment to start not more than six years from the date the money appropriated by this act is expended, or from the termination date of the availability of this appropriation, whichever is earlier, including interest at 3 percent, and extending not more than 20 years from said earlier date.

CHAPTER 1876

An act to add Section 402 to the Penal Code, relating to the offense of sightseeing at the scene of fires, accidents, and other events.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 402 is added to the Penal Code, to read:

402. Every person who goes to the scene of a disaster, or stops at the scene of a disaster, for the purpose of viewing the scene or the activities of policemen, firemen, other emergency personnel, or military personnel coping with the disaster in the course of their duties during the time it is necessary for emergency vehicles or such personnel to be at the scene of the disaster or to be moving to or from the scene of the disaster for the purpose of protecting lives or property, unless it is part of the duties of such person's employment to view such scene or activities, and thereby impedes such policemen, firemen, emergency personnel or military personnel in the performance of their duties in coping with the disaster, is guilty of a misdemeanor.

For the purposes of this section, a disaster includes a fire, explosion, an airplane crash, flooding, windstorm damage, a railroad accident, or a traffic accident.

CHAPTER 1877

An act to amend Section 2 of Chapter 73 of the Statutes of the 1958 First Extraordinary Session and Sections 3110, 3340 and 3411 of, and to add Section 3340.5 to, the Public Resources Code, relating to oil and gas.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 73 of the Statutes of the 1958 First Extraordinary Session is amended to read:

Sec. 2. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of two hundred fifty thousand dollars ($250,000), which said sum shall be immediately transferred by the State Controller on the books of his office from the Investment Fund to the "Subsidence Abatement Fund" created by subdivison (a) of Section 3339 of the Public Resources Code. Appropriation

The above-mentioned funds shall be available for the use of the supervisor for the necessary expenses in carrying out the provisions of Article 5.5 (commencing with Section 3315) of Chapter 1, Division 3 of the Public Resources Code. When the unencumbered balance of collections paid to the State Treasurer, as provided in subdivision (a) of Section 3339, equal the sum of three hundred fifty thousand dollars ($350,000), then said sum of two hundred fifty thousand dollars ($250,000) shall be retransferred from the "Subsidence Abatement Fund" to the Investment Fund. The moneys received into the State Treasury through the provisions of Article 5.5 (commencing with Section 3315) of Chapter 1, Division 3 of the Public Resources Code are hereby appropriated for the uses and purposes herein specified.

SEC. 2. Section 3110 of the Public Resources Code is amended to read:

3110. All money paid to the State Treasurer pursuant to Article 7 (commencing at Sec. 3400) of this chapter shall be deposited to the credit of the Petroleum and Gas Fund, which fund is continued in existence. Petroleum and Gas Fund

All the money in the Petroleum and Gas Fund at any time and from time to time is hereby appropriated and made available for the purpose of carrying out the provisions of this division, except Article 5.5 (commencing at Sec. 3315) of this chapter.

SEC. 3. Section 3340 of said code is amended to read:

3340. Sections 3405 to 3433, inclusive, of this division are hereby incorporated and the provisions of said sections shall apply to this article as though set forth in full except, that as used in said sections, "Petroleum and Gas Fund" means the Definitions

"Subsidence Abatement Fund," "Record of Assessments and Charges for the Petroleum and Gas Fund" means "Record of Assessments and Charges for the Subsidence Abatement Fund," "this article" means "Article 5.5" and "Division of Oil and Gas" means "Office of the Supervisor." "Department," as used in said sections, means the "Department of Natural Resources."

Any provisions for publication of notices in the sections herein incorporated shall be limited to those counties in which the lands included within an order of the supervisor establishing exterior boundaries, adopted pursuant to Section 3336, are located. Any and all charges or expenses incurred by the various departments in the administration and enforcement of the sections herein incorporated shall be a proper charge against the "Subsidence Abatement Fund."

SEC. 4. Section 3340.5 is added to said code, to read:

Fixing rates of charges

3340.5. Notwithstanding the provisions of Section 3340, the sections referred to therein, or any other law, the department may, in estimating the amount necessary to carry on its functions under this article and fixing rates of charges against operators, include amounts sufficient to produce a balance of two hundred fifty thousand dollars ($250,000) over and above costs of administration and enforcement of the provisions of this article, to be used to repay, over such period of time and in such installments as the department determines to be feasible, the amount transferred to the Subsidence Abatement Fund from the Investment Fund by Section 2 of Chapter 73 of the 1958 First Extraordinary Session.

The provisions of this section shall apply to the charges assessed and levied in March of 1959, and to the charges assessed and levied in each year thereafter until the repayment of the amount transferred to the Subsidence Abatement Fund from the Investment Fund is completed.

SEC. 5. Section 3411 of said code is amended to read:

Reports to Department of Finance

3411. At the time of making the estimate, the department shall report to the Department of Finance the amount of money in the Petroleum and Gas Fund on the day the estimate is made, less the amount of money necessary for the support of the Division of Oil and Gas for the remainder of the fiscal year. The amount of the estimate shall not exceed the amount of money necessary for the support of the Division of Oil and Gas for the ensuing fiscal year less the amount estimated to remain in the Petroleum and Gas Fund at the end of the fiscal year plus a reserve fund of one hundred thousand dollars ($100,000).

CHAPTER 1878

An act to amend Sections 3084 and 3084.1 of, the Welfare and Institutions Code, relating to aid to the needy blind.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3084 of the Welfare and Institutions Code is amended to read:

Total amount of aid

3084. (a) The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, one hundred four dollars ($104) per month. If, however, in any case it is found the actual need of an applicant exceeds one hundred four dollars ($104) per month such applicant shall be entitled to receive aid in an amount not to exceed one hundred four dollars ($104) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

(b) Any recipient who pursuant to this section receives less than one hundred fifteen dollars ($115) per month from the total of his grant and income from all other sources shall be granted an additional amount of aid not to exceed eleven dollars ($11) per month or so much thereof as is necessary to bring the sum of his grant and income to one hundred fifteen dollars ($115) per month.

The aid granted under this chapter shall be paid monthly, in advance, out of such funds as may be designated by the board of supervisors on warrant of the county auditor of the county. Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in any event the beginning of aid shall not antedate the date of application.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

SEC. 2. Section 3084.1 of said code is amended to read:

Federal increases or decreases in aid

3084.1. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the needy blind in this State above or below the amount payable on October 1, 1958, the maximum grant of aid provided in this chapter shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the maximum grant of aid under this chapter be decreased below ninety-nine

dollars ($99) per month; provided, that the portion of any increase or decrease which is not a whole dollar or multiple thereof may be disregarded.

It is the intent of the Legislature that should the Federal Government require that any increase in assistance to the blind in this State granted by it after November 1, 1956, be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs.

SEC. 3. This act shall become operative January 1, 1960.

CHAPTER 1879

An act to amend Sections 3472, and 3472.1 of, the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3472 of the Welfare and Institutions Code is amended to read:

County order for aid

3472. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor.

(a) The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, one hundred four dollars ($104) per month. If, however, in any case it is found the actual need of an applicant exceeds one hundred four dollars ($104) per month such applicant shall be entitled to receive aid in an amount not to exceed one hundred four dollars ($104) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

(b) Any recipient who pursuant to this section receives less than one hundred fifteen dollars ($115) per month from the total of his grant and income from all other sources shall be granted an additional amount of aid not to exceed eleven dollars ($11) per month or so much thereof as is necessary to bring the sum of his grant and income to one hundred fifteen dollars ($115) per month.

Annual net income from any of the following sources of a combined total value not exceeding one thousand two hundred dollars ($1,200) increased by one-half of that part of the recipient's annual income which is in excess of one thousand two hundred dollars ($1,200) shall not be considered for any purpose:

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter; provided, such payments shall not be more than one hundred dollars ($100) per month.

SEC. 2. Section 3472.1 of said code is amended to read:

Increases and decreases in aid

3472.1. If, when, and during such times as the amount of the grant of aid to the needy blind provided by Chapter 1 of this part is increased or decreased, pursuant to Section 3084.1, the maximum grant provided by this chapter shall be increased or decreased by an amount equal to such increase or decrease in the grant of aid to needy blind persons, but in no event shall the maximum grant under this chapter be decreased below ninety-nine dollars ($99) per month.

It is the intent of the Legislature that should the Federal Government require that any increase in assistance to the needy blind in this State granted by it after November 1, 1956, be considered necessary to meet medical or health needs of the applicant or recipient, an increase in aid to the partially self-supporting blind resulting therefrom shall be considered necessary to meet the medical or health needs of applicants or recipients.

SEC. 3. This act shall become operative January 1, 1960.

Operative date

CHAPTER 1880

An act to amend Section 26108 of the Government Code, relating to compensation and traveling expenses of the members of a county board of trade or county chamber of commerce.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26108 of the Government Code is amended to read:

26108. The board of supervisors may provide that the members of the county board of trade or county chamber of commerce established under Section 26104 shall receive their actual and necessary traveling expenses to and from the place of meeting of such board or chamber of commerce and while traveling in connection with the business thereof; provided, that no such expenses shall be paid for travel outside the limits of this State. The members of such board of trade or chamber of commerce shall serve with or without compensation at the discretion of the board of supervisors. If compensation is authorized by the board of supervisors it shall not exceed twenty-five dollars ($25) per meeting for not more than one meeting of the commission in any one calendar month.

CHAPTER 1881

An act to amend Section 22452 of, and to repeal Section 22455 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the stopping of vehicles at railroad grade crossings.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 22452 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Vehicles subject

22452. (a) The provisions of this section shall apply to the operation of the following vehicles:

Any motor vehicle carrying passengers for hire.

Any motor truck transporting employees in addition to those riding in the cab.

Any bus transporting employees.

Any school bus carrying any schoolchild.

Any motor truck carrying explosive substances as a cargo or part of a cargo.

Any motor tank truck, tank trailer, or tank semi-trailer, used in the transportation of flammable liquids or liquefied petroleum gas as a cargo or part of a cargo, whether loaded or empty.

(b) Before traversing a grade crossing of a railway, or electric railway, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train, interurban car, or other vehicle using such rails. The vehicle shall remain standing while any train is moving toward the crossing and is close enough to constitute an immediate hazard.

(c) No stop need be made at street railway tracks within a business or residence district.

(d) Unless a train or locomotive is approaching, the driver of a motor vehicle need not stop at any industrial or spur track as defined by the Public Utilities Commission unless the Public Utilities Commission determines that a stop should be made.

(e) Distinctive signs or devices of a type authorized by the Public Utilities Commission shall be erected at industrial or spur tracks where no stop need be made.

(f) No stop need be made at any crossing where an officer is on duty and directs traffic to proceed nor where a stop and go signal is in operation and indicates that traffic may proceed.

(g) The driver of a motor vehicle need not stop at any branch line which crosses a road or street leading to or from a public ferry and on which there is less than daily train service and with characteristics and freight service similar to industrial track operations, where with the approval of the Public Utilities Commission, distinctive signs are displayed indicating that no stop need be made, unless a train or locomotive is approaching upon such branch line.

SEC. 4. Section 22455 of said code is repealed. Repeal

CHAPTER 1882

An act to amend Section 162 of and to add Section 162.5 to the Probate Code, relating to income earned during probate.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 162 of the Probate Code is amended to read:

162. General pecuniary legacies, including general pecuniary legacies in trust, if not paid prior to the first anniversary of the testator's death, bear interest thereafter at the rate of 4 percent per annum. Annuities commence at the testator's death and are due at the end of the annual, monthly or other specified period. Whenever an annuitant, legatee of a legacy for maintenance or beneficiary of a trust may be entitled to periodic payments or trust income commencing at the testator's death, he shall be entitled to interest at 4 percent per annum on the amount of any unpaid accumulations of such payments or income held by the executor or administrator on each anniversary of the decedent's death, computed from the date of such anniversary. General pecuniary legacies

SEC. 2. Section 162.5 is added to said code, to read:

162.5. Unless otherwise provided by the will of the testator, (a) all net income received during the period of administration from real and personal property not specifically or demonstrably devised or bequeathed, including net income from Net income distribution

property sold during said period, shall be distributed pro rata as income to any trust or trusts of all or any part of the residuary estate, and to any tenant or tenants for life or for a term of years of all or any part of the residuary estate, and to any person or persons entitled absolutely and free of trust to all or any part of the residuary estate but (b) no such income shall be distributed as income of a general pecuniary legacy in trust, except that the interest on a pecuniary legacy in trust provided for in Section 162 shall be distributed as income to said trust.

Exception

SEC. 3. The amendment to Section 162 and the provisions of Section 162.5 of the Probate Code contained in Sections 1 and 2 of this act shall not affect the estate of any person dying before the effective date hereof.

CHAPTER 1883

An act to add Chapter 8 (commencing at Section 30200) to Division 3, Title 3 of the Government Code, relating to county accounting procedures.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing at Section 30200) is added to Division 3, Title 3, of the Government Code, to read:

CHAPTER 8. ACCOUNTING PROCEDURES FOR COUNTIES

Uniform accounting procedures

30200. The State Controller shall prescribe uniform accounting procedures for counties under this division. The procedures shall be adopted under the provisions of Chapter 4 of Part 1, Division 3, Title 2 of the Government Code and published in the California Administrative Code. The State Controller shall prescribe such procedures only after consultation with and approval by the Committee on County Accounting Procedures. Approval of such procedures shall be by a majority vote of the members present at a meeting of the committee called by the chairman thereof.

Committee on County Accounting Procedures

30201. The Committee on County Accounting Procedures shall consist of 10 members appointed by the State Controller, to serve at the pleasure of the Controller. Five of the members shall be county auditors, three shall be county administrative officers, and two shall be members of a county board of supervisors. The members of the committee shall serve without compensation but shall be reimbursed for their necessary traveling and other expenses incurred in attending meetings of the committee. Such expenses shall be paid by the county of which the member is an officer. The State Controller shall designate a member of the committee to serve as chairman. The commit-

tee shall meet at the call of the chairman and each member shall be given written notice of any meeting at least 10 days prior to the date of the meeting.

CHAPTER 1884

An act to amend Sections 1051 and 1052 of the Public Utilities Code, relating to warehousemen.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1051 of the Public Utilities Code is amended to read:

Warehouse business certification

1051. No warehouseman shall begin to operate any business of a warehouseman, as defined in subdivision (b) of Section 239, without first having obtained from the commission a certificate declaring that public convenience and necessity require or will require the transaction of business by such warehouseman. No such warehouseman shall add to, extend, or otherwise increase his storage or warehouse floor space by more than 50,000 square feet, without first having obtained from the commission a certificate declaring that public convenience and necessity require or will require such addition or extension or increase of such storage or warehouse floorspace, except that any warehouseman may without securing such certificate, extend or increase his storage or warehouse floorspace for the sole and exclusive purpose of storing therein the goods, wares, and merchandise owned by the lessor or owner of the building or premises in which the additional or increased storage or warehouse floorspace is situated.

SEC. 2. Section 1052 of said code is amended to read:

Certificate

1052. No such certificate shall be required by any warehouseman as to storage or warehouse space actually operated in good faith on September 1, 1959, under tariffs and schedules of such warehouseman lawfully on file with the commission.

Any right, privilege, franchise, or permit held, owned, or obtained by any warehouseman may be sold, assigned, leased, transferred, or inherited as other property, only upon authorization by the commission. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions, as in its judgment, the public convenience and necessity requires.

CHAPTER 1885

An act authorizing the State Lands Commission to exchange the interest of the State in parcels of land in the vicinity of San Francisco Bay for the interest of persons in other parcels of land in the vicinity of San Francisco Bay for the purposes of commerce, navigation and reclamation and the settlement of titles and boundaries and providing for actions against the State to quiet title to the lands exchanged, and authorizing actions to quiet title against the State the lands conveyed by the State pursuant to Chapter 353 of the Statutes of 1955.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The State Lands Commission is hereby authorized to convey to any person or corporation all right, title and interest of the State in and to parcels of land, except land used for highway purposes, lying in the vicinity of San Francisco Bay southerly of latitude 37° 40′ and being in Alameda, Santa Clara or San Mateo County, in exchange for and upon there being conveyed to the State by such person or corporation all right, title and interest of such person or corporation in other parcels of land lying in the same vicinity if the commission finds: (a) that such exchange is necessary in order to settle and confirm the title of the State in and to the parcels to be conveyed to it and to establish the boundaries thereof, and (b) that such exchange is in the interest of the promotion of commerce, navigation and reclamation, and (c) that the value of the interests of the State in the parcels of land to be conveyed by it is no greater than the value of the interests to be acquired by the State in such other parcels of land in such exchange. Such findings, if and when made by the commission, shall be conclusive and binding upon all persons. The commission shall determine the parcels to be conveyed by the State and the parcels to be conveyed to the State in such exchange.

SEC. 2. The exchange herein provided for is authorized for the purpose of promoting commerce, navigation, flood control and reclamation, and it is hereby determined that upon completion of any exchange of lands pursuant to this act the parcels conveyed by the State pursuant thereto will no longer be necessary or useful for navigation or fisheries and such parcels, upon the delivery of the respective conveyances, are hereby freed of the public trust for navigation and fisheries.

SEC. 3. Before making any exchange herein authorized the commission shall publish notice of its intention to make the exchange. The notice need not particularly describe the lands or the interest therein proposed to be exchanged but

shall refer to the maps and records on file with the commission for a detailed description thereof and for further particulars. Any affected city or county, within thirty (30) days after the publication of such notice, may request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days written notice thereof to each city or county making such request and to the Department of Natural Resources. The notice herein provided for shall be published in a newspaper of general circulation published in each of the counties in which any of the lands proposed to be exchanged are located. Authority to hold the hearing herein provided for may be delegated by the commission to its officers or employees.

SEC. 4. The exchange herein authorized shall be deemed a compromise agreement entered into under Division 6 of the Public Resources Code as said term is used in Section 6401 of the Public Resources Code and the provisions of Chapter 5, Part 1, Division 6 of the Public Resources Code shall not be applicable thereto.

SEC. 5. The grantee or grantees of any lands conveyed by the State pursuant to the provisions of this act, or pursuant to the provisions of Chapter 353 of the Statutes of 1955, or his or their successor or successors in interest, immediate or remote, is and are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed, or to obtain declaratory relief determining the validity of the title so conveyed. Service of process in any such suit shall be made upon Chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the State in any such suit. In any such action, whether or not judgment is given against the State, no costs shall be recovered against the State. Any action brought under the provisions of this act shall be commenced prior to January 1, 1963.

CHAPTER 1886

An act to amend Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), relating to the powers of the district.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the act cited in the title hereof is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner

all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate and to act in conjunction with the State of California or any of its engineers, officers, boards, commissions, departments or agencies, the United States of America, or any federal department or agency, or with any public or private corporation, or with the County of Contra Costa or adjacent counties, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels,

conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, water works, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Contra Costa County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of Contra Costa, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Contra Costa.

15. To construct, accept, maintain, repair, or otherwise improve structures or channels for any purpose, in whole or in part, related to the purposes and powers of the district, or perform any act necessary or incidental to the complete exercise and effect of any of its powers.

CHAPTER 1887

An act to add Section 23958.1 to the Business and Professions Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 23958.1 is added to the Business and Professions Code, to read:

23958.1. Notwithstanding the provisions of Section 23958, the department is not required to investigate the personal qualifications of a licensed beer and wine wholesaler who applies for additional beer and wine wholesaler licenses.

CHAPTER 1888

An act to amend Sections 6710, 6711, and 6712 of the Business and Professions Code, relating to the State Board of Registration for Civil and Professional Engineers.

In effect immediately

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6710 of the Business and Professions Code is amended to read:

6710. There is in the Department of Professional and Vocational Standards a State Board of Registration for Civil and Professional Engineers, which consists of eight members appointed by the Governor. State Board of Registration for Civil and Professional Engineers

SEC. 2. Section 6711 of said code is amended to read:

6711. Each member of the board shall be a citizen of the United States. Seven members shall be registered under this chapter and one member shall be licensed under the Land Surveyors' Act (commencing at Section 8700 of this code). Each member shall have at least 12 years active experience and shall be of good standing in his profession. Each member shall be at least 30 years of age, and shall have been a resident of this State for at least five years immediately preceding his appointment. Membership

SEC. 3. Section 6712 of said code is amended to read:

6712. Members of the State Board of Registration for Civil and Professional Engineers in office when this act takes effect shall continue as members of the State Board of Registration for Civil and Professional Engineers without change in their terms so that the terms of said members presently in office shall expire as follows: the term of one member, January 15, 1952; the term of two members, January 15, 1953; the term of two members, January 15, 1954, and the term of two members, January 15, 1955. Thereafter, all appointments to said board shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term. Each such member appointed to fill a new term or vacancy shall be a registered professional engineer in the same branch as his predecessor. Same: Members, terms, etc.

The term of the first land surveyor member shall expire January 15, 1960. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

CHAPTER 1889

An act to amend Section 39560 of, and to add Sections 39567.1 and 39576.5 to, the Government Code, relating to weed and rubbish abatement.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 39560 of the Government Code is amended to read:

39560. (a) "Superintendent" means street superintendent, his assistants and deputies, or other public officer designated by the legislative body to perform the duties imposed by this article upon the superintendent. Definitions

(b) "Weeds" means weeds which when mature bear wingy or downy seeds, which will attain such a large growth as to

become a fire menace when dry, or which are otherwise noxious or dangerous.

(c) "Street" includes public street, alley, lane, court or other place.

(d) "In front of which the nuisance exists" includes to the rear of or abutting the property upon which the nuisance exists.

SEC. 2. Section 39567.1 is added to said code, to read:

Alternative to posting notice

39567.1. As an alternative to posting notice of the resolution and notice of the meeting when objections will be heard, the legislative body may direct the city clerk to mail written notice of the proposed abatement to all persons owning property described in the resolution. The city clerk shall cause such written notice to be mailed to each person to whom such described property is assessed in the last equalized assessment roll available on the date the resolution was adopted by the legislative body.

In cities where the county assessor performs the functions of city assessor, the county assessor, at the request of the city clerk, shall within 10 days thereafter mail to the city clerk a list of the names and addresses of all of the persons owning property described in the resolution. The address of the owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The city shall reimburse the county for the actual cost of furnishing such list and the cost shall be a part of the costs of abatement.

The notices mailed by the city clerk shall be mailed at least five days prior to the time for hearing objections by the legislative body.

The notices mailed by the city clerk shall be substantially in the form provided by Section 39566, except, that notices shall be signed by the city clerk and the heading of the notice need not comply with Section 39565.

SEC. 3. Section 39576.5 is added to said code, to read:

Nuisance abatement

39576.5. Abatement of the nuisance may in the discretion of the legislative body be performed by contract awarded by the legislative body on the basis of competitive bids let to the lowest responsible bidder pursuant to Sections 37903, 37904, 37905 and 37931 to 37935 inclusive of this code. In such event the contractor shall keep the account and submit the itemized written report for each separate parcel of land required by Section 39574.

CHAPTER 1890

An act to amend Sections 2924 and 2924b of the Civil Code, relating to sales of mortgaged real property.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2924 of the Civil Code is amended to read:

Transfers of property Mortgages and pledges

2924. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge. Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a security, such power shall not be exercised except where such mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record, or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or is made by a public utility subject to the provisions of the Public Utilities Act, until (a) the trustee, mortgagee, or beneficiary, shall first file for record, in the office of the recorder of each county wherein the mortgaged or trust property or some part or parcel thereof is situated, a notice of default, identifying the mortgage or deed of trust by stating the name or names of the trustor or trustors and giving the book and page where the same is recorded or a description of the mortgaged or trust property and containing a statement that a breach of the obligation for which such mortgage or transfer in trust is security has occurred, and setting forth the nature of such breach and of his election to sell or cause to be sold such property to satisfy the obligation; (b) not less than three months shall thereafter elapse; and (c) after the lapse of the three months the mortgagee, trustee or other person authorized to make the sale shall give notice of sale, stating the time and place thereof, in the manner and for a time not less than that required by law for sales of real property upon execution. A recital in the deed executed pursuant to the power of sale of compliance with all requirements of law regarding the mailing of copies of notices for which requests have been recorded or the publication of a copy of the notice of default or the personal delivery of the copy of the notice of default or the posting of copies of the notice of sale or the publication of a

copy thereof shall constitute prima facie evidence of compliance with such requirements and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value and without notice.

SEC. 2. Section 2924b of said code is amended to read:

Copies of notice of default

2924b. Any person desiring a copy of any notice of default and of any notice of sale under any deed of trust or mortgage with power of sale upon real property, as to which deed of trust or mortgage the power of sale cannot be exercised until such notices are given for the time and in the manner provided in Section 2924 may, at any time subsequent to recordation of such deed of trust or mortgage and prior to recordation of notice of default thereunder, cause to be filed for record in the office of the recorder of any county in which any part or parcel of the real property is situated, a duly acknowledged request for a copy of any such notice of default and of sale. This request shall set forth the name and address of the person requesting copies of such notices, shall identify the deed of trust or mortgage by stating the names of the parties thereto, the date of recordation thereof and the book and page where the same is recorded or the recorder's number and shall be in substantially the following form:

"In accordance with Section 2924b, Civil Code, request is hereby made that a copy of any notice of default and a copy of any notice of sale under the deed of trust (or mortgage) recorded _____, 19___, in Book _____ page _____ records of _____ County, (or filed for record with recorder's serial number _____, _____ County) California, executed by _____ as trustor (or mortgagor) in which _____, is named as beneficiary (or mortgagee) and _____ as trustee be mailed to _____ at _____.

Name Address

Signature_____"

Upon the filing for record of such request, the recorder shall index in the general index of grantors the names of the trustors (or mortgagor) recited therein and the names of persons requesting copies.

The mortgagee, trustee or other person authorized to record the notice of default, shall within 10 days following recordation of such notice of default deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of such notice with the recording date shown thereon, addressed to each person whose name and address are set forth in a duly recorded request therefor, directed to the address designated in said request, and at least 20 days before date of sale the mortgagee, trustee or other person authorized to make the sale shall deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of the notice of the time and place of sale, addressed to

each person whose name and address are set forth in a request therefor recorded, within the time herein provided.

Any deed of trust or mortgage with power of sale hereafter executed upon real property may contain a request that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to any person a party thereto at the address of such person given therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as herein authorized. If, in any deed of trust or mortgage with power of sale hereafter executed, except a deed of trust or mortgage of any of the classes excepted from the provisions of Section 2924, no address of the trustor or mortgagor is therein set forth, and if no request for notice by such trustor or mortgagor has been recorded as herein provided, a copy of the notice of default shall be published once a week for at least four weeks in a newspaper of general circulation in the county in which the property is situated, such publication to commence within 10 days after the filing of the notice of default. In lieu of such publication a copy of the notice of default may be delivered personally to the trustor or mortgagor within such 10 days or at any time before publication is completed.

No request for copy of any notice filed for record pursuant to this section nor any statement or allegation in any such request nor any record thereof shall affect the title to real property or be deemed notice to any person that any person requesting copies of notice has or claims any right, title or interest in, or lien or charge upon the property described in the deed of trust or mortgage referred to therein.

CHAPTER 1891

An act to amend Sections 13145 and 13146 of, and to add Sections 13146.3 and 13146.5 to, the Health and Safety Code, relating to the inspection of buildings for the prevention of fire and protection of life and property against fire or panic.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 13145 of the Health and Safety Code is amended to read:

13145. The State Fire Marshal, the chief of any city or county fire department or fire protection district and their authorized representatives may, and in counties with a population over 220,000, shall enforce in their respective areas, rules and regulations that have been formally adopted by

Enforcement of rules and regulations

the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

SEC. 2. Section 13146 of said code is amended to read:

Division of authority

13146. The division of authority for enforcement of such rules and regulations shall be as follows:

(a) The chief of any city or county fire department or fire protection district, and their authorized representatives, shall enforce the rules and regulations in their respective areas.

(b) The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.

(c) The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body.

SEC. 3. Section 13146.3 is added to said code, to read:

Inspection of schools

13146.3. The chief of any city or county fire department or fire protection district and his authorized representatives may, and in counties with a population over 220,000, shall inspect every building used as a public or private school within his jurisdiction, for the purpose of enforcing such rules and regulations, not less than once each year. The State Fire Marshal and his authorized representatives shall make such inspections not less than once each year in areas outside of corporate cities and county fire protection districts.

SEC. 4. Section 13146.5 is added to said code, to read:

Enforcement

13146.5. The provisions of Sections 13145, 13146 and 13146.3 shall, so far as practicable, be carried out at the local level by persons who are regular full-time members of a regularly organized fire department of a city, county, or fire protection district, and shall not be carried out by other persons pursuant to Section 34004 of the Government Code.

CHAPTER 1892

An act to create the Lincoln Sesquicentennial Commission of California, and to prescribe the powers and duties thereof.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

Purpose

SECTION 1. The purpose of this act is to provide for the celebration this year of the 150th anniversary of the year of the birth of Abraham Lincoln which occurred February 12, 1809. Since the life and accomplishments of the sixteenth President of the United States have had such a profound and continuing effect on this Country, it is fitting that for the purpose of commemorating this event a commission be appointed to co-operate with other public and private organizations, and in particular the Lincoln Sesquicentennial Association of Cali-

fornia, a nonprofit educational organization incorporated to celebrate the sesquicentennial year and the succeeding centennial anniversary of the Civil War years.

Lincoln Sesquicentennial Commission

SEC. 2. In order to provide for appropriate and statewide observances and the co-ordination of ceremonies, and appropriate historical exhibits, and appropriate publications, there is hereby established a commission to be known as the Lincoln Sesquicentennial Commission of the State of California, hereinafter referred to as the "commission," which shall be composed of the following:

(a) The Governor of the State of California, the President of the Senate, the Speaker of the Assembly, and the Attorney General, who shall be ex officio members of the commission;

(b) Three members of the Senate to be appointed by the Presiding Officer of the Senate; and

(c) Three members of the Assembly to be appointed by the Speaker of the Assembly.

(d) The Historian in the office of the Secretary of State shall ex officio be a member of the commission and shall call the first meeting for the purpose of electing a chairman. Vacancies shall be filled in the same manner as the original appointments were made.

Same: Duties

SEC. 3. The commission shall have the duty to prepare an over-all statewide program to include specific plans for celebrating events throughout the year 1959 as the sesquicentennial of the birth of Abraham Lincoln. In preparing its plans and programs, the commission shall give due consideration to any similar and related plans advanced by the Lincoln Sesquicentennial Commission created by Act of Congress, and by civic, patriotic, hereditary, and historical bodies, and may designate members to serve on special committees with representation from the above mentioned bodies to plan and conduct specific ceremonies. The commission may give suitable recognition by the award of medals and certificates or by other appropriate means to persons and organizations for outstanding accomplishments in preserving the writings and ideals of Abraham Lincoln, or historical locations connected with his life.

Scope of act

SEC. 4. The commission is authorized to carry out its purposes as in this act specified through said California corporation, Lincoln Sesquicentennial Association of California, but only so long and in the event that the activities of said nonprofit educational corporation shall be wholly and solely nonprofit, civic and patriotic within the general purposes of this act.

Governor's proclamation

SEC. 5. The Governor of the State of California is authorized and requested to issue proclamations inviting the people of the United States to participate in and observe the anniversary of the nationally significant historic event, and commemoration of which is provided for herein.

Donations

SEC. 6. The commission is authorized to accept donations of money, property, or personal services, to co-operate with

other state, civic, patriotic, hereditary, and historical groups and with institutions of learning, and to call upon other state departments or agencies for their advice and assistance in carrying out the purposes of this resolution.

All books, manuscripts, miscellaneous printed matter, memorabilia, relics and other materials relating to Abraham Lincoln and donated to the commission may be deposited for permanent preservation in a state or local library or museum or be otherwise disposed of by the commission in consultation with the librarians of such libraries and curators of such museums.

Compensation

SEC. 7. The members of the commission shall serve without compensation.

CHAPTER 1893

An act to add Section 4014 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to registration of vehicles.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 4014 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

4014. Any portable or collapsible dolly carried in a tow car and used upon a highway exclusively by a tow car for rendering assistance to or for towing disabled vehicles is exempt from registration.

CHAPTER 1894

An act to amend Sections 13588 and 13589, and to repeal Section 13590, of the Education Code as enacted at the 1959 Regular Session, relating to classified employees of school districts, and making an appropriation.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13588 of the Education Code, is amended to read:

Governing board of school districts. Duties

13588. The governing board of any school district shall, within 10 working days of date of employment, require each person to be employed, or employed in, a position not requiring certification qualifications to have two 8″ x 8″ fingerprint cards bearing the legible rolled and flat impressions of such person's fingerprints together with a personal description of the applicant or employee, as the case may be, prepared by a

local public law enforcement agency having jurisdiction in the area of the school district, which agency shall transmit such cards, together with the fee hereinafter specified, to the Bureau of Criminal Identification and Investigation, State Department of Justice; except that a district, or districts with a common board, having an average daily attendance of 60,000 or more may process the fingerprint cards in the event the district so elects. "Local public law enforcement agency" as used herein and in Section 13589 includes a school district with an average daily attendance of 60,000 or more. Upon receiving such identification cards, the Bureau of Criminal Identification and Investigation shall ascertain whether the applicant or employee has been arrested or convicted of any crime insofar as such fact can be ascertained from information available to the bureau and forward such information to the local public law enforcement agency submitting the applicant's or employee's fingerprints at the earliest possible date. At its discretion, the Bureau of Criminal Identification and Investigation may forward one copy of the fingerprint cards submitted to any other bureau of investigation it may deem necessary in order to verify any record of previous arrests or convictions of the applicant or employee.

The governing board of each district shall forward a request to the Bureau of Criminal Identification and Investigation indicating the number of current employees who have not completed the requirements of this section. The Bureau of Criminal Identification and Investigation shall direct when such cards are to be forwarded to it for processing which in no event shall be later than two years from the date of enactment of this section. Districts which have previously submitted identification cards for current employees to either the Bureau of Criminal Identification and Investigation or the Federal Bureau of Investigation shall not be required to further implement the provisions of this section as it applies to those employees.

A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury or forfeiture of bail is deemed to be a conviction within the meaning of this section, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

The governing board shall provide the means whereby the identification cards may be completed and shall establish a fee of four dollars ($4), two dollars ($2) of which shall be payable to the local public law enforcement agency taking the fingerprints and completing the physical description and other data thereon, and two dollars ($2) of which shall be forwarded to the Bureau of Criminal Identification and Investigation with the two copies of applicant's or employee's fingerprint cards. If an applicant is subsequently hired by the

board within 30 days of the application, such fee may be reimbursed to the applicant. Funds not reimbursed applicants shall be credited to the general fund of the district. If the fingerprint cards forwarded to the Bureau of Criminal Identification and Investigation are those of a person already in the employ of the governing board, the district shall pay the fee required by this section, which fee shall be a proper charge against the general fund of the district, and no fee shall be charged the employee. All money received by the Bureau of Criminal Identification and Investigation pursuant to this section is hereby appropriated for the support of the Department of Justice in addition to such other funds as may be appropriated therefor by the Legislature.

Notwithstanding the foregoing, substitute and temporary employees, employed for less than a school year, may be exempted from these provisions. The provisions of this section shall not apply to a district, or districts with a common board, which has an average daily attendance of 400,000 or greater, or to a school district wholly within a city and county, unless the governing board of such district or districts, by rule, provides for adherence to this section.

SEC. 2. Section 13589 of said code is amended to read:

Information furnished

13589. Any provision of law to the contrary notwithstanding, the State Bureau of Criminal Identification and Investigation, State Department of Justice, shall, as provided in Section 13588, furnish, upon application of a local public law enforcement agency all information pertaining to any such person of whom there is a record in its office.

Repeal

SEC. 3. Section 13590 of said code is repealed.

CHAPTER 1895

An act to add Section 13655 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to classified employees.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13655 is added to the Education Code, to read:

13655. Any classified employee of any school district who has been an employee of that district for a period of one calendar year or more and who terminates such employment for the sole purpose of accepting a position in another school district and who subsequently accepts, within 30 days of termination of his former employment, such position, may, if agreed to by the employing district, have transferred with him all or any part of the accumulated sick leave and other benefits provided by this code to which he may then be entitled.

All or any part of the previous service, not separated by a break in service greater than 30 days as of the last day of paid service, may, if agreed to by the employing district, be construed to have been served in the new district of employment for seniority purposes, except that such previous service may not be counted, for seniority purposes, when position or personnel reduction is ordered, for any reason, by the board.

No governing board shall adopt any policy or rule, written or unwritten, which requires all classified employees, or any individual classification, or group of classifications of employees transferring to its district to waive any part or all benefits which they may be entitled to have transferred in accordance with this section. Notwithstanding the foregoing provisions the board may establish a probationary period of not to exceed one calendar year if the permanency provisions of Section 13583 have been adopted by the district.

CHAPTER 1896

An act to amend Sections 73732, 73733, 73734, 73735, 73992, 73993, and 73994 of, and add Article 11.5 (commencing at Section 73750) to Chapter 10, Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 73732 of the Government Code is amended to read:

Salaries: Clerk

73732. There shall be one clerk who shall receive a minimum of six hundred eight dollars ($608) monthly with annual increments of thirty-three dollars ($33), thirty-six dollars ($36), thirty-eight dollars ($38), and forty dollars ($40) to a maximum of seven hundred fifty-five dollars ($755) monthly.

SEC. 2. Section 73733 of said code is amended to read:

Same Deputy clerks

73733. The clerk may appoint:

(a) One chief deputy clerk, who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with annual increments of twenty-seven dollars ($27), twenty-nine dollars ($29), thirty dollars ($30), and thirty-three dollars ($33) to a maximum of six hundred eight dollars ($608) monthly.

(b) Three deputy clerks grade V (division heads), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Six deputy clerks grade IV (courtroom clerks, chief bookkeeper), each of whom shall receive a minimum salary of

three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One deputy clerk grade III (assistant division head), who shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly.

(e) Seven deputy clerks grade II (cashiers, stenographers, section leaders), each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(f) Nineteen deputy clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

(g) One telephone operator who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly.

SEC. 3. Section 73734 of said code is amended to read:

Same Marshal

73734. There shall be one marshal who shall receive a monthly salary of eight hundred dollars ($800).

SEC. 4. Section 73735 of said code is amended to read:

73735. The marshal may appoint:

Same: Deputy marshals, etc.

(a) Two supervising deputy marshals who shall receive a minimum salary of four hundred sixty-four dollars ($464) monthly with annual increments of twenty-five dollars ($25), twenty-seven dollars ($27), twenty-nine dollars ($29), and thirty dollars ($30) to a maximum of five hundred seventy-five dollars ($575) monthly.

(b) Eleven deputy marshals grade II, each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Five deputy marshals grade I, each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One chief clerk, who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23) twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(e) One clerk, grade II (bookkeeper), who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly.

(f) Seven clerks, grade I, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

SEC. 5. Article 11.5 (commencing at Section 73750) is added to Chapter 10, Title 8 of said code, to read:

Article 11.5. Huntington Beach-Seal Beach Municipal Court

73750. This article applies to the municipal court established in the Huntington Beach-Seal Beach Judicial District, County of Orange. Application

73751. There shall be one judge. Judge

73752. There shall be one clerk who shall receive a minimum salary of five hundred forty-five dollars ($545) monthly with annual increments of thirty dollars ($30), thirty-three dollars ($33), thirty-three dollars ($33) and thirty-six dollars ($36) to a maximum of six hundred seventy-seven dollars ($677) monthly. Salaries: Clerk

73753. The clerk may appoint:

(a) One chief deputy clerk, who shall receive a minimum salary of four hundred sixty-four dollars ($464) monthly with annual increments of twenty-five dollars ($25), twenty-seven dollars ($27), twenty-nine dollars ($29), and thirty dollars ($30) to a maximum of five hundred seventy-five dollars ($575) monthly. Same Deputy clerks

(b) Three deputy clerks, grade IV (division heads), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) One deputy clerk, grade III (courtroom clerk) who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24),

and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) Two deputy clerks, grade II (cashier, bookkeeper), each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(e) Three deputy clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

Same: Marshal and deputies, etc.

73754. There shall be one marshal who shall receive a monthly salary of seven hundred dollars ($700). The marshal may appoint:

(a) Three deputy marshals, grade II (field deputies), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(b) One deputy marshal, grade I (bailiff), who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(c) One chief clerk (clerical supervisor) who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One clerk, grade II (bookkeeper), who shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(e) Three clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

Administration of salary plan

73755. Administration of the salary plan provided by this article, including the determination of the anniversary dates for entitlement to salary increments, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the pro-

visions of the salary ordinance of the County of Orange relating to the administration of the county salary plan for county employees generally.

The increments provided for in this article shall be subject to the provisions of Section 72001.

Appointments

73756. All appointments provided for in this article are subject to the provisions of the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act.

Vacations and leaves of absence

73757. The officers and attaches of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to other employees of the County of Orange by the salary ordinance of said county.

Initial hiring rate

73758. The initial hiring rate for each position shall be the minimum salary provided for the position by this article. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is engaged, the appointing authority, with the approval of the judge, and of the Board of Supervisors of the County of Orange may employ such person at one of the higher salary steps provided for the position.

Operation contingent on population

73759. This article shall become operative when it is determined in the manner prescribed by Section 71043 that the population of the Huntington Beach-Seal Beach Judicial District exceeds 40,000.

SEC. 6. Section 73992 of said code is amended to read:

Salaries: Clerk

73992. There shall be one clerk who shall receive a minimum of six hundred eight dollars ($608) monthly with annual increments of thirty-three dollars ($33), thirty-six dollars ($36), thirty-eight dollars ($38), and forty dollars ($40) to a maximum of seven hundred fifty-five dollars ($755) monthly.

SEC. 7. Section 73993 of said code is amended to read:

73993. The clerk may appoint:

Same Deputy clerks

(a) One chief deputy clerk, who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with annual increments of twenty-seven dollars ($27), twenty-nine dollars ($29), thirty dollars ($30), and thirty-three dollars ($33) to a maximum of six hundred eight dollars ($608) monthly.

(b) Four deputy clerks, grade V (general civil and small claims deputies), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Three deputy clerks, grade IV (courtroom clerks, supervisor traffic division), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-

three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) Two deputy clerks, grade III (chief bookkeeper, chief cashier), each of whom shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly.

(e) Four deputy clerks, grade II (assistant cashiers, assistant bookkeeper, calendar clerk), each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(f) Seven deputy clerks, grade I (general clerical duties), each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

SEC. 8. Section 73994 of said code is amended to read:

Same: Marshal and deputies, etc.

73994. There shall be one marshal who shall receive a monthly salary of eight hundred dollars ($800). The marshal may appoint:

(a) Two supervising deputy marshals, each of whom shall receive a minimum salary of four hundred sixty-four dollars ($464) monthly with annual increments of twenty-five dollars ($25), twenty-seven dollars ($27), twenty-nine dollars ($29), and thirty dollars ($30) to a maximum of five hundred seventy-five dollars ($575) monthly.

(b) Six deputy marshals, grade II (field deputies), each of whom shall receive a minimum salary of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

(c) Two deputy marshals, grade I (bailiffs), each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(d) One chief clerk who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(e) One clerk, grade II (bookkeeper), who shall receive a minimum salary of three hundred thirty-seven dollars ($337)

monthly with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly.

(f) Four clerks, grade I, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly.

CHAPTER 1897

An act to amend Section 69903 of, and to repeal Section 69895.5 of, the Government Code, relating to superior court employees.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 750,000 but more than 700,000 as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, his salary shall be not less than six hundred dollars ($600) per month nor more than one thousand two hundred dollars ($1,200) per month, said salary to be fixed within said limits by a majority of the judges of the superior court of such county. In such a county the secretary may have to assist him in the performance of his duties one legal research assistant, who shall be a member of the bar, who shall receive a salary of not less than four hundred dollars ($400) nor more than seven hundred fifty dollars ($750) a month, two administrative assistants, each of whom shall receive a salary of not less than three hundred dollars ($300) nor more than seven hundred dollars ($700) a month, four clerks, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred dollars ($500). Such legal research assistant, administrative assistants, and clerks shall be appointed by the secretary with the approval of the presiding judge of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary, legal research assistant, administrative assistants, and such clerks shall be paid by the county in which they serve. Salaries

SEC. 2. Section 69895.5 of said code is repealed. Repeal

CHAPTER 1898

An act to add Section 6456.5 to, and to amend Sections 8108 and 8256 of the Financial Code, relating to stock of savings and loan associations.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6456.5 is added to the Financial Code, to read:

Associations' purchase of stock

6456.5. An association may purchase stock issued by it, in an amount not to exceed the amount of earned surplus or undivided profits available for dividends on its stock, if either (a) the stock so purchased is included for federal estate tax purposes in determining the gross estate of a decedent, and the amount paid for such purchase is entitled to be treated under Section 303 of the Internal Revenue Code of 1954 or other applicable federal statute or the corresponding provision of any future federal revenue law, as a distribution in full payment in exchange for the stock so purchased or (b) such purchase is with the prior consent of the commissioner. Stock so purchased until sold shall be carried as treasury stock. Upon the purchase of any stock issued by the association, an amount equal to the purchase price shall be set aside from earned surplus or undivided profits available for dividends to a specific reserve account established for this purpose. Upon sale of any of such stock, the amount relating thereto in the specific reserve account shall be returned to the surplus or undivided profits account (as the case may be) and shall be available for dividends. Reacquired stock shall not be resold at less than its reacquisition cost except with the specific approval of the commissioner, and shall not be resold or reissued except in accordance with Section 6450 to 6457.

SEC. 2. Section 8108 of said code is amended to read:

Withdrawal of shares

8108. Except as provided in Section 8109 no shareholder or certificate holder whose shares or investment certificates are pledged as security for a loan from the association issuing such shares or investment certificates may make a withdrawal or give any valid notice of intention to withdraw such shares or investment certificates if, after giving effect to such withdrawal or the withdrawal contemplated by such notice, the principal amount of such loan would be greater than is permitted by Section 7157.

SEC. 3. Section 8256 of said code is amended to read:

Prohibition against withdrawal

8256. No shareholders of an association subject to this article shall be permitted to withdraw whose shares are pledged to the association as security for a loan if after giving effect to such withdrawal the principal amount of such loan would be greater than is permitted by Section 7157.

CHAPTER 1899

An act to add Section 20567.5 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20567.5 is added to the Government Code, to read:

20567.5. When the function or functions and the employees of a contracting agency are or have been transferred to, or assumed by, another public agency which is not required by law to assume the contract of such agency, the agencies may, if the succeeding agency is or becomes a contracting agency, agree to a merger of the contract into the contract of such succeeding agency. Upon such merger the contract shall cease to exist and the contract of the succeeding agency shall be considered a continuation and, to the extent of any differences, an amendment to the agency's contract with respect to its former employees. Accumulated contributions held for, or as having been made by, the agency and such employees, and assets derived from such contributions, shall be merged with analogous contributions under the contract of the succeeding agency, and credit for prior and current service of such employees who were members under the agency's contract shall not be changed by the transaction. The liability to the system with respect to service credited under the agency's contract shall become a liability under the contract of the succeeding agency. The agencies may agree to payments between them with respect to such liability but any such agreement shall not affect the liability of the succeeding agency with respect to such service.

CHAPTER 1900

An act to amend Section 6443 of, and to repeal Chapter 10 (commencing at Section 6590) of Part 5 of Division 7 of, the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6443 of the Streets and Highways Code is amended to read:

Notice of amount due

6443. At least 15 days before each respective fifteenth day of April and October, until the assessment is paid in full, the treasurer shall mail, postage prepaid, to each owner of property described in the assessment, at his last known address, as appears upon the tax rolls current at the time of mailing a

postal card notifying him of the amount due and the date when payment is due from him on the assessment and stating that the payment is subject to penalty if not paid on or prior to the due date. The failure of the treasurer to mail the card or the failure of the property owner to receive it shall not affect the validity of any penalty or invalidate any act or proceeding.

Repeal

SEC. 2. Chapter 10 (commencing at Section 6590) of Part 5 of Division 7 of the Streets and Highways Code is repealed.

CHAPTER 1901

An act to amend Section 13583 of, and to add Sections 13590.1, 13590.2, and 13590.3 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to school district employees.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13583 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

Classified service Employment contract, etc.

13583. The governing board shall provide an annual employment contract for employees a part of the classified service which shall extend to the close of the fiscal year; except that any governing board may make the contract renewable from year to year. The governing board may adopt a single contract which applies to all classified employees of the district and, if so adopted, shall be construed to be in compliance with this section; provided, the board issues each affected employee a copy of the contract or a handbook containing all of the provisions thereof.

In lieu of the foregoing provisions the governing board may prescribe written rules and regulations, which shall be printed and made available to employees in the classified service, the public, and those concerned with the administration of this section, whereby such employees are designated as permanent employees of the district. Any employee designated as a permanent employee shall be subject to dismissal for cause, only, as determined by the governing board.

This section shall apply only to districts which are required by law to classify as permanent employees those employees of the district who are employed in a position requiring certification qualifications and who otherwise meet the requirements of law for attaining the status of a permanent employee of the district.

SEC. 2. Section 13590.1 is added to said code, to read:

Workweek

13590.1. The workweek of a classified employee, whether a permanent employee; a contract employee, as defined in Section 13583; or any employee subject to a merit system,

shall be 40 hours. These provisions do not restrict the extension of a regular working hour schedule on an overtime basis when such is necessary to carry on the business of the district. Nothing in this section shall be deemed to bar the district from establishing a workweek of less than 40 hours.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 3. Section 13590.2 is added to said code, to read:

13590.2. The governing board of any district shall provide the extent to which, and establish the method by which, ordered overtime or overtime in time of critical emergency is compensated. The board shall provide for such compensation or compensatory time off at a rate at least equal to the regular rate of pay. Notwithstanding the foregoing provisions the board may declare overtime to have been necessary as a critical emergency and provide for cash compensation or compensatory time off at a rate less than the regular rate of pay. Overtime

Critical emergency as used in this section means a civil disaster or other such major occurrence that requires the use of school employees to the detriment of the financial ability of the district to meet the requirements of this section.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 4. Section 13590.3 is added to said code, to read:

13590.3. When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the employing district. Compensatory time off

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

CHAPTER 1902

An act to amend the article heading of Article 5d (commencing at Section 996.13) of Chapter 6 of Division 4 of the Military and Veterans Code, to amend Sections 996.13, 996.15 and 996.19, and to repeal Sections 996.16 and 996.20 thereof, relating to military and veterans affairs and abolishing the Veterans Affairs Construction Fund.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. The article heading of Article 5d (commencing at Section 996 13) of Chapter 6 of Division 4 of the Military and Veterans Code is amended to read: Heading

Article 5d. Veterans Affairs Construction Act

SEC. 2. Section 996.13 of said code is amended to read:

Short title

996.13. This article may be cited as the Veterans Affairs Construction Act of 1953.

SEC. 3. Section 996.15 of said code is amended to read:

Veterans' Farm and Home Building Fund surplus

996.15. When there are any surplus moneys available in the Veterans' Farm and Home Building Fund of 1943, not required to meet any immediate demand which has accrued against the fund, the Department of Veterans Affairs may invest such surplus money in real property and improvements thereon. All rentals collected under the provisions of this article shall be deposited in the Veterans' Farm and Home Building Fund of 1943.

SEC. 4. Section 996.19 of said code is amended to read:

Rental of building space

996.19. The buildings or improvements provided under the provisions of this article may contain space in excess of the requirements of the Department of Veterans Affairs, and until needed, may be leased or let at such rental and upon such terms and conditions as may be approved by the Department of Veterans Affairs; provided, that rentals charged shall be deposited in the Veterans' Farm and Home Building Fund of 1943.

Repeal

SEC. 5. Sections 996.16 and 996.20 of said code are repealed.

Veterans Affairs Construction Fund abolished

SEC. 6. All money in the Veterans Affairs Construction Fund is transferred to the Veterans' Farm and Home Building Fund of 1943. The Veterans Affairs Construction Fund is abolished.

Any provision of law requiring the deposit of funds into the Veterans Affairs Construction Fund shall be construed to require the deposit of those funds into the Veterans' Farm and Home Building Fund of 1943.

All money now appropriated from the Veterans Affairs Construction Fund is considered appropriated from the Veterans' Farm and Home Building Fund of 1943, and such appropriations shall remain available for the same period as they were originally made.

Operative date

SEC. 7. The provisions of this act shall become operative on June 30, 1960.

CHAPTER 1903

An act to repeal Chapter 611 of the Statutes of 1943; to repeal Sections 5 and 6 of Chapter 541 of the Statutes of 1913; to repeal Sections 8 and 9 of Chapter 161 of the Statutes of 1925; to repeal Sections 4 and 5 of the "University of California Building Bond Act," an initiative measure adopted by the people at the general election held on November 3, 1914; to repeal Sections 6 and 7 of Chapter 313 of the

Statutes of 1927; to repeal Sections 5 and 6 of Chapter 383 of the Statutes of 1909; and to repeal Sections 5 and 6 of Chapter 404 of the Statutes of 1915, relating to state funds, and abolishing certain special funds.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 611 of the Statutes of 1943 is repealed.

SEC. 2. All money in the Bond Sinking Fund of 1943, created by Chapter 611 of the Statutes of 1943, is transferred to the General Fund. The Bond Sinking Fund of 1943 is abolished.

Any funds required to be deposited in the Bond Sinking Fund of 1943 by Chapter 611 of the Statutes of 1943, which is repealed by this act, shall be paid into the General Fund.

SEC. 3. Sections 5 and 6 of Chapter 541 of the Statutes of 1913 are repealed.

SEC. 4. All money in the San Francisco State Building Sinking Fund, created by Chapter 541 of the Statutes of 1913, is transferred to the General Fund. The San Francisco State Building Sinking Fund of 1913 is abolished.

Payment of principal and interest on bonds issued under the authority of Chapter 541 of the Statutes of 1913 shall be made by the State Treasurer on warrants drawn by the State Controller on the General Fund, at such times and in such amounts as are prescribed in Sections 5 and 6 of Chapter 541 of the Statutes of 1913, as those sections read prior to their repeal by this act.

SEC. 5. Sections 8 and 9 of Chapter 161 of the Statutes of 1925 are repealed.

SEC. 6. All money in the State Buildings and State University Buildings Interest and Sinking Fund, created by Chapter 161 of the Statutes of 1925, is transferred to the General Fund. The State Buildings and State University Buildings Interest and Sinking Fund is abolished.

Payment of principal and interest on bonds issued under the authority of Chapter 161 of the Statutes of 1925 shall be made by the State Treasurer on warrants drawn by the State Controller on the General Fund, at such times and in such amounts as are prescribed in Sections 8 and 9 of Chapter 161 of the Statutes of 1925, as those sections read prior to their repeal by this act.

SEC. 7. Sections 4 and 5 of the University of California Building Bond Act, an initiative measure adopted by the people at the general election held on November 3, 1914, are repealed.

SEC. 8. All money in the University of California Building Interest and Sinking Fund, created by the University of California Building Bond Act, cited in Section 7 of this act, is

transferred to the General Fund. The University of California Building Interest and Sinking Fund is abolished.

Payment of principal and interest on bonds issued under the authority of the University of California Building Bond Act shall be made by the State Treasurer on warrants drawn by the State Controller on the General Fund, at such times and in such amounts as are prescribed in Sections 4 and 5 of the University of California Building Bond Act, as those sections read prior to their repeal by this act.

SEC. 9. Sections 6 and 7 of Chapter 313 of the Statutes of 1927 are repealed.

SEC. 10. All money in the California Tenth Olympiad Interest and Sinking Fund, created by Chapter 313 of the Statutes of 1927, is transferred to the Olympic Bond Fund. The California Tenth Olympiad Interest and Sinking Fund is abolished.

Payment of principal and interest on bonds issued under the authority of Chapter 313 of the Statutes of 1927, and acts amendatory thereto, shall be made by the State Treasurer on warrants drawn by the Controller on the Olympic Bond Fund, at such times and in such amounts as are prescribed in Sections 6 and 7 of Chapter 313 of the Statutes of 1927, as those sections read prior to their repeal by this act.

SEC. 11. Sections 5 and 6 of Chapter 383 of the Statutes of 1909 are repealed.

SEC. 12. All money in the State Highway Interest and Sinking Fund, created by Chapter 383 of the Statutes of 1909, is transferred to the General Fund. The State Highway Interest and Sinking Fund is abolished.

Payment of principal and interest on bonds issued under the authority of Chapter 383 of the Statutes of 1909, and acts amendatory thereto, shall be made by the State Treasurer on warrants drawn by the State Controller on the General Fund, at such times and in such amounts as are prescribed in Sections 5 and 6 of Chapter 383 of the Statutes of 1909, as those sections read prior to their repeal by this act.

SEC. 13. Sections 5 and 6 of Chapter 404 of the Statutes of 1915 are repealed.

SEC. 14. All money in the Second State Highway Interest and Sinking Fund, created by Chapter 404 of the Statutes of 1915, is transferred to the General Fund. The Second State Highway Interest and Sinking Fund is abolished.

Payment of principal and interest on bonds issued under the authority of Chapter 404 of the Statutes of 1915, and acts amendatory thereto, shall be made by the State Treasurer on warrants drawn by the State Controller on the General Fund, at such times and in such amounts as are prescribed in Sections 5 and 6 of Chapter 404 of the Statutes of 1915, as those sections read prior to their repeal by this act.

CHAPTER 1904

An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to county responsibility for the payment of old age assistance.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2160.5 of the Welfare and Institutions Code is amended to read:

2160.5. Aid shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of said inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance.

The county from which such inmate came to such home prior to October 1, 1959, shall, for the purpose of this section, be considered the residence of such inmate to grant such aid.

CHAPTER 1905

An act to add Section 5556.5 to the Elections Code, relating to the time for voting.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5556.5 is added to the Elections Code, to read:

5556.5. In any county which installs electronic tabulating devices, the polls shall be opened at 7 o'clock a.m. of the day of any election, including any primary election, and shall be kept open until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 5734.

CHAPTER 1906

An act to add Chapter 4.5 (commencing with Section 26970) to Part 3, Division 2, Title 3 of the Government Code, relating to counties.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.5 (commencing with Section 26970) is added to Part 3, Division 2, Title 3 of the Government Code, to read:

CHAPTER 4.5. DIRECTOR OF FINANCE

County director of finance: Proposal

26970. Notwithstanding the provisions of Section 24009, at any general or special election, the board of supervisors of general law counties with a population in excess of 220,000 according to the federal census of 1950, may submit to the electors of the county the question of whether the elective office of county auditor shall be replaced by the appointive office of county director of finance.

Favorable vote and appointment

26971. If a majority of the voters voting on the question at such election favor the replacement by the appointive office of county director of finance, the board of supervisors shall appoint the incumbent county auditor as the first director of finance of the county. Thereafter appointments to the office shall be made by the board of supervisors on the basis of merit and fitness according to civil service rules and regulations adopted prior to the submission of the question to the electors. The director of finance may be removed or suspended for cause as provided in the civil service rules and regulations.

Powers and duties

26972. The county director of finance shall have all of the powers and duties of the county auditor and the county controller.

CHAPTER 1907

An act to add Section 557 to the Insurance Code, relating to insurance claims.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 557 is added to the Insurance Code, to read:

557. It is a misdemeanor for any person alone or in concert to prepare or make any bid or other writing which falsely purports to be a bona fide offer to repair a damaged motor vehicle or any other damaged property, with the intent that the same be used for the purpose of fraudulently leading an automobile liability insurer to believe:

(a) That a bid of some other person represents an offer made in open competition; or

(b) That the policy provisions of such insurer governing bids for the repair of vehicles or other property insured under the policy have been complied with in good faith.

CHAPTER 1908

An act to amend Section 820 of the Streets and Highways Code, relating to federal aid on public highways, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 820 of the Streets and Highways Code is amended to read:

820. The State of California assents to the provisions of the Federal Highway Act, as amended and supplemented. All work done under the provisions of said act or other acts of Congress relative to federal aid, or other cooperative highway work, or to emergency construction of public highways with funds apportioned by the Government of the United States, shall be performed as required under acts of Congress and the rules and regulations promulgated thereunder. Laws of this State inconsistent with such laws, or rules and regulations of the United States, shall not apply to such work, to the extent of such inconsistency.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Congress of the United States enacts certain acts and the Bureau of Public Roads promulgates rules and regulations under such acts which pertain to federal highway aid and which are sometimes inconsistent with laws of the State of California. It is necessary that the State of California comply with these acts and rules and regulations in order to receive Federal Aid Highway Funds, which now amount to approximately three hundred million dollars ($300,000,000) annually. There is an implication in Section 820 as it now exists that the section may apply only to those federal acts and rules and regulations which were in effect at the time the section was last amended. It is essential that the State also comply with such acts and rules and regulations which have been enacted or promulgated since that time. It is therefore necessary that this act take effect immediately.

CHAPTER 1909

An act making an appropriation for studies and investigations of pollution in the Sacramento River and the San Francisco Bay area.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred thirteen thousand dollars ($213,000) is hereby appropriated from the California Water Fund for expenditure for water pollution studies and investigations in accordance with the following schedule:

(a) One hundred thirty thousand dollars ($130,000), or so much thereof as may be necessary, to the Department of Water Resources for expenditure by it for studies and investigations of pollution in the Sacramento River.

(b) Eighty-three thousand dollars ($83,000), or so much thereof as may be necessary, to the University of California for expenditure by it for studies and investigations of pollution in the San Francisco Bay area.

CHAPTER 1910

An act to add Section 21759 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school bond validation actions.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 21759 is added to the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

21759. At any time after the certification to the board of supervisors, the issuance and sale of the bonds, or the ordering of the improvement or acquisition, the governing board of the school district may bring an action in the superior court of the county whose superintendent has jurisdiction over the district to determine the validity of the proceedings and bonds. Such an action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the action. Jurisdiction shall be complete within 10 days after the publication of summons in the manner provided herein. Anyone interested may at any time before the expiration of said 10 days appear

and by proper proceedings contest the validity of such proceedings and bond issue or uphold the same. The action shall be speedily tried and judgment rendered declaring the matter so contested either valid or invalid. Either party shall have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. The motion for a new trial of any such action must be heard and determined within 10 days from the filing of the notice of intention to move for a new trial. The court hearing the action, in inquiring into the regularity, legality or correctness of the proceedings and of the contract made or proposed to be made, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. All rules of pleadings and practice provided by the Code of Civil Procedure are applicable to such action. All costs of such actions may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. If the validity of the proceedings or bond issue is sustained, the validity of such proceedings or issue shall not thereafter be contested in any action, suit or proceeding, and the judgment entered in the action herein provided for shall be conclusive evidence of the validity of such bond issue and of all proceedings prior thereto. In such action, all findings, conclusions and determinations of the legislative body which conducted the proceedings shall be conclusive in the absence of actual fraud.

CHAPTER 1911

An act to add Chapter 5.5 (commencing with Section 13480) to Part 3, Division 3, Title 2 of the Government Code, and to amend Section 11555 of said code, relating to the establishment of an economic development agency in the Department of Finance.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing with Section 13480) is added to Part 3 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 5.5. ECONOMIC DEVELOPMENT AGENCY

Article 1. General Provisions

13480. It is hereby declared to be the finding of the Legislature that the maintenance of the economic well-being of the State of California requires affirmative action to ensure the

Legislative declaration

orderly growth of the State's industry, commerce and agriculture. This finding is based on the demonstrated need to (a) maintain the balance between job opportunities and the labor force; (b) expand through economic development the tax base necessary to support essential governmental services; (c) maintain high levels of personal and business income; and (d) reduce the burden of unemployment relief on state and local governments. It is the intent of the Legislature that the Economic Development Agency created by this act shall provide the leadership and co-ordination of public and private effort necessary to the full realization of the economic potential of the State. The Economic Development Agency shall ordinarily supplement the work of existing agencies, but it may initiate action on its own behalf when the problems posed are not, in the agency's judgment, being adequately solved elsewhere.

Definitions

13481. Whenever used in this chapter:

(a) "Department" means the Department of Finance.

(b) "Agency" means the Economic Development Agency in the Department of Finance.

(c) "Commissioner" means the Commissioner of the Economic Development Agency.

Article 2. Administration

Economic Development Agency Commissioner

13490. There is in the Department of Finance an Economic Development Agency. The head of the agency shall be the Commissioner of the Economic Development Agency, who shall be appointed by the Governor subject to confirmation by the Senate, and shall hold office at the pleasure of the Governor. The annual salary of the commissioner is provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of this code.

Operations

13491. The operations of the commissioner are subject to the same fiscal controls and audits by the Director of Finance as other subdivisions of the Department of Finance. The Director of Finance shall furnish the personnel, equipment, supplies, housing and housekeeping services necessary to the operation of the commissioner.

Commissioner's duties

13492. The commissioner shall serve as the Governor's principal staff adviser on economic development. The commissioner shall be an ex officio member of the Governor's Business Advisory Council.

Technical advisory committees

13493. One or more technical advisory committees may be created by the Governor to advise the commissioner in carrying out his functions under this chapter. The members of such committees shall be appointed by the Governor upon the nomination of the commissioner. In no event shall the total membership of all of such committees exceed 20 members. The members of such committees, to the extent possible, shall be selected on the basis of their knowledge, ability, and interest in the field of industrial and economic development. Such com-

mittees shall act in an advisory capacity only and shall have no administrative authority or responsibility. The committee members shall serve without compensation but shall be reimbursed for their actual and necessary travel expenses in attending committee meetings.

Contracts

13494. The commissioner may contract with other state or private agencies, firms, or individuals for the performance of technical or specialized work.

Offices

13495. The agency shall establish within the State such offices as may be necessary to effectuate the purposes of this chapter, and in this connection shall so locate such offices as to provide convenient, prompt and accessible service to those areas of the State which may be either losing population, or gaining population at a rate materially less than the state average.

Article 3. General Powers of Agency

Powers

13498. The Economic Development Agency is authorized to perform the following functions and activities:

(a) Gather, analyze, and correlate pertinent information as developed by other governmental and private agencies, and publish and disseminate statistics useful to industry, commerce, and agriculture.

(b) Sponsor or conduct studies of factors affecting the development, growth or decline of economic activity in California. Special attention shall be given to those businesses which are suitable for expansion, to those factors which hinder expansion, and to the causes of business failures.

(c) Promote and encourage the location and development of new business in the State as well as the maintenance and expansion of existing businesses, and for these purposes cooperate with public and private entities and others both within and outside the State.

(d) Develop and conduct a positive program of promotion and solicitation designed to supplement and improve local efforts to bring industry, commerce and agriculture to California and to aid in the expansion of existing businesses, through such steps as

(i) Sponsoring or conducting studies of the economic potentials of specific areas, and developing standard techniques and formats for such studies by local organizations.

(ii) Advising local communities in identifying and overcoming their handicaps to economic development, and in realizing full advantage of local resources through various self-help measures.

(e) Aid business concerns in their relationships with appropriate federal agencies such as procurement and lending agencies and the Small Business Administration.

(f) Compile periodically a census of business and industry in the State in co-operation with other agencies.

(g) Conduct such studies as are necessary to determine how the effectiveness of this agency can be improved.

(h) Prepare and submit to the Governor and the Legislature reports of the activities of the agency and recommendations for such executive or legislative action as may be necessary to improve the business climate of the State.

SEC. 2. Section 11555 of said code is amended to read:

Salaries

11555. An annual salary of sixteen thousand five hundred dollars ($16,500) shall be paid to each of the following:

(a) Director of Industrial Relations.
(b) Director of Alcoholic Beverage Control.
(c) Commissioner of the California Highway Patrol.
(d) Superintendent of Banks.
(e) Each member of the Adult Authority.
(f) Each member of the State Water Rights Board.
(g) Director of Social Welfare.
(h) Each member of the Youth Authority.
(i) Commissioner of the Economic Development Agency.

CHAPTER 1912

An act to add Section 12648.2 to, and to amend Section 12657 of, the Water Code, relating to flood protection.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12648.2 is added to the Water Code, to read:

Sacramento River project

12648.2. The project for flood protection on the Sacramento River from Chico Landing to Red Bluff, California, is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 272, Eighty-fourth Congress, Second Session, and adopted and authorized by the act of Congress approved July 3, 1958, at an estimated state cost of thirty-one thousand dollars ($31,000).

SEC. 2. Section 12657 of said code is amended to read:

Assurances of local co-operation

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by Section 3 of the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), and Section 2 of the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-eighth Congress, First Session), will be furnished by the State in connection with the flood control projects authorized and adopted in Sections 12648, 12648.1, 12648.2, 12650, 12651, 12652, 12654, and 12656.5 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

CHAPTER 1913

An act to add Section 996.21 to the Military and Veterans Code, relating to facilities and buildings of the Department of Veterans Affairs.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 996.21 is added to the Military and Veterans Code, to read:

996.21. When money from the Veterans' Farm and Home Building Fund of 1943 or the Veterans Affairs Construction Fund is used for investment purposes in the purchase of property and in the construction of buildings, and appurtenant facilities or in the purchase of property, or in the construction of buildings, and appurtenant facilities for the use of the Department of Veterans Affairs, or for the use of the Department of Veterans Affairs and other state agencies, the Director of Veterans Affairs may do any and all things necessary to protect the investment including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the Director of Veterans Affairs under this section shall be subject to the approval of the Department of Finance.

CHAPTER 1914

An act to amend Section 3031 of the Civil Code, relating to inventory liens.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3031 of the Civil Code is amended to read:

3031. If so provided by any written agreement signed by the borrower, a lender shall have a continuing lien upon all merchandise, or upon all merchandise of a designated kind or class, then owned or thereafter acquired by the borrower or upon such merchandise of the borrower as is from time to time after the execution of said written agreement designated in one or more separate written statements dated and signed by the borrower and delivered to the lender, without compliance with Section 3440 or 3440.1 of this code and without such merchandise being taken into the constructive or actual possession or custody of the lender or of a third person for the account of the lender, and such lien shall secure the lender for all his loans and advances to or for the account of

the borrower, together with interest thereon, and also for the commissions, obligations, indebtedness, charges, and expenses properly chargeable against or due from said borrower, and for the amounts due or owing upon any notes or other obligations given to or received by the lender for or upon account of any such loans or advances, interest, commissions, obligations, indebtedness, charges, and expenses. Such lien shall be valid after the expiration of 10 days from the time of filing the notice hereinafter referred to, whether such merchandise shall be in existence at the time of the execution of the written agreement providing for the creation of the lien or at the time of filing such notice or shall come into existence subsequently thereto or shall subsequently thereto be acquired by the borrower. Upon default by the borrower under the terms of any obligation secured by such lien, the lender shall be entitled to possession of the merchandise and may dispose thereof in the manner and upon the notice prescribed by the title on "pledge" or in such other manner as may have been agreed upon by the borrower and lender.

CHAPTER 1915

An act to add Chapter 2.6 (commencing at Section 24375) to Division 20 of the Health and Safety Code, creating the San Joaquin Valley Air Pollution Control District, setting forth its organization, powers, and duties, all relating to the control of air pollution.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.6 (commencing at Section 24375) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 2.6. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Article 1. Short Title

Short title

24375. This chapter may be cited and shall be known as the San Joaquin Valley Air Pollution Control Law.

Article 2. Declaration of Policy

Declaration of policy

24375.01. The Legislature finds and declares that the people of the State of California have a primary interest in atmospheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in certain portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State.

24375.02. The Legislature further finds and declares: Same

(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances exclusively.

(c) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

24375.03. The problems of air pollution are primarily regional and dependent upon factors of weather, topography, population, transportation, methods of waste disposal, and agricultural and industrial development. These factors vary greatly from area to area. The San Joaquin Valley area presents a special problem, distinct from that found in the remainder of the State. This chapter is enacted to provide a special district to control and suppress air pollution in that area. Special law

Since the problem requiring this legislation is local and special due to atmospheric and geographic conditions, a general law cannot now be made applicable so as to insure its effective alleviation. It is necessary, therefore, to create, by special law, an air pollution control district which includes an area lying within the boundaries of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties.

Article 3. Definitions

24375.05. "District," as used in this chapter, means the San Joaquin Valley Air Pollution Control District. "District"

24375.06. "Board," as used in this chapter, means the board of directors of the district. "Board"

24375.07. "Control officer," as used in this chapter, means the air pollution control officer of the district. "Control officer"

"Air contaminant," as used in this chapter, includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, mist, odors, or particulate matter, or any combination thereof. "Air contaminant"

Article 4. Creation of District

24375.10. An air pollution control district is hereby created, which shall be called the San Joaquin Valley Air Pollution Control District and shall comprise the area lying within the boundaries of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties, and all of the area within Kern County except that lying within the boundaries of the China Lake, Indian Wells Valley Union, Johannesburg, San Joaquin Valley Air Pollution Control District

Mojave Unified, Randsburg, Tehachapi Union, Aqueduct Cummings Valley, South Kern County Union and Muroc Unified School Districts as shown on the School District Map of Kern County prepared by the office of the county surveyor, February 15, 1955.

Article 4.5. City Selection Committees

City selection committees. Membership

24375.11. There shall be a separate and distinct city selection committee for each county in the district. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council. A majority of the members of each city selection committee shall constitute a quorum.

Meetings

24375.12. The city selection committee of each county shall meet on October 28, 1959, at 10 a.m. in the chambers of the board of supervisors of such county for the purpose of making the first appointment to the district board as prescribed in Section 24375.15. The committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a.m. in the chambers of the board of supervisors of such county, for the purpose of making succeeding appointments to the district board as prescribed in Section 24375.16. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the county clerk of such county who shall act as the recording officer for the meeting. It shall be the duty of the county clerk to notify in writing the board of supervisors of such county and also the clerk of the district board of the appointment made by the city selection committee within 10 days after such appointment has been made.

Officers and compensation

24375.13. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

Members of the committees shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

Article 5. Governing Body

Governing body. Members

24375.15. The governing body of the district is a board of directors who shall be selected as provided in this article.

On or before October 28, 1959, the board of supervisors of each county in the district shall appoint one of its members to be a member of the board.

On October 28, 1959, the city selection committee of each county shall appoint one member of the board. Such member shall be selected from among the mayors and city councilmen of the cities within such county.

Members' terms

24375.16. Each member of the first board shall hold office until June 1, 1960, and thereafter each member appointed by

the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. Any vacancy on the board shall be filled by appointment in the same manner as the vacating member was appointed. Any member of the board may be removed at any time in the same manner as he was appointed; provided, however, that if four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

Any member of the board may be recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to Division 13 (commencing at Section 11000) of the Elections Code, in which event his office as member of the board shall be vacant.

Powers

24375.17. The board is the governing body of the district and shall exercise all the powers of the district, except as otherwise provided.

Quorum

24375.18. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board.

Expenses and compensation

24375.19. Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars ($25) for each day attending the meetings of the board, but such compensation shall not exceed four hundred dollars ($400) in any one year.

Executive secretary

24375.20. The board may appoint an executive secretary. The executive secretary shall be the chief administrative officer of the district. He shall be responsible for the preparation of the district budget, the maintenance of financial and other records, the making of financial reports, and for personnel administration. He shall have authority to appoint, discipline, and dismiss employees, within civil service requirements. He shall be responsible for purchasing and inventorying, and shall have custody of all property, equipment, and supplies of the district. He shall act as secretary to the board. The control officer shall be responsible to the executive secretary for purposes of administration.

Co-operation and contracts

24375.21. The board may co-operate and contract with any federal, state, or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of the purposes of this chapter.

Article 6. Powers and Duties

Powers

24375.30. The district shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

Program

24375.31. The district shall establish and execute an effective program for the reduction of air contaminants within the district.

Duties

24375.32. The district shall do such acts as may be necessary to carry out the provisions of this chapter.

Offices

24375.33. The board shall establish and maintain such offices wherever it deems will best facilitate the accomplishment of the district objectives.

Meetings

24375.34. The board shall meet at such times and places as decided by the board.

Chairman

24375.35. The board shall appoint a chairman from its members and such other officers as may be necessary.

Compensation

24375.36. The board shall determine the compensation of, and pay from district funds, the control officer, all of his personnel, the executive secretary, and members of the hearing board.

Employees

24375.37. The board shall provide for the number of personnel to be employed by the executive secretary and for their duties and the times at which they shall be appointed.

Examinations

24375.38. The board may contract with any city or county, any state department, or any competent person or agency for the conducting of competitive examinations to ascertain the fitness of applicants for employment and for the performance of any other service in connection with administration of the district.

Civil service system

24375.39. The board may adopt a civil service system for any or all employees of the district, except that the executive secretary and the attorney for the board shall be exempt from such system and shall serve at the pleasure of the board.

Service contracts

24375.40. In exercising its powers and duties, the district shall, whenever feasible, secure necessary technical, administrative and operational services by contract with public agencies to the end that duplication of similar services and facilities is avoided to the extent possible. This section shall not be construed as requiring the board to contract for services which the board determines should, in the best interests of

the district, be provided by the district or services which can be provided by the district at a lesser cost than by contract.

Limitation

24375.41. The district shall not have any power to regulate or control any activity which is carried on outside the district.

Article 7. Air Pollution Control Officer

Control officer

24375.45. The executive secretary, subject to the Civil Service System, shall appoint an air pollution control officer.

Same: Duties

24375.46. The control officer shall observe and enforce:

(a) The provisions of this chapter.

(b) All orders, regulations, and rules prescribed by the board.

(c) All variances and standards which the hearing board has prescribed.

Article 8. Hearing Board

Hearing board

24375.50. Within 30 days after the district, by resolution, determines it necessary to adopt rules and regulations to control the release of air contaminants, the district board shall appoint a hearing board, to consist of five members, none of whom is otherwise employed by the district, but one of whom shall be a member of the district board. One member shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer.

Members' terms

24375 51. The district board shall appoint one member of the hearing board for a term of one year, two for a term of two years, and two for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

Article 9. Enforcement

Contaminant discharge prohibited

24375.55. A person shall not discharge from any source whatsover within the district such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Exceptions: Weed abatement, etc.

24375.56. This article does not apply to smoke from fire set by, or permitted by, any public officer, if such fire is set, or permission given, in the performance of the official duty of such officer for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

Agricultural operations

24375.57. This article does not apply to smoke from fires set by or permitted by the county agricultural commissioner of any county within the district for agricultural operations in the growing of crops or raising of fowls or animals, if such fire is set or permission given in the performance of the official

duty of such county agricultural commissioner, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24375.73.

Watershed, etc. improvement

24375.58. This article does not apply to smoke from fires set by or permitted by the State Forester or his agent for the purpose of watershed, range or pasture improvement if such fire is set or permission given in performance of the official duty of the State Forester or his agent, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the board pursuant to Section 24375.73.

Exceptions

24375.59. The provisions of Section 24375.55 do not apply to:

(a) Agricultural operations in the growing of crops, or raising of fowls or animals, or,

(b) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute, or,

(c) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.

This section does not, however, authorize such operations or the use of such heaters or other equipment in violation of any general order, rule or regulation adopted by the board pursuant to Section 24375.73.

Local provisions and enforcement

24375.60. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than or identical to the provisions of this article and stricter than or identical to the rules and regulations adopted pursuant to this chapter, which local ordinance prohibits, regulates or controls air pollution. Counties and cities may by local ordinance provide for the local enforcement of this article and of regulations adopted pursuant to this chapter.

Same

24375.61. The provisions of this chapter do not supersede any such local county or city ordinance.

Violation of superseded local ordinances

24375.62. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect

Rules and regulations

24375.63. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

Injunction

24375.64. Any violation of any provisions of this article or of any order, rule, or regulation of the board may be enjoined

in a civil action brought in the name of the people of the State of California.

Article 10. Rules and Regulations

Rules and regulations Resolution of necessity

24375.70. The board may by resolution declare it necessary that the district have rules and regulations to control the release of air contaminants in order to reduce or alleviate air pollution within the district. Such determination shall be based on surveys and studies made by the district and such other information as may be available to the district. The determination shall be made only after the board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The board shall give notice of its intention to adopt the resolution and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation in each of the counties within the district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

Upon the conclusion of the hearing, if the board determines it to be necessary to adopt rules and regulations to control the release of air contaminants, the board shall so declare by resolution.

Powers

24375.71. At any time after the resolution of necessity has been adopted, the board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter.

Hearing

24375.72. The board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time and place of such public hearing by publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation published within the district.

Discomfort or property damage

24375.73. Whenever the board finds that the air in the district is so polluted as to cause discomfort or property damage at intervals to a substantial number of inhabitants of the district, the board may make and enforce such general orders, rules, and regulations as will reduce the amount of air contaminants released within the district, but no order, rule or regulation of the board shall specify the design of equipment, type of construction, or particular method to be used in reducing the release of air contaminants.

Disclosure and studies

24375.74. The control officer at any time may require from any person subject to regulations of the board, such information or analyses as will disclose the nature, extent, quantity,

or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the control officer may designate and employ a registered professional engineer of his choice to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An engineer so designated is authorized to inspect any article, machine, equipment or other contrivance necessary to make the inspection and report.

Failure to furnish information, etc.

24375.75. If any person within a reasonable time willfully fails or refuses to furnish to the control officer information or analyses requested by such control officer, or if the control officer finds that any order, rule or regulation of the board is being violated after a reasonable time has been allowed for compliance, the control officer shall notify the hearing board of such facts and request a public hearing on the matter.

Hearing

24375.76. Within 30 days after the control officer has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the person cited, to the control officer, to each board of supervisors and city council in the district, to the board of directors, and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

Action after hearing

24375.77. After a public hearing, the hearing board may find that no violation exists, or may take any of the actions provided in Article 11 (commencing at Section 24375.80) or Article 12 (commencing at Section 24376) of this chapter.

Article 11. Variances

Variances

24375.80. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 9 (commencing at Section 24375.55) or 10 (commencing at Section 24375.70) of this chapter or by rules, regulations, or orders of the board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

Hearings

24375.81. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 10 (commencing at Section 24375.70) of this chapter or by rules, regulations, or orders of the board is necessary and will be permitted.

Fees

24375.82. The board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

24375.83. All fees required pursuant to Section 24375.82 shall be paid to the district treasurer to the credit of the district. Same

24375.84. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer, each board of supervisors and city council in the district, and the board of directors, and upon the applicant, if any, not less than 10 days prior to such hearing. Notice of hearing

24375.85. If the hearing board finds that because of conditions beyond control compliance with Article 10 (commencing at Section 24375.70) of this chapter or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance. Granting of variances

In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

Before granting any variance, the hearing board shall find by resolution that:

(a) The variance is necessary for the applicant to enjoy property rights that would be denied him by the strict application of the rules and regulations, which would not be denied generally as a result of the same standard of enforcement in other situations.

(b) Undue hardship would result from strict application of the rules and regulations that would not accrue generally as a result of the same standard of enforcement in other situations.

(c) The effect of the variance upon the health, safety, and general welfare of the community, district, or area was considered.

24375.86. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance. Revocation, etc., of variances

24375.87. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, each board of supervisors and city council in the district, and the board of directors, upon all per- Notice of hearing

sons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or control officer a written request for such notification.

Service

24375.88. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice in the district pursuant to Section 6061 of the Government Code.

Effective time of variances

24375.89. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year.

Locally granted variances

24375.90. If any local county or city ordinance has provided regulations similar to those in Article 10 (commencing at Section 24375.70) of this chapter or to any order, regulation, or rule prescribed by the board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year whichever is shorter or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

Article 12. Procedure

Application

24376. This article applies to all hearings which either Article 10 (commencing at Section 24375.70) or Article 11 (commencing at Section 24375.80) of this chapter provides shall be held by the hearing board.

Hearing board Chairman

24376.01. The hearing board shall select from its number a chairman.

Type of hearing

24376.02. The hearing board may hold a hearing in bank or may designate three of their number to hold a hearing.

Decision

24376.03. If three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision, but any decision rendered upon two votes shall be automatically subject to review by the full hearing board, and the full hearing board may rehear the matter.

Rehearing

24376.04. The hearing board, not less than two being present, may, in its discretion, within 30 days rehear any matter which was decided by a single member.

Subpoena

24376.05. Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce

all books, papers, and documents in his possession or under his control material to such hearing.

Service of subpoena

24376.06. A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

Disobedience

24376.07. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

Attachment

24376.08. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

Contempt proceedings

24376.09. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Oaths

24376.10. Every member of the hearing board may administer oaths in every hearing in which he participates, and at any hearing the hearing board may require all or any witnesses to be sworn before testifying.

Injunction proceedings

24376.11. Whenever the hearing board finds that any person is in violation of any order, rule or regulation of the board, and that no variance is justified, and that reasonable time has been allowed for compliance, the hearing board shall certify such facts to the district attorney for the county in which the discharge originates, whereupon such district attorney shall petition the superior court in and for the county for the issuance of an injunction restraining such person or persons from continuing any activity causing or threatening a pollution or nuisance. The district attorney may, but is not required to, associate in the prosecution of such action, the counsel for the board. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction. The court shall receive in evidence any order, rule or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

Special proceedings

24376.12. Any person deeming himself aggrieved, including the district, may maintain a special proceeding in a superior court within the district, to determine the reasonableness and legality of any action of the hearing board.

Same

24376.13. Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved.

Article 13. Financial Provisions

Incurring indebtedness

24376.20. The district may incur indebtedness by the issuance of negotiable promissory notes pursuant to this section for any purpose for which the district is authorized to expend funds. Such notes shall be general obligations of the district payable from taxes levied and collected on the taxable real property within the district as hereinafter provided, and shall mature not later than June 30th of the ensuing fiscal year to that in which they are issued, and shall bear interest at a rate not to exceed 6 percent per annum, payable as provided therein. The aggregate amount of such notes outstanding at any one time shall not exceed 75 percent of the total amount of the district treasurer's estimate of moneys from taxes on the taxable real property within the district to be received either in the fiscal year in which the indebtedness is to be incurred or in the ensuing fiscal year. Such notes shall be issued in the form and in the manner provided for by a resolution of the board and shall be signed by a member of the board designated for that purpose and by the district treasurer. The district shall not incur any indebtedness pursuant to this section unless and until a majority of the voters of the district voting at an election called and held in accordance with the provisions of Article 6 (commencing at Section 58160) of Chapter 1, Division 1, Title 6 of the Government Code, have voted in favor of the proposal to incur the indebtedness.

Apportionment of required money

24376.21. Before the fifteenth day of June of each year the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative value of the real estate of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to it. The total amount of money required by the district for district purposes during any one fiscal year shall not exceed one-half cent ($0.005) on each one hundred dollars ($100) of the

assessed valuation of all the property included within the district.

24376 22. On or before the fifteenth day of June of each year, the board shall inform the boards of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable real property within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district. Taxes· Levy

24376.23. Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced. Collection

24376.24. At any time prior to the first receipt by the district of revenues from taxation, the counties within the district may loan any available money to the district for purposes of organization and operation and such expenditures shall constitute a proper expenditure of county funds. The board shall add the sums of money so borrowed from the counties to the first amount apportioned by the board pursuant to Section 24376.21, and shall repay the counties for all money borrowed from the first revenues received from taxation. Loans

24376 25. The treasurers of the several counties within the district shall pay into the district treasury all funds held by them to the credit of the district. Payment

24376.26. The district treasury shall be in the custody of the county treasurer of a county in the district designated by the board and such treasurer shall be the district treasurer. District treasurer

24376.27. The district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code. Financial provisions

Article 14. Dissolution

24367.30. A district may be dissolved in the following manner: Dissolution

(a) The boards of supervisors of the counties containing more than fifty percent (50%) of the population of the entire district shall adopt a resolution stating that the existence of the district is no longer necessary or desirable for the public welfare, and announcing the intention to withdraw therefrom and to dissolve the district.

(b) The resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the district and also to the board.

(c) If it appears that the resolutions were adopted by the boards of supervisors in the counties desiring to withdraw, and

that such counties contain more than fifty percent (50%) of the entire population in the district, the board, by resolution, shall call an election to determine the question of dissolution. The resolution shall state the time and place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, the election shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers in the counties. In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places, and election officers therefor for the precincts, polling places and officers of election for the election called hereunder. Such resolution shall be published pursuant to Section 6066 of the Government Code in each county within the district and the first publication shall be at least 30 days prior to the date of election.

(d) If a majority of the qualified electors voting at such election vote in favor of such dissolution, the board shall declare the results of the election, proceed to wind up the affairs of the district, and pay all indebtedness thereof. Any surplus funds shall be paid over to the counties in which the district lies in proportion to the amount last previously apportioned by the board to each county for purposes of levying taxes. The board shall exercise only such powers and secure such revenue from taxation as shall be necessary to wind up the affairs of the district.

(e) Upon the completion of the process of winding up the affairs of the district, the board shall, by resolution, entered upon its minutes, declare the district dissolved. A certified copy of such resolution shall be filed with the county recorder of each county within the district and with the Secretary of State. Upon the adoption of such resolution the district shall be dissolved.

Operative upon election

SEC. 2. The provisions of this act, except those relating to and necessary for its submission to the people of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare within the proposed district for their ratification, shall not become operative unless and until a majority of the voters in such counties at a special election called and held in each such county, vote in favor of the proposition to establish and create the San Joaquin Valley Air Pollution Control District and a certified copy of an order declaring the results of such elections is filed in the Office of the Secretary of State by the board of supervisors of the County of Fresno.

Election

SEC. 3. This act shall be submitted to the people of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare within the proposed district for their ratification at a special election in each of the counties,

which shall be consolidated with the next general election held in the month of November, 1960. The election in each county shall be called and conducted in the same manner as other special elections in the county. The provisions of Article 3 (commencing at Section 1670) of Chapter 2, Division 4 of the Elections Code shall be applicable to such an election, except as otherwise provided herein.

Ballot

SEC. 4. The ballot for each such election shall contain such instructions as are required by law to be printed thereon, and in addition there shall appear the following:

Shall the "San Joaquin Valley Air Pollution Control District," in the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, be created and established?	YES NO

Election results

SEC. 5. The board of supervisors of each of the counties shall meet on the Monday following the day on which the elections were held and canvass the votes cast at the election held in such county. Each board of supervisors shall thereupon declare the result of such canvass and certify the same to the Board of Supervisors of the County of Fresno. The Board of Supervisors of the County of Fresno shall order and declare the San Joaquin Valley Air Pollution Control District created and established if a majority of the combined total of the votes cast at all of the elections were in favor of the creation and establishment of the district.

Same: Filing

SEC. 6. The Board of Supervisors of the County of Fresno shall cause a certified copy of the results of the elections to be filed in the Office of the Secretary of State and with the clerk of the board of supervisors of each county which would be included within the San Joaquin Valley Air Pollution Control District. If the copy of the results of the elections shows that a majority of the combined total of the votes cast at all of the elections were in favor of the creation and establishment of the district, from and after the date of the filing of the copy of the results in the Office of the Secretary of State, this act shall be completely operative.

Provisions for election

SEC. 7. The board of supervisors calling each election shall make all provision for the holding thereof and the cost thereof shall be a proper charge against the county.

Limitation of actions

SEC. 8. No informality in any proceeding or in the conduct of said election not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the creation and establishment of the district, and any proceedings attacking the validity of said incorporation, shall be commenced within three months from the date of filing of the copy of the results of the election with the Secretary of State, otherwise such creation and establishment and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

CHAPTER 1916

An act to amend Section 75081 of the Government Code, relating to the assignment of retired judges.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 75081 of the Government Code is amended to read:

75081. Judges retired pursuant to this chapter, or under the State Employees' Retirement Law (commencing at Section 20000) or any county retirement law, so long as they are entitled by its provisions to receive a retirement allowance, shall be judicial officers of the State, but shall not exercise any of the powers of a justice or judge except while under assignment to a court as provided in this section.

As used in this section the word "judge" includes a judge of a justice court.

Any such retired judge may, with his own consent, be assigned by the Chairman of the Judicial Council to sit in a court of like jurisdiction as, or higher jurisdiction than, that court from which he was retired, provided that any retired judge assigned to sit in a municipal or higher court shall meet the requirements of Section 23, Article VI, of the Constitution; and while so assigned shall have all the powers of a justice or judge thereof.

If assigned to sit in a court, he shall be paid while so sitting in addition to his retirement allowance the difference, if any, between his retirement allowance and the compensation of a judge of the court to which he is assigned.

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment. Such extra compensation and expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a district court of appeal the additional compensation and expenses are chargeable to the State.

(b) When the assignment is to a superior court the difference between the retirement allowance and the State's contribution to a superior court judge's salary, if the State's contribution is greater than the retirement allowance, is chargeable to the State, and any additional compensation and expenses, are chargeable to the county.

(c) When the assignment is to a municipal court or a justice court, the additional compensation and expenses are chargeable to the county.

CHAPTER 1917

An act to amend Section 607 of, and to add Section 609.5 to, the Probate Code, and to add Section 14773.5 to the Revenue and Taxation Code, relating to inheritance tax appraisers.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 607 of the Probate Code is amended to read:

Additional appraisers

607. If any part of the estate is in a county other than that in which letters issued, an appraiser thereof shall in the same manner as above provided be appointed, either by the court or judge having judisdiction of the estate or by the court or judge of such other county, on request of the court or judge having jurisdiction.

SEC. 2. Section 609.5 is added to said code, to read:

Fees

609.5. Where an inheritance tax appraiser has been appointed and acted pursuant to Section 607, both he and the inheritance tax appraiser of the county whose superior court has jurisdiction of the estate, appointed to act in the same estate by such court, shall receive such share of the total fee and expenses that any one inheritance tax appraiser is entitled to under Section 609 as the court shall allow. The total amount of the fee and expenses allowed both such appraisers shall not exceed the total amount of the fee and expenses allowable in the case of any one inheritance tax appraiser.

SEC. 3. Section 14773.5 is added to the Revenue and Taxation Code, to read:

Additional appraisers

14773.5. Where any property subject to the jurisdiction of any court in any proceeding instituted pursuant to Chapter 11 (commencing at Section 14501) of this part is located in a county other than the one in and for which the court acts, the court shall appoint an inheritance tax appraiser of such other county to appraise the property and submit a report thereon.

Any such appraiser shall receive such share of the inheritance tax appraiser's fee and expenses payable pursuant to Section 14773 from the inheritance tax appraiser of the county of the court having jurisdiction, appointed by that court in such proceeding, as the court shall allow. The total amount of the fee and expenses allowed both such appraisers shall not exceed the total amount of the fee and expenses allowable in the case of any one inheritance tax appraiser.

CHAPTER 1918

An act to amend Section 771 of the Insurance Code, relating to insurance in connection with sales and loans.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 771 of the Insurance Code is amended to read:

771. Section 770 shall not prevent:

(a) The exercise by any person engaged in such business of his right to approve or disapprove of the insurer selected to underwrite the insurance, nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or trust deed or other loan agreement if the borrower, or purchaser shall have failed to furnish the insurance or renewal thereof within such reasonable time or form as may be specified in the sale or loan agreement. The lender shall not refuse to accept insurance provided by an acceptable insurer on the ground that such insurance provides more coverage than is required in the sale or loan agreement, unless the additional coverage consists of automobile, life or disability insurance.

(b) Any lender from recommending to any borrower or prospective borrower the placing of insurance with a specified insurer or through a specified insurance agent or broker as long as such recommendation does not violate the provisions of Section 770 or of any other section of this code.

(c) The free choice of insurance agent or broker by any borrower or purchaser at any time, and he may revoke any designation of insurance agent or broker at any time irrespective of the provisions of any loan or purchase agreement or trust deed.

(d) The exercise of any person engaged in such business of his right to furnish such insurance or to renew such insurance, and to charge the account of the borrower or purchaser with the costs thereof, if the borrower or purchaser fails to deliver to the lender such insurance at least 30 days prior to the expiration of the policy. If an insurance policy procured by the borrower or purchaser is subsequently substituted for that then in force, the lender may impose a reasonable service charge as determined by the Insurance Commissioner for the transaction, the payment of which charge by the agent or broker is not a violation of any other provision of this code. No service charges shall be imposed for normal insurance changes made during the term of the policy.

(e) The Insurance Commissioner is authorized to adopt a uniform statewide schedule of permissive maximum charges for the substitution of policies authorized in subdivision (d).

CHAPTER 1919

An act to amend Section 68841 of the Government Code, relating to the salary of the Clerk of the Supreme Court.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 68841 of the Government Code is amended to read:

68841. The annual salary of the Clerk of the Supreme Court and ex officio Secretary of the Judicial Council is sixteen thousand five hundred dollars ($16,500).

CHAPTER 1920

An act to add Section 11543.5 to the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 11543.5 is added to the Business and Professions Code, to read:

11543.5. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of any subdivision for which payment of a fee is required;

(2) The ordinance refers to a drainage element of a general plan adopted pursuant to Section 65469 of the Government Code, which contains an estimate of the total costs of constructing the local drainage facilities required by the plan;

(3) The drainage plan, in the case of a city, situated in a county having a countywide general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision and development of property within the planned local drainage area will require construction of the facilities described in the drainage plan, and that the fees are fairly apportioned within the local drainage area either on the basis of benefits conferred on property proposed for subdivision or on the need for local

drainage facilities created by the proposed subdivision and development of other property within the local drainage area;

(5) The fee as to any property proposed for subdivision within a local drainage area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within the local drainage area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

(6) The drainage facilities planned are in addition to existing local drainage facilities serving the area at the time of the adoption of the drainage plan for the area.

Fees required by an ordinance adopted pursuant to this section shall be paid into a "planned local drainage facilities fund." A separate fund shall be established for each local drainage area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing drainage facilities within a local drainage area and reimburse the general fund for such advances from the planned local drainage facilities fund for the local drainage area in which the drainage facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage facilities within a local drainage area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage facilities fund.

This section shall be effective until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature.

CHAPTER 1921

An act to amend Section 6701 of the Vehicle Code, as enacted by the Legislature at its 1959 Regular Session, relating to nonresident vehicles owned and operated by military personnel.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6701 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

6701. Any nonresident owner of a foreign vehicle who is a member of the Armed Forces of the United States on active duty within this State shall be entitled to the exemption

granted under Section 6700 under the conditions therein set forth. Any member of the Armed Forces, whether a resident or nonresident, shall also be entitled to exemption from registration in respect to a vehicle owned by him upon which there is displayed a valid license plate or plates issued for such vehicle in a state where such owner was regularly assigned and stationed for duty by competent military orders at the time such license plate or plates were issued. Such competent military orders shall not include military orders for leave, for temporary duty, nor for any other assignment of any nature requiring his presence outside the state where such owner was regularly assigned and stationed for duty.

CHAPTER 1922

An act to amend Section 1300.12 of, and to add Section 1300.30 to, the Agricultural Code, relating to the marketing of agricultural commodities.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1300.12 of the Agricultural Code is amended to read:

Definitions

1300.12. (a) "Cartwright Act" means the act passed by the Legislature of this State entitled "An act to define trust and to provide for criminal penalties and civil damages and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended.

(b) "Unfair Practices Act" means an act passed by the Legislature of this State entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended.

(c) "Agricultural commodity" means any and all agricultural, horticultural (including floricultural), viticultural (including wine) and vegetable products produced in this State, or any class, variety or utilization thereof, either in their natural state or as processed by a producer for the purpose of marketing such product or by a processor as herein defined, and including bees and honey, manufacturing milk as such milk is defined in Section 452, and any market milk used in the manufacturing of dairy products or imitation dairy

products in which the use of manufacturing milk is permitted by or pursuant to Division 4 (commencing at Section 440) of this code, but not including timber or timber products.

(d) "Producer" means any person engaged within this State in the business of producing, or causing to be produced for market, any agricultural commodity as herein defined.

(e) "Handler" means any person engaged within this State as a distributor in the business of distributing an agricultural commodity in intrastate commerce, or any person engaged as a processor in the business of processing an agricultural commodity.

(f) "Processor" means any person engaged within this State in the operation of receiving, grading, packing, canning, fermenting, distilling, extracting, preserving, grinding, crushing or changing the form of an agricultural commodity for the purpose of preparing such agricultural commodity for market or of marketing such commodity, or any other activities performed for the purpose of preparing such commodity for market or of marketing such commodity, but shall not include a person engaged in manufacturing from an agricultural commodity, so changed in form, another and different product.

(g) "Distributor" means any person who engages in the operation of selling, marketing or distributing, in intrastate commerce, an agricultural commodity which he has produced or purchased or acquired from a producer or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer as herein defined except such retailer who purchases or acquires from, or handles on behalf of any producer, an agricultural commodity not theretofore subjected to regulation by the marketing order covering such commodity.

(h) "Retailer" means any person who purchases or acquires any agricultural commodity for resale at retail to the general public for consumption off the premises but such person shall also be included within the definition of distributor, as herein set forth, to the extent that he engages in the business of a distributor as herein defined.

(i) "Person" means an individual, firm, corporation, association or any other business unit, and shall, for the purposes of this chapter, include any state agency which engages in any of the commercial activities regulated pursuant to the provisions of this chapter.

(j) "Director" means the Director of Agriculture.

(k) "Marketing order" means an order issued by the Director of Agriculture, pursuant to this chapter, prescribing rules and regulations governing the processing, distributing or handling in any manner of any agricultural commodity within this State during any specified period or periods.

(*l*) "To handle" means to engage in the business of a handler as herein defined.

(m) "To process" means to engage in the business of a processor as herein defined.

(n) "To distribute" means to engage in the business of a distributor as herein defined.

(o) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer in preparing for market, and shall include selling, delivering or disposing of for commercial purposes, to any handler as herein defined any agricultural commodity which he has produced.

(p) "Advertising and sales promotion" means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification or removal of trade barriers which restrict the free flow of agricultural commodities to market and may include the presentation of facts to and negotiations with state, federal or foreign governmental agencies on matters which affect the marketing of any commodity or commodities included in any marketing order or marketing agreement made effective pursuant to the provisions of this chapter.

(q) As used in this chapter the terms "directly affecting" or "directly regulated or affected" shall include, in addition to any other method of regulation authorized in this chapter, the levying or collecting of any assessment under any marketing order or agreement or deducting producer assessments from any moneys owed by handlers to producers.

(r) "General rules and regulations" mean rules and regulations, applicable to all marketing orders and marketing agreements, issued and made effective by the director without prior notice and public hearing, to provide uniform methods and procedures to facilitate the administration and enforcement of all such marketing orders and marketing agreements. Such uniform methods and procedures may include but shall not be limited to methods and procedures pertaining to the receiving, depositing and expenditure of moneys received from assessments collected hereunder; the preparation, handling and payment of claim schedules for the payment of bills, salaries and other obligations; establishing the maximum rates to be allowed for travel expenses of board members and board employees; the preparation, verification and filing of evidence relating to violations of marketing orders, agreements and marketing regulations authorized hereunder and other fiscal and administrative activities which the director finds are necessary to obtain reasonable uniformity, efficiency and economy in the administration and enforcement of such marketing orders and agreements of this act.

(s) "Administrative rules and regulations" mean rules and regulations applicable to a particular marketing order or agreement, issued and made effective by the director upon recommendation of the advisory board concerned, without prior notice and public hearing, to provide methods and procedures to facilitate the administration and enforcement of such marketing order or agreement. Such rules and regulations

may include but shall not be limited to methods and procedures for the purpose of explaining or clarifying the provisions of such marketing order or agreement; prescribing reporting forms and procedures to be followed by producers and handlers directly affected by the provisions of such marketing order or agreement; providing information to producers and handlers subject to the provisions of such marketing order or agreement and other similar procedural and explanatory provisions to enable such producers and handlers better to understand the program and their respective obligations thereunder and thereby assist in obtaining co-operation and compliance.

(t) "Seasonal marketing regulations" mean marketing regulations, applicable to a particular marketing order or agreement, made effective by the director upon recommendation of the advisory board concerned without prior notice and public hearing, for the purpose of carrying into effect by administrative order, the marketing regulatory authorizations and provisions of such marketing order or agreement as such authorizations or provisions may be applicable to or required by changing economic or marketing conditions and requirements from time to time during each marketing season in which such marketing order or agreement may operate. Such seasonal marketing regulations shall not extend beyond the marketing regulatory authorizations specified in the marketing order or agreement concerned, or modify or change the language of such marketing order or marketing agreement by adding to or subtracting from such marketing order or agreement any of the marketing regulatory authorizations classed in Section 1300.16 of this act as major amendments or modify the language of any marketing order or agreement for the purpose of clarification as provided in said section of this act for minor amendments.

(u) "Major amendments" are amendments to any marketing order or agreement made effective by the director after notice, public hearing and industry assent as required in this act, which change or modify the language and the provisions of such marketing order or agreement for the purpose of adding to or subtracting from such marketing order or agreement in a manner classed in Section 1300.16 of this act as a major amendment; provided, that the exercise by the director of regulatory authority authorized in a marketing order or marketing agreement shall not be considered to be a major amendment as such amendments are classed in said Section 1300.16 but shall be considered to be seasonal marketing regulations as defined in this section.

(v) "Minor amendments" are amendments to any marketing order or agreement made effective by the director upon recommendation of the advisory board concerned, as specified in subdivision (d) of Section 1300.16, with or without prior notice and public hearing, which change or modify the language or the provisions of any such marketing order or agreement for the purpose of clarification or the removal of conflicts

of meaning without involving changes or modifications of language or provisions which, pursuant to the provisions of this section, are classed as major amendments.

SEC. 2. Section 1300.30 is added to said code, to read:

1300.30. Whenever a provision of this chapter and a provision of Chapter 17 (commencing at Section 4200) of Division 6 of this code are applicable to the same person and subject matter, the provisions of said Chapter 17 shall control; and whenever a provision of this chapter is applicable to any person and subject matter as to which said Chapter 17 makes no express provision, the provision of this chapter shall be applicable. Controlling chapter

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CHAPTER 1923

An act to amend Sections 74012, 74013, 74014, 74015, 74015.5, 74018, 74882, 74883, 74884, 74885, 74885.5, and 74888 of the Government Code, relating to municipal courts.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 74012 of the Government Code is amended to read:

74012. There shall be one clerk who shall receive a minimum salary of three hundred eighty-four dollars ($384) monthly with annual increments, in the manner provided in this article, of nineteen dollars ($19), twenty dollars ($20), twenty-two dollars ($22), and twenty-one dollars ($21) to a maximum of four hundred sixty-six dollars ($466) monthly. Clerk's salary

SEC. 2 Section 74013 of said code is amended to read:

74013. The clerk may appoint:

(a) Three deputy clerks grade III, each of whom shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly. Clerk's appointees

(b) Three deputy clerks grade II, each of whom shall receive a minimum salary of two hundred eighty-three dollars ($283) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), seventeen dollars ($17), fifteen dollars ($15), and eighteen dollars ($18) to a maximum of three hundred forty-eight dollars ($348) monthly.

(c) One deputy clerk grade I who shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), thirteen dollars ($13), fifteen dollars ($15) and seventeen dollars ($17) to a maximum of three hundred fifteen dollars ($315) monthly.

(d) One deputy clerk grade I (half time) who shall receive a minimum salary of one hundred twenty-seven dollars and fifty cents ($127.50) monthly with annual increments, in the manner provided in this article, of seven dollars and fifty cents ($7.50), six dollars and fifty cents ($6.50), seven dollars and fifty cents ($7.50), and eight dollars and fifty cents ($8.50) to a maximum of one hundred fifty-seven dollars and fifty cents ($157.50) monthly.

SEC. 3. Section 74014 of said code is amended to read:

Marshal's salary

74014. There shall be one marshal who shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) monthly.

SEC. 4. Section 74015 of said code is amended to read:

Marshal's appointees

74015. The marshal may appoint three deputy marshals, each of whom shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly.

SEC. 5. Section 74015.5 of said code is amended to read:

Same

74015.5. The marshal may appoint one clerk who shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), thirteen dollars ($13), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred fifteen dollars ($315) monthly.

SEC. 6. Section 74018 of said code is amended to read:

Effective date of salary changes, etc.

74018. The compensation assigned to the salary ranges of officers and attaches of the court by the Statutes of 1959 shall not become payable until October 1, 1959, and there shall be no change of the anniversary dates or salary steps of said officers and attaches merely because a new compensation plan has been assigned to their salary ranges.

SEC. 7. Section 74882 of said code is amended to read:

Clerk's salary

74882. There shall be one clerk who shall receive a minimum salary of three hundred eighty-four dollars ($384) monthly with annual increments, in the manner provided in this article, of nineteen dollars ($19), twenty dollars ($20), twenty-two dollars ($22), and twenty-one dollars ($21) to a maximum of four hundred sixty-six dollars ($466) monthly.

SEC. 8. Section 74883 of said code is amended to read:

74883. The clerk may appoint:

Clerk's appointees

(a) Three deputy clerks grade III, each of whom shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly.

(b) Two deputy clerks grade II, each of whom shall receive a minimum salary of two hundred eighty-three dollars ($283) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), seventeen dollars ($17), fifteen dollars ($15), and eighteen dollars ($18) to a maximum of three hundred forty-eight dollars ($348) monthly.

(c) One deputy clerk grade I who shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), thirteen dollars ($13), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred fifteen dollars ($315) monthly.

SEC. 9. Section 74884 of said code is amended to read:

Marshal's salary

74884. There shall be one marshal who shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) monthly.

SEC. 10. Section 74885 of said code is amended to read:

Marshal's appointees

74885. The marshal may appoint two deputy marshals, each of whom shall receive a minimum salary of three hundred fifteen dollars ($315) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), eighteen dollars ($18), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred eighty-four dollars ($384) monthly.

SEC. 11. Section 74885.5 of said code is amended to read:

Same

74885.5. The marshal may appoint one clerk who shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly with annual increments, in the manner provided in this article, of fifteen dollars ($15), thirteen dollars ($13), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred fifteen dollars ($315) monthly.

SEC. 12. Section 74888 of said code is amended to read:

Effective date of salary changes, etc.

74888. The compensation assigned to the salary ranges of officers and attaches of the court by the Statutes of 1959 shall not become payable until October 1, 1959, and there shall be no change of the anniversary dates or salary steps of said officers and attaches merely because a new compensation plan has been assigned to their salary ranges.

CHAPTER 1924

An act to amend Section 74262 of the Government Code, relating to municipal courts.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 74262 of the Government Code is amended to read:

74262. There shall be one clerk who may appoint one assistant clerk, four court clerks, two supervising clerks, one court clerk assistant, three deputy municipal court clerks, and six clerks II.

CHAPTER 1925

An act to amend Sections 35430 and 35550.1 of the Streets and Highways Code, relating to the Parking District Law of 1951.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 35430 of the Streets and Highways Code is amended to read:

Further acquisitions or improvements

35430. Whenever a district has been formed under this part and a bonded indebtedness has been incurred for public parking facilities as provided in this part, proceedings may later be taken hereunder for the further acquisition or improvement of public parking facilities for the district and the issuance of bonds therefor as provided in this part. Any such proceedings may be initiated by the filing with the clerk of the legislative body of either a petition by the owners of real property in the district or a certified copy of a resolution adopted by the parking place commission. Any such petition or resolution shall request such proceedings and, with respect to the proposed proceedings, additional acquisitions, improvements and bonds therein requested, may contain any matters authorized and shall contain any matters required in an original petition, except that it shall not be necessary to describe the boundaries of the district. The petition shall be signed, filed and certified in the same manner provided in this part for an original petition. Thereafter the procedure specified in this part for the formation of the district and the issuance of the initial bonds shall be followed so far as applicable; provided, however, that at the hearing the legislative body shall have no power to change the boundaries of the district and the acquisitions and improvements finally ordered to be made must be ones which the legislative body, following the hearing, finds to be of benefit to the district as originally formed.

SEC. 2. Section 35550.1 of said code is amended to read:

Commissioners

35550.1. At its discretion, the legislative body of any city may, by ordinance, provide for the appointment, removal, qualifications, terms of office and numbers of members of parking place commissioners for such city. Such board shall have all of the powers and duties of parking place commissioners appointed under this part. Such board, so appointed, may be

an existing board created by city charter or ordinance or a new board created by ordinance. Such board may act for all vehicle parking districts established within said city under this part.

CHAPTER 1926

An act to add Section 4284.1 to, and to amend Section 4288 of, the Streets and Highways Code, relating to Street Opening Act of 1903.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4284.1 is added to the Streets and Highways Code, to read:

Waiver of objections, etc.

4284.1. Any objections, appeals or protests not made at the time and in the manner provided by this chapter shall be deemed to be waived voluntarily by any person who might have made such objection, appeal or protest and such person shall be deemed to have consented to the proposed assessment and any other matter on which objection, appeal or protest could be made.

SEC. 2. Section 4288 of said code is amended to read:

Confirmation of assessment

4288. When no objection is filed or when the orders and the determinations of the legislative body at the hearing have been complied with, and the legislative body is satisfied with the correctness of the assessment and diagram, thereupon the legislative body shall confirm the assessment.

CHAPTER 1927

An act to amend Section 2857 of the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2857 of the Streets and Highways Code is amended to read:

2857. At the hearing on the report, the report, except as to the map, plat or diagram and the assessed valuations and true valuations of and assessments and estimated assessments upon each parcel of land, shall be read before protests are considered. The hearing may be continued from time to time not exceeding 120 days.

CHAPTER 1928

An act to amend Sections 15007, 19577, and 19632 of, and to add Section 19559.5 to, the Education Code as enacted at the 1959 Regular Session, and to amend Section 11544 of the Business and Professions Code, relating to the management and disposition of school district properties.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 15007 of the Education Code is amended to read:

Sewerage, water, etc., facilities

15007. Where a city, district, or other political corporation or subdivision of the State is authorized by law to furnish sewerage, water, or other utility facilities to a school district and is not required to provide for the installation thereof to such school district at its own expense, it may enter into an agreement with such school district whereby the cost of installation will be paid by the school district under such terms as the parties may agree to, with reimbursement from charges made or to be made to other users of such facilities as may be agreed upon between the parties, save insofar as other provisions of law control the terms of such reimbursement. Any agreement made prior to September 11, 1957, between a school district and any of the aforesaid entities, which is otherwise in accordance with this section shall be deemed to be as valid and effective as if such agreement had been entered into subsequent to September 11, 1957.

The governing body of any entity mentioned in the preceding paragraph may by contract reimburse a school district for such portion of such utility facilities as it deems constructed for the benefit of or usable by persons outside of the school site, provided such facilities are dedicated by the school district to the public. Such contract shall provide that the governing body may collect from any person using such facilities, for the benefit of property not within the school site, a reasonable charge for such use. The term "person" herein shall have the same meaning as in Section 11545 of the Business and Professions Code.

SEC. 2. Section 19559.5 is added to said code, to read:

Disposition of replaced property

19559.5. The board shall prescribe instructions specifying the manner in which property, real or personal, being replaced through the apportionment, shall be disposed of, and compliance with the instructions shall be a condition upon the making of the apportionment. The net proceeds derived from such a disposition shall be contributed in reduction of any apportionment. Any school district affected shall comply with instructions prescribed by the board. The board may require a district to transfer to the State, by any instruments deemed appropriate by the board, title to any such property, where-

upon, the board shall dispose of the property in any manner it deems appropriate to insure the highest return to the State, and apply the proceeds therefrom in reduction of apportionments to the district. The district affected shall do all things deemed necessary by the board to implement such disposition. The provisions of this section shall be applicable to property replaced by apportionments heretofore or hereafter made under this chapter or under Chapter 8 of Division 14 of this code.

SEC. 3. Section 19577 of said code is amended to read:

Application: Site, etc., not part of construction project

19577. Notwithstanding any other provisions of this chapter (Sections 19551 to 19689, inclusive), a district which applies for an apportionment for the purchase of a site or comprehensive master plan, or for the cost of the preparation of plans and specifications, which is not a part of a construction project, shall make a separate application for such site, comprehensive master plan, or plans and specifications in the same manner as prescribed by Section 19571.

All of the provisions of this chapter (Sections 19551 to 19689, inclusive) apply to such application and apportionment except that:

(a) If the Department of Education determines that within five years in the case of an application for an elementary grade level maintained by the district, or within seven years in the case of an application for a high school grade level maintained by the district, from the date of the application for the site or comprehensive master plan, or for the plans and specifications, there will be sufficient enrollment in the district to show the need of such site or comprehensive master plan, or for the plans and specifications, it may approve the application. Any application referred to the board pursuant to this section may be either approved in whole or in part, not exceeding the amount applied for, as the board may deem appropriate, pursuant to Sections 19571 and 19576, except that the board may approve additional portions of an application and make an additional apportionment or apportionments within five years of the original approval without requiring a district to issue additional bonds. No additional approval pursuant to the original application or apportionment thereunder may be made unless the board first has investigated and determined the necessity of such additional approval or apportionment, and has received a report thereon from the Department of Education. Any provision of Section 19571 inconsistent with this section shall not apply to such application. As used in this section, an "elementary grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (1) of subdivision (e) of Section 19553. As used in this section a "high school grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (2) of subdivision (e) of Section 19553.

(b) Section 19556 does not apply.

(c) An application for a site pursuant to this section may include an amount for the preparation of plans and specifications for school facilities and for the development of the site, which will conform to those eligible for construction under this chapter (Sections 19551 to 19689, inclusive).

(d) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment for a site or comprehensive master plan, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The repayment of the apportionment for plans and specifications, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the second fiscal year succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter (Sections 19551 to 19689, inclusive). If an apportionment is granted pursuant to this section for a site and such site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter (Sections 19551 to 19689, inclusive), or if an apportionment is granted pursuant to this section for plans and specifications and such plans and specifications are subsequently used in a construction project for which an apportionment is received under other provisions of this chapter (Sections 19551 to 19689, inclusive), the district shall not be required to make any further repayments for the site, or the plans and specifications, as the case may be, pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site, or the plans and specifications, as the case may be, pursuant to this section shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project.

The interpretation by the board of the word "used" in the preceding paragraph and whether or not the district has complied therewith shall be conclusive upon the district affected, after a hearing and finding of the State Allocation Board.

SEC. 4. Section 19632 of said code is amended to read:

Failure to use property for specified purposes

19632. Whenever a school district receives or has received an apportionment for or toward the purchase or improvement of realty or personalty (hereafter referred to as "property") and within five years from the date of the written authorization from a duly authorized representative of the board for the expenditure therefor from state funds or from contributable district funds, sells, leases, exchanges or otherwise disposes of such property or any portion thereof without the consent of the board, the board may demand the return of the state apportionment or such portion thereof it deems proper, plus accrued

interest at the prescribed rate, less any repayment made prior to such demand by the district on account of said apportionment. A district may not at any time while an apportionment remains unpaid or noncanceled, dispose of any property acquired therefrom without the consent of the board, excepting transfers provided for by Article 6, Chapter 2, Division 12 of the Education Code, and existing improvements on an acquired site. Such consent may be subject to such conditions as may be imposed, which may include the application of the consideration received in reduction of any apportionments previously made to the district. Any property into which the consideration from such disposition is converted shall be and remain the property of the State as if an apportionment had originally been authorized therefor.

Whenever, in the judgment of the board, a district fails to use property for the purpose or purposes for which an apportionment has been made, within not less than one nor more than five years from the aforesaid authorization, as the board shall determine, the board may demand back the return of the apportionment, or portion thereof, with interest, as specified in the preceding paragraph. The board's interpretation of such "use" in any instance, and whether or not the district has complied therewith, shall be conclusive upon the district effected after a hearing and finding of the board. In addition to the foregoing, the board may at any time subsequent to the expiration of the last mentioned period, while an apportionment remains unpaid or uncanceled, determine that a site or portion thereof, purchased in whole or in part with said apportionment is not being used for the purpose or purposes for which such apportionment was made, which determination shall be conclusive upon the district after a hearing and finding of the board. Pursuant to such determination, the board may direct the sale or other disposition of such site or portion thereof by the State or by the district and apply the proceeds, after deducting expenses it determines necessary to facilitate such disposition, in reduction of said apportionment, plus accrued interest. Any excess shall be applied in reduction of any other unpaid or noncanceled apportionments, plus interest, as the board shall direct, any remaining proceeds thereafter being payable to the district. For the purposes of such determination of disposition, the district shall, whenever directed by the board, convey record title to such site or portion thereof to the State and/or do any other acts deemed necessary by the board to facilitate such disposition or implement the terms thereof. Any disposition authorized to be made hereunder by the district shall be made in accordance with the procedure prescribed by the Education Code for the disposition of unneeded school property, otherwise as directed by the board, provided that the consideration to be received shall be subject to the approval of the board or its delegate for that purpose.

Written notice of any demand prescribed by this section, setting forth the amount due the State pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following receipt of such notice, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

Whenever a school district receives or has received an apportionment under this chapter (Sections 19551 to 19689, inclusive) for the purchase of a site which contains existing improvements, the board may require the district to dispose of such existing improvements as a condition of receiving an apportionment in such manner as the board deems proper, and contribute the net proceeds therefrom or the value of any consideration received therefor, in reduction of any apportionment. In the event that the district is not so required to dispose of such existing improvements but after receiving such apportionment subsequently disposes thereof, the net proceeds therefrom or the value of the consideration received therefor, shall be contributed by the district in reduction of any remaining indebtedness to the State under this chapter (Sections 19551 to 19689, inclusive) or Chapter 8 (Sections 19401 to 19486, inclusive) of this division of the Education Code.

Where a district has been unable to use any building site acquired by an apportionment under this chapter (Sections 19551 to 19689, inclusive) because of the delay of the board in acting upon its application for an apportionment for the planning and construction of school buildings on such site, the board may withhold demand for repayment of the apportionment for such building site for a period of not less than one or more than three years after approval of the apportionment for planning and construction.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Whenever the consent of the board is required in this section, it may be given by written authorization of its authorized representative for that purpose. The provisions of this section, including the term "apportionment" or "apportionments," shall be deemed to be applicable to apportionments heretofore or hereafter made under this chapter (Sections 19551 to 19689, inclusive) or Chapter 8 (Sections 19401 to 19486, inclusive) of Division 14 of the Education Code.

SEC. 5. Section 11544 of the Business and Professions Code is amended to read:

11544. Whenever the governing body has reimbursed or agreed to reimburse a subdivider or school district for the construction of a lateral or other facility, or any facilities contemplated by Section 15007 of the Education Code, which can or will be used by persons for the benefit of property other than that being subdivided by such subdivider, or for the benefit of property outside of a school site belonging to the school district, such governing body may impose and collect for such use a reasonable charge.

Charge for reimbursement

CHAPTER 1929

An act to amend Sections 14302, 14303, and 14306 of, and to add Section 14309.1 to, the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the State Teachers' Retirement System and providing for retirement for disability and adjusting disability allowances therein.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14302 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

14302. Any member who is qualified for retirement for disability under the provisions of Section 14303 and who is physically or mentally incapacitated for further service may be retired for disability by the retirement board upon his application, or upon the application of his employer, if the retirement board determines, on the basis of competent medical opinion secured by it, that the incapacity is of permanent or of extended and uncertain duration; provided, that such application is made (a) while he is employed in a status requisite for membership in this retirement system and is receiving compensation because of such employment, or (b) while he is serving in the active military service of the United States, or in any other service stated in Section 14061; provided, that time in such service will qualify for credit as service under this retirement system, or (c) while he is physically or mentally incapacitated for performance of his duty and such incapacity has been continuous from the last day for which compensation was paid to him, or (d) while he is on a leave of absence without compensation, granted for reason other than serving in services included in subdivision (b) of this section, or mental or physical incapacity for performance of his duty, and within 18 months after the last day of employment for which compensation was paid, or (e) when he

Retirement for disability

is retired concurrently under the State Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or (f) within four months after the termination of the member's employment in a status requisite for membership in this retirement system; provided, first, that such application could not be made under the provisions of subdivisions (b) or (c), and, second, that such application shall not be made more than 18 months after the last day for which compensation was paid to him.

SEC. 2. Section 14303 of said code is amended to read:

Same Requisites

14303. A member may be retired for disability only if he (a) is credited with five or more years of service, the last five of which have been served in this State, or (b) is credited with service rendered in this State and is being retired concurrently under the State Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or (c) has attained the age at which classification of persons as permanent employees of school districts ceases, and is credited with five or more years of service, the last four of which have been served in this State. A member qualifying under this subdivision (c) shall be deemed to be incapacitated for further service and he shall be retired upon his application.

SEC. 3. Section 14306 of said code is amended to read:

Service prior to July 1, 1935

14306. If the last day of a member's service was rendered prior to July 1, 1935, he shall have the right to make application for retirement, only after rendering additional service in a status requisite for membership in this system, of not less than two years.

SEC. 4. Section 14309.1 is added to said code, to read:

Reduction of disability allowance

14309.1. If, prior to attaining the age of 55 years, a person who is entitled to receive a retirement allowance because of his retirement for disability, engage in a gainful occupation not in a status requisite for membership in the retirement system, the board shall reduce the portion of his monthly retirement allowance which is not provided by his accumulated contributions, to an amount, which when added to the compensation earned monthly by him, shall not exceed the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such a position then exists, such compensation earnable immediately prior to its abolition. If his earnings are further altered, the board shall further alter such portion of his retirement allowance to the lower of the following amounts:

(a) The amount of such portion of his retirement allowance as it would be if not reduced under this section.

(b) An amount which, when added to the compensation earned by him, shall equal the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his

retirement, and in the same salary step or rating, or if no such a position then exists, such compensation earnable immediately prior to its abolition.

When he attains the age of 55 years, his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified under this section.

CHAPTER 1930

An act to amend Section 74041 of the Government Code, relating to judges of the Palo Alto-Mountain View Judicial District.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 74041 of the Government Code is amended to read:

74041. There shall be three judges.

SEC. 2. The amendment to Section 74041 of the Government Code, made by this act, shall become operative on September 1, 1960.

CHAPTER 1931

An act to amend Section 226 of the Public Utilities Code, relating to passenger stage corporations.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Public Utilities Code is amended to read:

226. "Passenger stage corporation" includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of any passenger stage over any public highway in this State between fixed termini or over a regular route except those, 98 percent or more of whose operations as measured by total route mileage operated, are exclusively within the limits of a single city or city and county, or whose operations consist solely in the transportation of bona fide pupils attending an institution of learning between their homes and such institution.

For the purposes of this section, the percentage of the route mileage within the limits of any city shall be determined by the Public Utilities Commission on the first day of January of each year, and such percentage so determined shall be presumed to continue for said year.

"Passenger stage corporation" does not include that part of the operations of any corporation or person engaged in the ownership, control, operation or management of any passenger stage over any public highway in this State, whether between fixed termini or over a regular route or otherwise, engaged in the transportation of any pupils or students to and from a public or private school, college or university, or to and from activities of a public or private school, college or university, where the rate, charge, or fare for such transportation is not computed, collected, or demanded on an individual fare basis.

CHAPTER 1932

An act to amend Section 4614.14 of the Health and Safety Code, relating to municipal sewer districts.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 4614.14 of the Health and Safety Code is amended to read:

4614.14. The governing body of the initiating city may cause to be levied and collected an annual tax not to exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation in the district for each year for the payment of the costs of maintenance and operation of the properties of the district and the costs of formation and other administrative expenses, including, but not limited to, the cost of clearing or otherwise improving and repairing existing natural or artificial facilities, costs of preparation of plans and of engineering reports, attorneys' fees and the repayment of the initiating city for any such expenses it has incurred. The governing body of the initiating city shall on or before July 15th of each year certify to the board of supervisors of the county in which the district is located the amount of such costs required to be raised by taxes for the then fiscal year. It shall be the duty of the board of supervisors to levy and collect taxes upon the taxable property in the district sufficient to raise the amount so certified and it shall be the duty of the county auditor to compute the rate of taxation required to raise such sum Such annual tax shall be levied and collected in the same manner as district bond principal and interest taxes are levied and collected, and when collected shall be paid by the county treasurer to the city treasurer of the initiating city and shall be used and applied solely for the payment of costs pursuant to this section.

CHAPTER 1933

An act to amend Sections 74742, 74743, 74744, and 74745 of, and to add Sections 74750 and 74751 to, the Government Code, relating to the Municipal Court of the South Bay Judicial District.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 74742 of the Government Code is amended to read:

Clerk

74742. There shall be one clerk, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73650.

SEC. 2. Section 74743 of said code is amended to read:

Clerk's appointees

74743. The clerk may appoint with the approval of the judge:

(a) One chief deputy clerk who shall receive a monthly salary as provided in Schedule No. 3 of Section 73650.

(b) Six deputy clerks. In the discretion of the appointing power not to exceed two of these positions may be filled by the appointment of junior deputy clerks; a junior deputy clerk may be advanced to the position of deputy clerk in the manner in which an original appointment to the position of deputy clerk may be made. Each deputy clerk shall receive a monthly salary as provided in Schedule No. 2 of Section 73650. Each junior deputy clerk shall receive a monthly salary as provided in Schedule No. 1 of Section 73650.

SEC. 3. Section 74744 of said code is amended to read:

Marshal

74744. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73650.

SEC. 4. Section 74745 of said code is amended to read:

Marshal's appointees

74745. The marshal may appoint with the approval of the judge:

(a) One senior deputy marshal, who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

(b) Four deputy marshals II, each of whom shall receive the same salary and allowances as a deputy sheriff of San Diego County, and who shall be accorded the same grade classification for time served as a deputy sheriff of San Diego County, and in the event of any changes in the pay or allowances of deputy sheriffs of San Diego County, the pay schedule or allowances of said deputy marshals II shall be immediately made to conform in all respects with the pay schedule or allowances of said deputy sheriffs of San Diego County.

(c) Three deputy marshals I, clerical, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

SEC. 5. Section 74750 is added to said code, to read:

Salary increase

74750. Should Section 74741 be amended, or any other statute be enacted, to increase the number of judges in the municipal court to more than one, the compensation provided in Section 74742 and Section 74744 for the clerk and the marshal of the municipal court shall on the effective date of such amendment or statute be increased from a monthly salary as provided in Schedule No. 5 of Section 73650 to a monthly salary as provided in Schedule No. 6 of Section 73650.

SEC. 6. Section 74751 is added to said code, to read:

Persons demoted

74751. When any person is demoted to another position in the municipal court, he shall receive the salary provided by step C for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may fix the salary of the person so demoted at any step provided for the lower position the compensation for which is not higher than the last previously received by such person.

CHAPTER 1934

An act to amend Sections 73642, 73643, 73644, 73645, and 73650 of the Government Code, relating to the Municipal Court of the El Cajon Judicial District.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 73642 of the Government Code is amended to read:

Clerk

73642. There shall be one clerk who shall receive a monthly salary as provided in Schedule No. 6 of Section 73650.

SEC. 2. Section 73643 of said code is amended to read:

Clerk's appointees

73643. The clerk may appoint with the approval of the judge:

(a) Two chief deputy clerks each of whom shall receive a monthly salary as provided in Schedule No. 3 of Section 73650.

(b) Twelve deputy clerks. In the discretion of the appointing power not to exceed six of these positions may be filled by the appointment of junior deputy clerks; a junior deputy clerk may be advanced to the position of deputy clerk in the manner in which an original appointment to the position of deputy clerk may be made. Each deputy clerk shall receive a monthly salary as provided in Schedule No. 2 of Section 73650. Each junior deputy clerk shall receive a monthly salary as provided in Schedule No. 1 of Section 73650.

SEC. 3. Section 73644 of said code is amended to read:

Marshal

73644. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 6 of Section 73650.

SEC. 4. Section 73645 of said code is amended to read:

73645. The marshal may appoint with the approval of the judge: Marshal's appointees

(a) One senior deputy marshal, who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

(b) Four deputy marshals II, each of whom shall receive the same salary as a deputy sheriff of San Diego County, and who shall be accorded the same grade classification for time served as a deputy sheriff of San Diego County, and in the event of any changes in the pay or allowances of deputy sheriffs of San Diego County, the pay schedules or allowances of said deputy marshals II shall be immediately made to conform in all respects with the pay schedule or allowances of said deputy sheriffs of San Diego County.

(c) Four deputy marshals I, clerical, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

SEC. 5. Section 73650 of said code is amended to read:

73650. The compensation of the clerk and marshal of the municipal court and their deputies shall be as follows: Salary schedule

Schedule	A	B	C
1	$343	$360	$378
2	417	438	460
3	507	532	559
4	532	559	587
5	679	713	749
6	713	749	786

(a) Unless otherwise specifically provided, each person appointed to a position enumerated in this article shall, for the first six months of service, receive monthly the rate of compensation specified in Step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, such person shall receive monthly the rate of compensation specified in Step B of the salary schedule for the position occupied. On and after the first day of the month following the first 12 months of such service at the rate specified in Step B, such person shall receive monthly the rate of compensation specified in Step C of the salary schedule for the position occupied.

(b) When any person is demoted to another office or position he shall receive the third step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person.

CHAPTER 1935

An act to amend Sections 73952, 73953, 73954, and 73955 of, and to add Sections 73960 and 73961 to, the Government Code, relating to the Municipal Court of the Oceanside Judicial District.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 73952 of the Government Code is amended to read:

Clerk

73952. There shall be one clerk, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73650.

SEC. 2. Section 73953 of said code is amended to read:

Clerk's appointees

73953. The clerk may appoint with the approval of the judge:

(a) One chief deputy clerk who shall receive a monthly salary as provided in Schedule No. 3 of Section 73650.

(b) Nine deputy clerks. In the discretion of the appointing power not to exceed two of these positions may be filled by the appointment of junior deputy clerks; a junior deputy clerk may be advanced to the position of deputy clerk in the manner in which an original appointment to the position of deputy clerk may be made. Each deputy clerk shall receive a monthly salary as provided in Schedule No. 2 of Section 73650. Each junior deputy clerk shall receive a monthly salary as provided in Schedule No. 1 of Section 73650.

SEC. 3. Section 73954 of said code is amended to read:

Marshal

73954. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73650.

SEC. 4. Section 73955 of said code is amended to read:

Marshal's appointees

73955. The marshal may appoint with the approval of the judge:

(a) One senior deputy marshal who shall receive a monthly salary as provided in Schedule No. 4 of Section 73650.

(b) Four deputy marshals II, each of whom shall receive the same salary and allowances as a deputy sheriff of San Diego County, and who shall be accorded the same grade classification for time served as a deputy sheriff of San Diego County, and in the event of any changes in the pay or allowances of deputy sheriffs of San Diego County, the pay schedules or allowances of said deputy marshals II shall be immediately made to conform in all respects with the pay schedule or allowances of said deputy sheriffs of San Diego County.

(c) Three deputy marshals I, clerical, each of whom shall receive a monthly salary as provided in Schedule No. 2 of Section 73650.

SEC. 5. Section 73960 is added to said code, to read:

Salary increase

73960. Should Section 73951 be amended, or any other statute be enacted, to increase the number of judges in the munici-

pal court to more than one, the compensation provided in Section 73952 and Section 73954 for the clerk and the marshal of the municipal court shall on the effective date of such amendment or statute be increased from the compensation provided in Schedule No. 5 of Section 73650 to the compensation provided in Schedule No. 6 of Section 73650.

SEC. 6. Section 73961 is added to said code, to read:

Persons demoted

73961. When any person is demoted to another position in the municipal court, he shall receive the salary provided by step C for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may fix the salary of the person so demoted at any step provided for the lower position the compensation for which is not higher than the last previously received by such person.

CHAPTER 1936

An act to amend Section 54523 of the Government Code, relating to revenue bonds.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 54523 of the Government Code is amended to read:

54523. In the resolution authorizing the bonds, the local agency may agree that the statement shall be prepared or audited by an independent certified public accountant or public accountant and shall be in the form and contain the detail specified in the resolution.

CHAPTER 1937

An act authorizing the sale of an armory in the City and County of San Francisco, and providing for disposition of the proceeds thereof.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. The Department of Finance is authorized to sell to the College of Physicians and Surgeons of San Francisco, a nonprofit corporation, on such terms as will be to the best interests of the State, the armory situated at Fourteenth and Mission Streets in the City and County of San Francisco.

SEC. 2. The proceeds of the sale authorized by Section 1 shall be available to the Adjutant General for expenditure for armory purposes within the City and County of San Francisco.

CHAPTER 1938

An act to amend Section 1 and repeal Sections 2 and 3 of Chapter 687 of the Statutes of 1935, relating to the granting of certain tidelands and submerged lands of the State to the County of Santa Cruz.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 687 of the Statutes of 1935 is amended to read:

Section 1. There is hereby granted to the County of Santa Cruz and to its successors all right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all those tidelands and submerged lands in the present County of Santa Cruz, and more particularly bounded and described as follows, to wit: All tidelands and submerged lands in Monterey Bay fronting the village of Capitola in said county, situated east of a prolongation of the easterly line of Forty-ninth Avenue, produced southerly, and west of a prolongation of the westerly line of Central Avenue, produced southeasterly; to be forever held by said County of Santa Cruz in trust for the uses and purposes and upon the expressed conditions following, to wit:

(a) That said lands shall be used by said county for the establishment, improvement and conduct of the harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion of commerce, navigation and fisheries, and for the establishment and maintenance of bathhouses and bathing facilities and boathouses necessary or convenient for the inhabitants of said county, and said county shall not at any time grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; provided, however, that said County of Santa Cruz may grant franchises thereon for wharves, docks, piers, slips, quays, bathhouses and bathing facilities, boathouses and any other public uses and purposes, and may lease said lands, or any part thereof, for any of said uses or purposes hereinabove enumerated, for any purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation of said harbor, to persons, firms or corporations for a period not exceeding 50 years; provided, however, that said county may have the right to renew such lease or leases for the further term not exceeding 25 years, or to terminate the same upon such terms, reservations and conditions as may be stipulated in such lease or leases.

Nothing contained in this subdivision (a) shall be deemed to affect the validity or term of any franchise previously granted by the County of Santa Cruz under Article 1 (commencing at Section 6001), Chapter 1, Division 3 of the Public Utilities Code, and any such franchise shall be effective with respect to said land when title thereto passes to said county hereunder.

Every such lease shall provide for the payment of rentals to the County of Santa Cruz, which said rentals shall be either at an agreed figure, or shall be arrived at in such manner as may be mutually agreed upon, and provided for in said lease or leases.

Said leases shall also provide that at no time during their term, shall the said County of Santa Cruz be required to make any improvements on or for the benefit of the leased lands. Every lease so executed shall reserve to the board of supervisors and to the people of the County of Santa Cruz the right and privilege by ordinance duly adopted, to terminate, change or modify such lease or leases on such terms, reservations and conditions as may be stipulated in such lease or leases.

(b) That said harbor shall be improved by said county without expense to the State of California, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said land or any part thereof for any vessel or other water craft or railroad owned and operated by the State of California.

(c) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

(d) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(e) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interests. If the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, has filled any tide or submerged lands and such lands are taken by the State for highway purposes, the State shall reimburse the county, its successors or assigns, or any person, firm or public or pri-

vate corporation claiming under it, for expenditures incurred in filling such lands.

(f) The provisions of this section shall not be construed to prevent the County of Santa Cruz from conveying to another public agency, within 10 years from the effective date of the amendment of this section made at the 1959 Regular Session of the Legislature, the tide lands and submerged lands referred to in this section, subject to the trusts and conditions and for the uses and purposes expressed herein; provided, that the board of supervisors has found and determined that such a conveyance would be in the public interest; and provided, that notification of such conveyance be given to and acknowledged by the State Lands Commission prior to the effective date of such conveyance.

SEC. 2. Section 2 of said act is repealed.

SEC. 3. Section 3 of said act is repealed.

CHAPTER 1939

An act to add Section 229 of the Labor Code, relating to payment of wages.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 229 is added to the Labor Code, to read:

229. Actions to enforce the provisions of this article for the collection of due and unpaid wages claimed by an individual may be maintained without regard to the existence of any private agreement to arbitrate. This section shall not apply to claims involving any dispute concerning the interpretation or application of any collective bargaining agreement containing such an arbitration agreement.

CHAPTER 1940

An act authorizing the Director of Finance to dispose of property belonging to the State.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Finance is hereby authorized to sell, exchange, or otherwise dispose of, for value, and upon such terms and conditions and with such reservations and exceptions, as in his opinion may be for the best interest of the State, all or any part of the following real property:

Parcel 1. Approximately 0.6 acre of real property known as the Agostini Building, also known as the Key Route Building, and adjacent parking area, being a portion of the block bounded by Grove Street, West Grand Avenue, Twenty-second Street and San Pablo Avenue, in the City of Oakland, County of Alameda, State of California.

Parcel 2. Lot 10 of Hurd's Ocean View Tract, in the City of Hermosa Beach, County of Los Angeles, State of California.

Parcel 3. Approximately 125 acres being portions of Rancho Ex-Mission, County of Ventura, State of California, comprising the existing Ventura School for Girls.

Parcel 4. Approximately 0.53 acre being a portion of the south one-half of Lot 24 of Stephenson's Addition to Visalia, in the City of Visalia, County of Tulare, State of California, and comprising the present office of the California Highway Patrol.

Parcel 5. Approximately 175 acres of unimproved real property comprised of four parcels of land containing various acreage, said parcels not being contiguous, at Metropolitan State Hospital, being portions of Sections 8, 17 and 18, Township 3 South, Range 11 West, S.B.B.M., in the County of Los Angeles, State of California.

Parcel 6. Approximately 357 acres in the County of Orange, State of California, being the westerly portion of the site for Fairview State Hospital.

Parcel 7. Approximately 1.85 acres located within the easterly 250 feet of the westerly 499 feet of the Tahoe Fish Hatchery, being a portion of the Southwest one-quarter of Section 32, Township 16 North, Range 17 East, M.D.B.M., in the County of Placer, State of California.

With respect to the real property contained in this parcel, the Director of Finance is authorized to enter into a lease purchase agreement not to exceed 20 years with the County of Placer, upon such terms and conditions and with such reservations and exceptions as in his judgment may be in the best interests of the State.

Parcel 8. Approximately 0.08 acre of unimproved real property at the Compton Armory site, being a portion of Lot 2, Range 1 of Temple and Gibson Tract, in the City of Compton, County of Los Angeles.

As to this parcel, which was originally conveyed without charge to the State by the City of Compton, the Director of Finance, with the consent of the Adjutant General, is authorized to quitclaim to the original grantor at no cost to said grantor, all right, title and interest of the State of California thereto.

Parcel 9. Approximately 2.0 acres of real property at the southwesterly corner of the San Diego Armory site, being a portion of Pueblo Lot 1203 of the Pueblo Lands of the City of San Diego, in the County of San Diego.

As to this parcel, which was originally conveyed without charge to the State by the City of San Diego, the Director of

Finance, with the consent of the Adjutant General, is authorized to quitclaim to the original grantor at no cost to said grantor, all right, title and interest of the State of California thereto.

Parcel 10. Approximately 0.018 acre of real property at the Victorville Armory site, being a portion of the northwest one-quarter of Section 11, Township 5 North, Range 4 West, S.B.B.M., in the County of San Bernardino, State of California

As to this parcel, which was originally conveyed without charge to the State, the Director of Finance, with the consent of the Adjutant General, is authorized to quitclaim to the original grantor at no cost to said grantor, all right, title and interest of the State of California thereto.

Parcel 11. Approximately 165 acres of real property in the County of Los Angeles consisting of a portion of the Kellogg Campus, California Polytechnic College; said acreage comprising the right of way for the proposed extension by the County of Los Angeles of Temple Avenue and that portion of the Kellogg Campus, California Polytechnic College to be severed by said right of way.

Parcel 12. Lot 40 of Tract No. 9116 in the City of San Gabriel, County of Los Angeles, State of California.

Parcel 13. That certain real property consisting of approximately 360 acres in the County of Fresno, known as the Hammer Field property.

SEC. 2. The Director of Finance is authorized to convey and transfer to any local governmental agency or to any nonprofit association that certain parcel of real property designated as the State Burial Ground in San Mateo County and known as the Union Cemetery if such agency or association will undertake to maintain in perpetuity the property for cemetery or public park purposes and upon such terms and conditions as may be mutually agreed upon; provided, it shall be stipulated in the grant that title to the property shall revert to the State of California should the grantee at any time fail to maintain the property as a cemetery or public park.

SEC. 3. Any costs or expenses necessarily incurred in the sale or other disposition of any parcel herein referred to shall be reimbursed from the proceeds of such sale or disposition.

SEC. 4. A copy of each deed of conveyance executed and delivered by the Director of Finance pursuant to this act, shall be delivered to the State Lands Commission.

SEC. 5. Prior to the sale of parcels of property for value pursuant to this chapter, notice thereof shall be posted on the property to be sold and shall be published pursuant to Government Code Section 6061 in a newspaper published in the county in which the real property to be sold is situated, and if there is no newspaper published in such county, notice shall be published in a newspaper published in an adjoining county and shall be posted in at least three public places in the county in which the real property to be sold is situated, including one

posting on the subject property; provided, this requirement shall not be applicable to the disposition of said parcels to any federal, state or local governmental agency.

SEC. 6. Subject to Section 3 hereof, any moneys received from the sale or other disposition of said property shall be paid into the General Fund, except that money received from the sale or disposition of Parcel 7 shall be paid into the Fish and Game Preservation Fund, and money received from the sale or disposition of Parcels 11 and 13 shall be paid into the State Construction Program Fund.

CHAPTER 1941

An act to add Section 31684.1 to the Government Code, relating to retirement of county peace officer members.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 31684.1 is added to the Government Code, to read:

31684.1. In any county subject to the provisions of Section 31676.1, the service retirement allowance of a county peace officer member shall be an amount at least equal to that set forth in Section 31676.1.

CHAPTER 1942

An act to add Section 10184 to, and to repeal Section 10131.1 of, the Business and Professions Code; and to add Article 1 (commencing at Section 3081.01) and to add a heading to Article 2 to, and to amend Sections 3081.1, 3081.3, and 3081.93 of Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, relating to real property loans and brokers.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10184 is added to the Business and Professions Code, to read:

10184. All records, books and accounts of a real estate broker or salesman as defined in this part whether or not actually so licensed shall, upon the appearance of sufficient cause, be subject to inspection and audit by the commissioner or his designated representative.

Inspection and audit of records

SEC. 2. Article 1 (commencing at Section 3081.01) is added to Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, to read:

Article 1. Real Property Loan Brokers

Registration

3081.01. It is unlawful for any real estate broker to act as a real property loan broker within this State without first registering as a real property loan broker with the Division of Real Estate.

Any violation of this section shall be grounds for disciplinary action by the Real Estate Commissioner pursuant to Section 10176 of the Business and Professions Code.

"Real property loan broker"

3081.02. A real property loan broker within the meaning of this article is a real estate broker, other than a lender, who for compensation payable by a borrower or lender, either directly or indirectly, or from the proceeds of a loan, negotiates or solicits a prospective borrower or lender, for the purpose of negotiating a loan to be secured by real property; or who in this State as principal or agent engages in the business of buying, selling or exchanging promissory notes, secured by mortgages or deeds of trust on real property, or makes collateral agreements for buying and selling or for the performance of services in connection with said mortgages and deeds of trust, and who engages in such activities as a main or principal business or vocation or maintains a regular place of business where the public may sell, purchase or exchange such promissory notes.

Same

3081.03. The definition of real property loan broker as set forth in Section 3081.02 does not include the negotiation of loan or loans by a licensed real estate broker in connection with the sale or exchange by him of real property, or the sale or exchange by him of any note or notes made or taken in connection with such transaction.

Application for registration

3081.04. Any licensed real estate broker may file an application for registration as a real property loan broker. The application shall be made in writing to the Real Estate Commissioner, and shall be accompanied by such registration fee as may be established by the commissioner.

Bond

3081.05. The applicant shall if a corporation file and maintain with the commissioner a fidelity bond issued by an admitted corporate surety insurer, in a minimum amount of twenty-five thousand dollars ($25,000) and at all times in a principal amount that is equal to the total aggregate amount of all moneys held by or under the control of the mortgage broker at any one time for the account of others. Said fidelity bond shall be in favor of the applicant and shall provide for the recovery by him for any loss of such funds held by him or his agent or employees arising out of a defalcation, misappropriation or theft of such funds by such agent or employees. If the applicant is an individual or a copartnership, the individual or co-partner shall file with the application in lieu of said fidelity bond, a bond in the sum of not less than five thousand dollars ($5,000) issued by an admitted corporate surety insurer, approved by the commissioner, in which the applicant is the obligor. Any debtor or lender claiming to

be injured by the fraud, deceit, or willful negligence of any real property loan broker may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit, or willful negligence, or the failure to comply with the provisions of this chapter. The provisions of this section shall not be applicable to the negotiation of a loan or loans by a licensed real estate broker in which he does not actually or constructively in any way keep, have charge of, or otherwise handle any of the funds involved in the loan.

Expiration of registration

3081.06. The registration as a real property loan broker shall expire at the same time as does the applicant's license as a real estate broker. Thereafter the license and the registration shall run for concurrent periods.

License insignia

3081.07. When a registration as a real property loan broker has been issued, the applicant's real estate brokers license shall be affixed with a distinctive insignia, as designated by the Real Estate Commissioner, to clearly indicate to the public that the licensee is also registered as a real property loan broker.

Disciplinary provisions

3081.08. Every person registered as a real property loan broker under this article shall be subject to the disciplinary provisions of Article 3 (commencing at Section 10175) of Chapter 3, Part 1, Division 4 of the Business and Professions Code.

Maintenance of funds

3081 09. All funds accepted by a real property loan broker for the purchase of a promissory note secured by a lien on real property or for the negotiation of a loan evidenced by a promissory note secured by a lien on real property, either as principal or as agent, shall be maintained in a trust account in a legal depository until such time as the buyer or lender approves or disapproves of the purchase or loan.

Heading

SEC. 3. An article heading is added to Chapter 8, Title 14, Part 4, Division 3, immediately preceding Section 3081.1, of said code, to read:

Article 2. Real Property Loans

SEC. 4. Section 3081.1 of said code is amended to read:

Loan statement

3081.1. Every person, other than a lender, who, for compensation payable by a borrower either directly or from the proceeds of a loan, negotiates a loan to be secured by real property must, before the borrower becomes obligated to complete the loan, deliver to the borrower a statement in writing, containing all the information required by Section 3081.2. It shall be personally signed by the borrower, and by the person negotiating the loan, or his authorized representative. The person negotiating the loan, or his authorized representative, in said statement shall certify that the loan is being made in compliance with the provisions of this chapter When so executed, an exact copy thereof shall be delivered to the borrower at the time of its execution. The person negotiating the loan shall retain on file for a period of three years after the

original date fixed for termination of the note a true and correct copy of such statement as signed by the borrower.

No person in connection with or incidental to the making of any loan regulated by this chapter shall induce, require or permit such statement to be signed by a principal to the transaction if such statement contains any blank portions required by subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), or (j) of Section 3081.2; except that the person shall state a street number or other identification of the property and then may complete or fill in a blank or blanks with the legal description of the property, the closing date of the sale and the identity of the lender at a time subsequent to the time when the principal signs the statement.

SEC. 5. Section 3081.3 of said code is amended to read:

Maximum costs, etc.

3081.3. The maximum amount of total costs, expenses, charges, and interest to be paid on any note, by a borrower, executed under this chapter shall be as follows:

(a) The total amount of all costs and expenses referred to in paragraph (a) of Section 3081.2 which are to be paid by the borrower shall not exceed 4 percent (4%) of the principal amount of the note or one hundred twenty dollars ($120), whichever is greater, but in no event to exceed two hundred fifty dollars ($250), and not exceeding costs and expenses paid, incurred or earned. If the total amount of the costs and expenses exceeds the estimated amount in the statement furnished to the borrower, the person negotiating the loan shall so inform the borrower in writing and the borrower may withdraw from the transaction, subject, however, to the borrower's obligation for actual costs and expenses theretofore incurred or paid to persons other than the person negotiating the loan.

(b) The total amount of the charges referred to in paragraph (b) of Section 3081.2 shall not exceed the following amounts:

1. In the case of a loan secured in whole or in part by a first mortgage or first trust deed, except as provided in paragraph 3, 5 percent (5%) of the principal amount of the note referred to in paragraph (e) of Section 3081.2 where the term of the loan is for a period of less than three (3) years or 10 percent (10%) where the said period is for three (3) years or more.

2. In the case of a loan secured in whole or in part by a mortgage or trust deed, other than a first mortgage or first trust deed, except as provided in paragraph 3, five percent (5%) of the principal amount of the note referred to in paragraph (e) of Section 3081.2 where the term of the loan is for a period of less than two (2) years, ten percent (10%) where the term of the loan is for a period of two (2) years but less than three (3) years, and fifteen percent (15%) where the term of the loan is for a period of three (3) years or more.

3. A. In the case of a loan secured in whole or in part by a first mortgage or first deed of trust if at the time of the

transaction it is understood that the deed of trust is to be subordinated to another lien to secure a loan for building or construction and the mortgage or deed of trust contains a provision providing for the subordination of said security to a subsequent lien that may be placed on said property, the total amount of the charges may be as provided in paragraph 2.

B. In the case a collateral loan is negotiated on a first deed of trust or first mortgage the total charge may be the same as provided in paragraph 1.

C. In the case a collateral loan is negotiated on a second trust deed or second mortgage the total charge may be the same as provided in paragraph 2.

4. If before the date of maturity of the loan, the borrower obtains an additional sum or advance of money on the note, the allowable charges on such additional sum shall not exceed the charges applicable to a new loan for the remainder of the term of the note or any extension thereof.

(c) No loan secured by real property shall be made which provides for payment of interest in excess of ten percent (10%) per year as provided by Section 22 of Article XX of the California Constitution, and as implemented by the Statutes of 1919, page LXXXIII, known as the "Usury Law." Interest charges not otherwise in excess of the limits imposed by this subdivision shall not be deemed to be excessive merely because they are paid not to exceed 30 days in advance.

(d) No loan secured by real property shall be made under this chapter which provides for payment of interest to cover any period prior to the date that the proceeds of the loan are made available by the lender to the borrower or are deposited in escrow.

SEC. 6. Section 3081 93 of said code is amended to read:

3081.93. The provisions of this chapter shall take effect on October 1, 1955. **Effective date**

SEC. 7 Section 10131.1 of the Business and Professions Code is repealed. **Repeal**

CHAPTER 1943

An act to amend Section 28109 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 16, 1959 Filed with Secretary of State July 17, 1959] **In effect September 18, 1959**

The people of the State of California do enact as follows:

SECTION 1. Section 28109 of the Government Code is amended to read:

28109. In a county of the ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year

(b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work within office hours.

(c) Each supervisor, seven thousand eight hundred dollars ($7,800) a year for all services. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(d) Grand jurors and trial jurors in the superior court, municipal court, and justice courts, five dollars ($5) a day while engaged in the performance of the duties required of them by law, and mileage at the rate of fifteen cents ($0.15) per mile one way only.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties. The expenses and the salaries designated in this section for such officers, except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this State, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this State, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

CHAPTER 1944

An act to amend Sections 595 and 599 of, to repeal Section 598 of, and to add Sections 657, 658, and 659 to, the Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 595 of the Agricultural Code is amended to read:

Butter grades

595. All butter sold or distributed in package form shall be classified into grades indicating its quality and shall be labeled and advertised by the use of one of the designations as follows:

First quality.

Second quality.

Repeal

SEC. 2. Section 598 of said code is repealed.

SEC. 3. Section 599 of said code is amended to read:

Butter scoring less than 90

599. Butter scoring less than 90 shall not be sold or served to consumers. Such butter when sold shall be in bulk packages containing not less than thirty (30) pounds, and shall be labeled "for cooking and baking purposes only."

SEC. 5. Section 657 is added to said code, to read:

Quality standards

657. Notwithstanding any other provisions of this chapter, no dairy products, as such products are defined in this code, shall be sold within the State of California unless of a quality comparable to that of the same product which is manufactured or processed under the provisions of this code, except as provided in Section 658.

The director, after public hearing, shall promulgate such quality standards as are necessary for any product defined in this code. Such quality standards shall be no lower than those in effect under regulations of the United States Department of Agriculture, but may be higher if found by the director to effectuate the purposes of this chapter, and of this section, which are, among others, to provide dairy products to the consumers of California of the highest possible quality.

SEC. 5. Section 658 is added to said code, to read:

Same

658. No product for which standards are required to be established pursuant to Section 657 shall be required to meet any quality standards in excess of those in effect under regulations of the United States Department of Agriculture, unless a like product is processed in California and such processors of such like product in California are also required to meet such higher standards.

SEC. 6. Section 659 is added to said code, to read:

Same

659. The director in determining the quality of products sold, but not produced and processed in California, shall ascertain that such products will meet the minimum quality requirements applicable to such products by the standards contained

in, or established by, regulations pursuant to this code. Any standard established or promulgated under the provisions of Sections 657, 658, and 659 shall expire on the ninety-first day after the final adjournment of the general session of the Legislature which next convenes after its adoption.

CHAPTER 1945

An act to add Section 73096 to the Government Code, relating to municipal court reporters in Alameda County.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 73096 is added to the Government Code, to read:

73096. Official reporters in the municipal court established in the Oakland-Piedmont Judicial District, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive thirty-five dollars ($35) a day for the days they actually are on duty under order of the court.

CHAPTER 1946

An act to amend Section 1547 of the Penal Code, relating to rewards for apprehension.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1547 of the Penal Code is amended to read:

1547. The Governor may offer a reward not exceeding one thousand dollars ($1,000) payable out of the General Fund, for the apprehension—

1. Of any convict who has escaped from a State's prison, prison camp, prison farm, or the custody of any prison officer or employee or as further provided in Sections 3059, 4530, or 4531 of the Penal Code;

2. Of any person who has committed, or is charged with the commission of an offense punishable with death;

3. For the arrest of each person engaged in the robbery of, or any attempt to rob any person or persons upon or having in charge in whole or in part any stagecoach, wagon, railroad train or other conveyance engaged at the time in carrying passengers or any private conveyance within this State.

4. For information leading to the arrest and conviction of any person or persons killing or assaulting with a deadly weapon or inflicting serious bodily harm upon a police officer who is acting in the line of duty.

The reward to be paid to the person or persons making the arrest, immediately upon the conviction of the person or persons so arrested.

CHAPTER 1947

An act to amend Section 69599 of the Government Code, relating to superior court judges of San Mateo County.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 69599 of the Government Code is amended to read:

69599. In San Mateo County there shall be seven judges of the superior court.

Judges

SEC. 2. Prior to November 1, 1959, the Governor shall appoint one judge in addition to the five judges now holding office. The other additional judge shall be appointed by the Governor to take office on July 1, 1960.

Additional appointments

CHAPTER 1948

An act to add Section 68110 to the Government Code, relating to judges.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 68110 is added to said code, to read:

68110. Every judge of a court of record of this State shall, in open court during the presentation of causes before him, wear a judicial robe, which he shall furnish at his own expense. The Judicial Council shall, by rule, prescribe the style of such robes.

CHAPTER 1949

An act to amend Sections 69580 and 73075 of the Government Code, relating to courts in Alameda County.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 69580 of the Government Code is amended to read:

Superior court judges

69580. In the County of Alameda there shall be 18 judges of the superior court.

SEC. 2. Section 73075 of said code is amended to read:

Municipal court judges

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	2
Oakland-Piedmont Judicial District	9
San Leandro-Hayward Judicial District	2

Additional appointments

SEC. 3. On or after the effective date of this act the Governor shall appoint one superior court judge in addition to the 16 judges now holding office and one municipal court judge in the Oakland-Piedmont Judicial District in addition to the seven judges now holding office. The other additional superior court judge, and the other additional municipal court judge for the Oakland-Piedmont Judicial District, shall be appointed by the Governor on or after October 1, 1960.

CHAPTER 1950

An act to add Chapter 10 (commencing at Section 3551) to Division 5 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to school district organization.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing at Section 3551) is added to Division 5 of the Education Code, to read:

CHAPTER 10. STUDY GRANTS AND COUNTY MASTER PLANS FOR SCHOOL DISTRICT ORGANIZATION

Article 1. General Provisions

3551. As used in this chapter:

Definitions

(a) "County committee" means a county committee on school district organization.

(b) "Augmented county committee" means a county committee augmented in accordance with Section 3113.

Administration

3552. This chapter shall be administered by the Superintendent of Public Instruction.

Rules and regulations

3553. The State Board of Education shall adopt rules and regulations, not inconsistent with the provisions of this chapter, to carry out the provisions of this chapter.

Article 2. Master Plan of School District Organization

Master plan

3581. On or before September 15, 1963, each county committee shall prepare and submit to the State Board of Education a master plan for including all the territory of the county, including territory of adjacent counties where necessary, in school districts so that each school district shall provide an educational program including all grades from kindergarten or first grade through grade 12 together with other types of reorganization which would constitute intermediate steps to the establishment of districts operating all grades through grade 12. The master plan may include consideration of grades 13 and 14 and the establishment of districts for the provision of an educational program for these grades.

Preparation by Department of Education

3582. If a county committee fails to prepare and submit a master plan on or before September 15, 1963, as required in Section 3581, the State Department of Education shall prepare the master plan for the county, and shall, on or before September 15, 1965, submit it to the State Board of Education for its approval.

Alterations

3583. Within one year after the approval of a master plan by the State Board of Education a county committee may make alterations in the master plan and submit such alterations to the State Board of Education for its approval.

Approval

3584. The State Board of Education may approve all or any portion of a master plan or alterations thereof submitted by a county committee. When the State Board of Education approves all or part of a master plan it shall notify the county superintendent of schools and the county board of supervisors of the county or counties involved.

Elections

3585. Any elections required to carry out the proposals of a master plan or alterations of the master plan shall be called and conducted by the county superintendent of schools of the county in which all or the greater portion of the area is situated at the time recommended by the county committee but shall be held within two years after the date upon which the State Board of Education notifies the county superintendent of its approval.

Preparation procedures

3586. The procedures contained in Chapter 9 (commencing at Section 3001) of this division shall be used in the study and preparation of the master plan. Nothing in this chapter shall prohibit a county committee from making plans and recommendations, as authorized by Chapter 9 (commencing at Section 3001) of this division, prior to the time when the State Board of Education approves the master plan for the county.

Rejection

3587. If the State Board of Education should not approve all or any part of a master plan submitted by a county committee it shall so notify the committee setting forth the reasons for not approving, and the nature of additional data or study which it deems necessary. The county committee shall thereupon reconsider the matter and resubmit a plan covering the

area, the original plan for which was not approved, within six months from the date of the notice from the State Board of Education.

CHAPTER 1951

An act to add Section 75060.4 to the Government Code, relating to the Judges' Retirement System.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 75060.4 is added to the Government Code, to read:

75060.4. For the purpose of Sections 75060 and 75060.6, the commission on qualifications provided by Section 26 of Article VI shall be deemed to consist of the Chief Justice of the Supreme Court, or, if such office be vacant, the Acting Chief Justice, and of the Attorney General, and of a third member, who shall be:

(a) If the judge sought to be retired is a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the district courts of appeal.

(b) If the judge sought to be retired is a justice of a district court of appeal or a judge of a superior or municipal court, the presiding justice of the district court of appeal of the district in which the judge sought to be retired serves, or, if there be two or more such presiding justices, the one who has served the longer as such.

If two or more presiding justices designated in this section shall have served terms of equal length, they shall choose the one who is to be a member of the commission on qualifications by lot, whenever occasion for action arises.

CHAPTER 1952

An act to add Chapter 2.8 (commencing at Section 8160) to Division 1 of Title 2 of the Government Code, relating to the Capitol Building and Planning Commission.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.8 (commencing at Section 8160) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 2.8. CAPITOL BUILDING AND PLANNING COMMISSION

Capitol Building and Planning Commission

8160. There is in the State Government a Capitol Building and Planning Commission.

"Commission"

8161. As used in this chapter "commission" means the Capitol Building and Planning Commission.

Members

8162. The commission shall consist of 13 members appointed by the Governor. He shall appoint three of the members from a list of persons nominated by the Mayor of the City of Sacramento, and three from a list nominated by the chairman of the Sacramento County Board of Supervisors. Each member shall serve without compensation or reimbursement for his expenses.

While each member shall serve at the pleasure of the Governor, the Governor shall, upon request of the mayor or chairman of the board of supervisors, immediately investigate the qualifications and performance of any member who was appointed upon nomination by the official making the request, and may thereafter remove the member from the commission. In the event a member is removed pursuant to this paragraph, his replacement shall be appointed from a list of persons nominated by the official making the request which led to his removal.

Chairman

8163. The chairman of the commission shall be selected by the members thereof.

Secretary, experts, etc

8164. The commission shall appoint a secretary who may be one of its members and may employ such experts and other personnel as it deems necessary to carry out its functions under this chapter. It may also incur expenses necessary to effectuate its purposes.

Meetings

8165. The commission shall meet in the City of Sacramento at such times as a majority of its members deems advisable.

Master plan function

8166. It is the function of the commission to establish a master plan for the orderly development of future state buildings in the Capitol area of the City of Sacramento and the County of Sacramento. In evolving the master plan the commission shall take into consideration the following factors:

(a) The needs of the State relative to the location and design of buildings to be constructed, parking facilities, traffic management and landscaping, including the placement of statues, monuments or fountains as may be deemed desirable for the beautification of the area.

(b) The ordinances, plans, requirements and proposed improvements of the City of Sacramento and the County of Sacramento, including, but not limited to, zoning regulations, population trends, plans for rapid transit development and the Capitol Mall Development Project.

(c) Any other factors which bear upon the orderly, integrated and co-operative development by the State, the City of Sacramento and the County of Sacramento of property in the area of the State Capitol.

State agency assistance

8167. The commission may request the assistance and advice of any state agency in the development of the master plan. Any state agency receiving such a request may render such assistance and advice to the commission.

Co-operation with local governments

8168. The commission shall inform the City of Sacramento and the County of Sacramento of the master plan, and subsequent revisions thereof, and shall make every effort to cooperate with appropriate city and county officials to the end that the development efforts of the State, city and county may be integrated and may proceed without friction.

Submission to Legislature

8169. Upon completion and approval by the commission the plan shall be submitted to the Division of Architecture in the Department of Public Works for additional recommendations and suggestions, and thereafter shall be transmitted to the Legislature at its 1961 Regular Session for adoption as the official state master plan for the development of state buildings in the Capitol area.

Biennial reports

8170. Following the adoption of the official master plan by the Legislature, the commission shall report to that body at its regular session in each succeeding odd-numbered year. The report shall list the state building construction projects initiated or completed since the last report and shall set forth the commission's appraisal of the degree to which such projects conform to the official master plan. The commission may include in its report such recommendations for revisions of the plan as from time to time become necessary or desirable for the orderly development of the Capitol area.

Local government contributions

8171. The City of Sacramento and the County of Sacramento, respectively, may each contribute a sum not to exceed fifteen thousand dollars ($15,000) for the support of the commission, and the commission may accept such contributions.

CHAPTER 1953

An act to amend Section 11601 of the Business and Professions Code, relating to subdivisions, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11601 of the Business and Professions Code is amended to read:

11601. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the board of supervisors of the county wherein any part of the subdivision is located, a good and sufficient bond to be approved by the board and by its terms made to inure to the benefit of the

county and conditioned upon the payment of all state, county, municipal and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is presently an unprecedented population growth within the State and within the cities therein. With it has come an urgent need for housing and adequate commercial and industrial facilities in order to maintain a high level of employment and standards of living. This need has been countered by a tremendous increase in the number of both large and small parcels of land which are being subdivided every day throughout the State. It has also resulted in the greatly expanded use of laws which provide for certain improvements to be constructed pursuant to special assessments which are collected as taxes, thus enabling more rapid development than might otherwise be possible. The use of these laws and the ability to keep pace with growth has, however, been seriously restricted by the present requirement that a bond be filed or money paid in the full amount of such assessment before the final subdivision map may be recorded, notwithstanding the bondholder has already accepted the land as his sole source of security prior thereto. Bonds for a 10 to 25 year obligation may only be obtained from a few insurance companies and at prohibitive cost. It is necessary that subdivisions be able to develop as rapidly and economically as possible in order to assure the continued orderly development of the State.

CHAPTER 1954

An act to amend Sections 18200, 18207, 18406.1, 18412, 18413, 18614, 18616, 18668, and 18673 of the Financial Code, to add Sections 18200.1, 18200.2, 18200.3, 18200.4, 18200.5, 18200.6, 18203.5, 18205.5, 18607.1, 18610.5, 18617.1, 18624.1, 18625, 18626, 18668.1, 18668.2, 18818, 18818.1, and 18818.2 to said code, to add an article heading to Chapter 3 of Division 7, to add an article heading and new Article 2 (commencing with Section 18420) to Chapter 3 of Division 7 of said code, to add Chapter 6 (commencing with Section 18850) to Division 7 of said code, and to repeal Sections 18404, 18414, 18415, and 18818 of said code, relating to industrial loan companies.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 18200 of the Financial Code is amended to read:

Incorporation

18200. When authorized by the Commissioner of Corporations, as provided in this chapter, a corporation may be formed by three or more persons in accordance with the laws of this State for the purpose of conducting an industrial loan business.

SEC. 2. Section 18200.1 is added to said code, to read:

Application

18200.1. The request for authority to organize and establish a corporation to engage in the industrial loan business shall be set forth in an application in such form and containing such information as the commissioner may require and shall be accompanied by a filing fee of two hundred fifty dollars ($250).

SEC. 3. Section 18200.2 is added to said code, to read:

Investigation and examination

18200.2. Upon the filing of an application, the commissioner shall make or cause to be made a careful investigation and examination relative to the following:

(a) Character, reputation and financial standing of the organizers or incorporators.

(b) The need for industrial loan facilities or additional industrial loan facilities, as the case may be, in the community where the proposed industrial loan company is to be located, giving particular consideration to the adequacy of existing industrial loan facilities and the need for further industrial loan facilities in the community.

(c) The ability of the community to support the proposed industrial loan company, giving consideration to (1) the competition offered by existing industrial loan companies; (2) the previous industrial loan history of the community; and (3) the opportunities for profitable employment of industrial loan funds as indicated by the average demand for credit, the number of potential investors, the volume of industrial loan trans-

actions and the business and industries of the community with particular regard to their stability, diversification and size.

(d) The character, banking, industrial loan or finance company or other experience and business qualifications of the proposed officers and managers of the industrial loan company.

(e) The character, financial responsibility, business experience and standing of the proposed stockholders and directors.

(f) Such other facts and circumstances bearing on the proposed industrial loan company as in the opinion of the commissioner may be relevant.

SEC. 4. Section 18200.3 is added to said code, to read:

Approval of application

18200.3. The commissioner shall not approve the application unless he shall ascertain to his satisfaction:

(a) That the public convenience and advantage will be promoted by the establishment of the proposed industrial loan company.

(b) That the industrial loan company is being formed for no other purpose than the legitimate objectives contemplated by this division.

(c) That the proposed capital structure is adequate.

(d) That the proposed officers and directors have sufficient banking, industrial loan, finance company or other experience, ability and standing to afford reasonable promise of successful operation.

(e) That the applicant has complied with all the applicable provisions of this division.

SEC. 5. Section 18200.4 is added to said code, to read:

Incorporation provisions

18200.4. Upon the approval of the commissioner, a corporation may be incorporated under this division in the same manner as corporations are incorporated under Division 1 (commencing with Section 100), Title 1 of the Corporations Code, except as otherwise provided in this division.

SEC. 6. Section 18200.5 is added to said code, to read:

Certificate

18200.5. If the commissioner approves an application for authority to organize and establish a corporation to engage in the industrial loan business, the commissioner shall issue a certificate in duplicate authorizing the organization of a corporation and the operation of an industrial loan business, specifying the date on which and the condition under which the place of business may be opened including the place where it will be located.

SEC. 7. Section 18200.6 is added to said code, to read:

Change of address

18200.6. If an industrial loan company desires to change its place of business to a street address other than that designated in its authorization, it shall give written notice to the commissioner who shall issue his written authorization of such change, provided the commissioner finds such change of place of business would not justify a negative finding with respect to any matters set forth in Section 18200.3.

SEC. 8. Section 18203.5 is added to said code, to read:

Minimum capital stock

18203.5. Notwithstanding the provisions of Section 18203, the capital stock of any corporation incorporated or commenc-

ing business under this chapter after September 18, 1959, shall not be less than three hundred thousand dollars ($300,000).

SEC. 9. Section 18205.5 is added to said code, to read:

Minimum paid-up capital

18205.5. Notwithstanding the provisions of Section 18205, before opening or commencing business in a branch office after September 18, 1959, an industrial loan company shall have and shall thereafter maintain so long as the branch is operated, for each branch so opened, paid-up capital in addition to paid-up capital required by Section 18203.5 of this division in the amount of twenty-five thousand dollars ($25,000).

SEC. 10. Section 18207 of said code is amended to read:

Par value of stock

18207. The capital stock of a company shall be divided into shares of the par value of ten dollars ($10) each or such other par value as is approved by the commissioner.

Heading

SEC. 12. An article heading is added to Chapter 3, Division 7, of said code, to read:

Article 1. General

Repeal

SEC. 13. Section 18404 of said code is repealed.

SEC. 14. Section 18406.1 of said code is amended to read:

Loans secured by real property

18406.1. Except as provided in Section 18406, no industrial loan company shall make any loan or purchase or discount any note secured by real property unless such loan or other obligation is repayable in substantially equal weekly, semimonthly, monthly, or quarterly installments during its term which shall not exceed two years from the date the loan or other obligation is made or acquired by the company except that loans or other obligations of a face amount of two thousand dollars ($2,000) or more may have a maturity of not to exceed three years from the date of making or acquisition.

SEC. 15. Section 18412 of said code is amended to read:

Prohibited loans

18412. No industrial loan company shall directly or indirectly make any loan to, or purchase a contract or chose in action from:

(a) A person who is an officer, director, or holder of record or beneficially of 10 percent or more of the shares of the industrial loan company.

(b) A person in which an officer, director or holder of record or beneficially of 10 percent or more of the shares of the industrial loan company directly or indirectly is financially interested, directly or indirectly.

(c) A person who acquired such contract directly or indirectly or through intervening assignments from a person described in (a) or (b) hereof.

Any officer, director or shareholder of an industrial loan company who directly or indirectly makes or procures or participates in making or procuring a loan or contract in violation of this section or knowingly approves the same is personally liable for any loss resulting to an industrial loan company from such loan or contract (in addition to any other penalties provided by law).

SEC. 16. Section 18413 of said code is amended to read:

18413. No industrial loan company may make any loan to, or purchase or discount bona fide trust receipts secured or unsecured, choses in action, chattel mortgages or conditional sales contracts or any other property from persons who do not reside or have a place of business in the State of California, unless the loan or purchase complies with all of the following conditions: Loans, etc., to non-residents

(a) If the loan or thing purchased is unsecured, then only if the loan or thing purchased bears the unqualified written guaranty of a financially responsible person considering the amount of the obligation who resides or has a place of business in the State of California.

(b) If the documents and security for the loan or the thing purchased or discounted and all records relating to the transaction are in California at the time the loan or purchase or discount is made and are thereafter kept in California while the loan or thing purchased or discounted remains unsatisfied, except that where the security is aircraft, such security need not be in California at the time the loan or purchase or discount is made, nor need it thereafter be held in California while the loan or thing purchased or discounted remains unsatisfied.

If a loan is made or other thing is purchased or discounted in violation of this section, or of Section 18668, the officers, directors and shareholders of the industrial loan company participating therein or knowingly approving the same shall be personally liable for any loss suffered by the industrial loan company by reason thereof.

SEC. 17. Sections 18414 and 18415 of said code are repealed. Repeal

SEC. 18. Article 2 (commencing with Section 18420) is added to Chapter 3, Division 7, of said code, to read:

Article 2. Branch Offices

18420. When authorized by the commissioner as provided in this division, an industrial loan company, pursuant to a resolution of its board of directors, may establish and maintain one or more branch offices within the State. Branch offices

18421. The request for authority to establish a branch office shall be set forth in an application in such form and containing such information as the commissioner may require and shall be accompanied by an application fee of one hundred dollars ($100) for each new branch office. Application for branch office

18422. The commissioner shall not approve an application for a branch office until he has ascertained to his satisfaction that the facts set forth in the application are true and: Same Approval

(a) That the public convenience and advantage will be promoted by the establishment of the proposed branch office.

(b) That the industrial loan company has the capital required by this division.

Branch office: Certificate

18423. When the commissioner has approved an application for permission to establish a branch office and the applicant pays to the commissioner an additional fee of one hundred dollars ($100) for a certificate of authorization to transact business, the commissioner shall issue a certificate in duplicate authorizing the opening and operation of the branch office and specifying the date on which and the conditions under which it may be opened and the place where it will be located. The commissioner shall cause one copy to be transmitted to the applicant and the other copy to be filed in the department.

Failure to open office

18424. The failure of an industrial loan company to open and operate a branch office within six months after the commissioner approves the application therefor shall automatically terminate the right of the industrial loan company to open the branch office except that the commissioner, for good cause on written application made before the expiration of the six months' period, may extend for additional periods not in excess of six months each the time within which the branch office may be opened.

Opening of unauthorized office

18425. An industrial loan company which opens a branch office without first obtaining the approval of the commissioner shall forfeit to the people of the State the sum of one hundred dollars ($100) for every day during which the branch office is maintained without authority.

Change of location

18426. When authorized by the commissioner an industrial loan company may change the location of a branch office from one location to another.

Certificate display

18427. Every industrial loan company shall keep posted in a conspicuous place in each branch office the certificate issued by the commissioner permitting the operating of the branch office.

Exception

18427.1. The provisions of Sections 18421, 18422, 18423, 18424, 18425, and 18427 of said code shall not affect branch offices which are opened and operating prior to September 18, 1959.

Names

18428. An industrial loan company which maintains a branch office or branch offices shall give to each branch office maintained by it a specified designation by name or number and include in the designation the word "branch" or the word "office" and shall prominently display the designation at the place of business of the branch.

Discontinuation

18429. With the prior written approval of the commissioner an industrial loan company may close or discontinue the operation of any branch office provided public notice thereof is given in such manner as the commissioner directs at least 30 days before the date of closing or discontinuance.

After a branch office has been closed or discontinued it may not be reopened without the approval of the commissioner and compliance with Section 18205.5.

SEC. 18.5. Section 18610.5 is added to said code, to read:

Financial statement

18610.5. At the time of furnishing a report under Section 18610 every industrial loan company shall publish a condensed

statement of its financial condition, at least once, in some newspaper of general circulation published in the city or town where its principal place of business is located, or, if no newspaper is published in such city or town, then in some newspaper of general circulation published in the county where its principal place of business is located. The published statement shall set forth such information and be in such form as may be required by the commissioner.

SEC. 19. Section 18614 of said code is amended to read:

Outstanding investment certificates

18614. No industrial loan company shall have outstanding at any time its investment certificates (exclusive of those hypothecated with the company issuing them) in an aggregate sum in excess of 10 times the aggregate amount of its paid-up and unimpaired capital and such of its unimpaired surplus as is declared by a bylaw of the company (not to be amended without the written consent of the commissioner) to be not available for cash dividends.

SEC. 20. Section 18616 of said code is amended to read:

Reserves

18616. The commissioner may require an industrial loan company to establish and maintain reasonable reserves for loans made, and contracts or other property purchased or discounted in accordance with sound business practices. The commissioner may by regulation:

(a) Establish reasonable standards for the classification of loans and contracts as to their delinquency or currency.

(b) Prescribe the conditions requiring the writing off of delinquent loans, contracts or accounts receivable, and the conditions under which they may be restored as part of corporate assets.

(c) Establish the basis upon which reasonable and adequate reserves shall be created and maintained.

SEC. 21. Section 18607.1 is added to said code, to read:

Officers and managers

18607.1. No industrial loan company shall appoint or continue in office any officer or manager who does not have the qualifications required by Sections 18200 3(d) and 18607.

SEC. 22. Section 18617.1 is added to said code, to read:

Advertising

18617.1. An industrial loan company shall not use any advertising nor make any representations which indicate, infer or might lead a person to believe that the company is a bank or that investment certificates are insured unless such is the fact.

SEC. 22.5. Section 18624.1 is added to said code, to read:

Loans at nondesignated places

18624.1. The commissioner may under rules and regulations permit loans to be made or entered into at places other than designated by an industrial loan company in its application if such loans can be so made consistent with the purposes of the Industrial Loan Law.

SEC. 23. Section 18625 is added to said code, to read:

Managing personnel report

18625. Every industrial loan company shall notify the commissioner of every change in the officers, directors and managing personnel of the company and of each branch of the company within 15 days of such change. Such report shall in-

clude a complete identification of each person assuming any such office or duties and such other information as the commissioner shall prescribe. The commissioner may by regulations prescribe the positions or duties which will be deemed to be managing personnel within the meaning of this section.

SEC. 24. Section 18626 is added to said code, to read:

Avoidance

18626. A holding company or any other device may not be used for the purpose of evading or avoiding any of the provisions of this division. This section shall not affect the right of a company to issue preferred stock or debentures when permitted to do so under the Corporate Securities Law.

SEC. 25. Section 18668 of said code is amended to read:

Limitation on loans: Amounts

18668. A company may not make unsecured loans to or hold the unsecured obligations of any one person as primary obligor in an aggregate amount in excess of 5 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18614; provided, however, all unsecured loans or obligations which exceed ten thousand dollars ($10,000) in face amount shall in no event exceed in the aggregate 20 percent of the company's outstanding loans and obligations. Secured loans or obligations must be secured by collateral of a market value of at least 115 percent of the amount owing on the loans or obligations and secured loans or obligations of any person as primary obligor made or held by a company may not, in any event, exceed in the aggregate 20 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18614; provided, however, that the secured loans and obligations which exceed ten thousand dollars ($10,000) in face amount shall in no event exceed in the aggregate 20 percent of the company's outstanding loans and obligations.

SEC. 26. Section 18669 of said code is amended to read:

Term of loan

18669. No industrial loan company shall make any loan for a longer period than two years from the date of making the loan, except as provided in Sections 18406 and 18406.1; provided, however, that a loan in the amount of two thousand dollars ($2,000) or more may be made for a period not exceeding three years from the date of making the loan if the loan is amortized over its life by equal periodic payments.

SEC. 27. Section 18668.1 is added to said code, to read:

Security

18668.1. An obligation shall not be deemed secured by personal property or collateral unless the personal property or collateral held as security is of a kind which has not been declared ineligible by the commissioner. The commissioner may by general regulation declare any particular kinds and classes of personal property ineligible as security. An obligation shall not be deemed secured by real property unless the obligation and the lien securing the same conform to the provisions of Sections 18406.1 and 18668. Secured and unsecured loans shall be represented by separate notes and shall not be combined in any way within one note or notes.

SEC. 28. Section 18668.2 is added to said code, to read:

18668.2. An industrial loan company shall not lend in the aggregate more than 5 percent of its capital and surplus not available for dividends as provided in Section 18614 upon the security of the stock of any one corporation and such stock may not exceed 10 percent of the outstanding stock of said corporation, or upon the security of the bonds of any one obligor except bonds of the United States or for the payment of which the credit of the United States is pledged, bonds of the State of California, or for the payment of which the credit of the State of California is pledged, and bonds of any county, city, metropolitan water district, school district, or irrigation district of the State of California which qualify as investments for savings banks. Limitation on loans

SEC. 28.5. Section 18673 of said code is amended to read:

18673. No industrial loan company shall take any confession of judgment or any power of attorney at the time of making the loan except a power of attorney taken to effectuate the transfer of the ownership of any motor vehicle, the transfer of the ownership of securities, or the cancellation of an insurance policy and the receipt and distribution of any unearned premiums in the event of default in the payment of a loan made to finance the purchase of any such insurance policy. Confession of judgment, etc.

SEC. 29. Section 18818 of said code is repealed. Repeal

SEC. 30. Section 18818 is added to said code, to read:

18818. Whenever it appears to the commissioner that: Possession by commissioner

(a) The capital of any industrial loan company is impaired;

(b) Any industrial loan company has violated its articles of incorporation or any law of this State;

(c) Any industrial loan company is conducting its business in an unsafe or unauthorized manner;

(d) Any industrial loan company refuses to submit its books, papers, and affairs to the inspection of any examiner;

(e) Any officer of any industrial loan company refuses to be examined upon oath touching the concerns of such industrial loan company;

(f) Any industrial loan company has suspended payment of its obligations;

(g) Any industrial loan company is in such condition that it is unsound or unsafe for it to transact business; or

(h) Any industrial loan company neglects or refuses to observe any order of the commissioner made pursuant to Section 18814 of this code unless the enforcement of such order is restrained in a proceeding brought by the industrial loan company;

the commissioner may forthwith take possession of the property and business of such industrial loan company and retain possession until such industrial loan company resumes business or its affairs be finally liquidated as herein provided. Such industrial loan company, with the consent of the com-

missioner, may resume business upon such conditions as he may prescribe.

SEC. 31. Section 18818.1 is added to said code, to read:

Same
Action for injunction

18818.1. Whenever the commissioner has taken possession of the property and business of any industrial loan company, such industrial loan company, within 10 days after such taking, if it deems itself aggrieved thereby, may apply to the superior court in the county in which the head office of such industrial loan company is located to enjoin further proceedings. The court, after citing the commissioner to show cause why further proceedings should not be enjoined and after a hearing and a determination of the facts upon the merits may dismiss such application or enjoin the commissioner from further proceedings and direct him to surrender the property and business to such industrial loan company, or make such further order as may be just.

SEC. 32. Section 18818.2 is added to said code, to read:

Appeal

18818.2. An appeal may be taken from the judgment of the court by the commissioner or by the industrial loan company in the manner provided by law for appeals from the judgment of a superior court. An appeal from the judgment of the court does not operate as a stay of the judgment unless the court, on good cause, so orders. No bond need be given if the appeal be taken by the commissioner but if the appeal be taken by the industrial loan company a bond shall be given as required by Section 943 of the Code of Civil Procedure as condition to any stay.

SEC. 33. Chapter 6 (commencing with Section 18850) is added to Division 7 of said code, to read:

CHAPTER 6. PROHIBITED PRACTICES AND PENALTIES

Felony

18850. Any director, officer, or employee of a company who asks for or receives, or consents or agrees to receive any commission, emolument, or gratuity or any money, property, or thing of value for procuring or endeavoring to procure for any person any loan from such company, or the purchase or discount of any note, contract, or other obligation or property by such company, is guilty of a felony.

Same

18851. Any director, officer or employee of any company who knowingly receives or possesses himself of any of its property otherwise than in payment of a just demand, or with intent to defraud, omits to make or cause to be made a full and true entry thereof in its books and accounts or concurs in omitting to make any material entry thereof, is guilty of a felony.

Same

18852. Any director, officer, or employee of a company who knowingly makes or concurs in making or publishing any false entry in its books or records, any written report, exhibit, or statement of its affairs or pecuniary condition containing any material statement which is false, or having the custody of its books willfully refuses or neglects to make any proper

entry in such books as required by law, or to exhibit or allow the same to be inspected or extracts to be taken therefrom by the commissioner or his deputies or investigators, is guilty of a felony.

Purchase, etc., of company assets

18853. No director, officer, or employee of a company shall purchase, directly or indirectly, or be interested in the purchase of, any of the company's assets for an amount less than the then current market value thereof and any such purchase may not be made without the express approval of the board of directors of the company. Every person violating this section shall be liable to the company for twice the market value of the assets so purchased.

Misdemeanor

18854. Every director of a company who:

(a) In case of the fraudulent insolvency of such company, shall have participated in such fraud; or

(b) Willfully does any act as such director which is expressly forbidden by law or willfully omits to perform any duty imposed upon him as such director by law,

is guilty of a misdemeanor.

The insolvency of a company is deemed fraudulent for the purposes of this section, unless its affairs appear upon investigation to have been administered clearly, legally, and with the same care and diligence that agents receiving a compensation for their services are bound, by law, to observe.

Same

18855. A director, officer, or employee of a company, who concurs in any vote or act by which it is intended to make a loan or purchase a contract in violation of this law is guilty of a misdemeanor.

Same

18856. Any director, officer, or employee of any company, who makes or maintains, or attempts to make or maintain, a deposit of such company's funds with any other person on condition, or with the understanding, express or implied, that the person receiving such deposit make a loan or advance, directly or indirectly, to any director, officer, or employee of the company so making or maintaining or attempting to make or maintain such deposit, is guilty of a misdemeanor.

Same

18857. Every officer or employee of any company who sells investment or thrift certificates knowing that the company is insolvent, is guilty of a misdemeanor.

Felony

18858. Any director, officer, agent or employee of any company, who willfully makes a false or untrue entry in any book or record or in any report, tag, or statement of the business, affairs, or condition, or in connection with any transaction of such company, with intent to deceive any officer, director, or employee thereof, or any agent or examiner, private or official, employed or lawfully appointed to examine into its condition or any of its affairs or transactions, or to any public officer who has authority to examine into its affairs or transactions, or who, with like intent, willfully omits to make a new entry of any matter particularly pertaining to the business property condition, affairs, transactions, assets or accounts of such company in any book, record, report, statement, or tag of such

company, or who with like intent alters, abstracts, conceals, or destroys any book, record, report, statement, or tag of such company made, written, or kept, or required to be made, written, or kept by him or under his direction, is guilty of a felony.

CHAPTER 1955

An act to amend Section 27051 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the administration of the State Library and its services to public libraries.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 27051 of the Education Code is amended to read:

27051. The Department of Education may:

(a) Make rules and regulations, not inconsistent with law, for its government and for the government of the State Library.

(b) Authorize the librarian to appoint such other assistants as are necessary.

(c) Sell or exchange duplicate copies of books.

(d) Keep in order and repair the books and property in the library.

(e) Prescribe rules and regulations permitting persons other than Members of the Legislature and other state officers to have the use of books from the library.

(f) Collect and preserve statistics and other information pertaining to libraries, which shall be available to other libraries within the State applying for the information.

(g) Establish, in its discretion, deposit stations in various parts of the State, under the control of an officer or employee of the State Library. No book shall be kept permanently away from the main library, which may be required for official use. Books and other library materials from public libraries of the State may be accepted for deposit, under agreements entered into by the State Librarian and the public libraries concerned, whereby materials which should be preserved but are rarely used in the region may be stored and made available for use under the same conditions that apply to materials in the State Library.

(h) Collect, preserve, and disseminate information regarding the history of the State.

(i) Serve as regional library for the blind, in co-operation with the Library of Congress.

(j) Give advisory, consultive, and technical assistance with respect to public libraries to librarians and library authorities,

and assist all other authorities, state and local, in assuming their full responsibility for library services.

(k) Serve as the central reference and research library for the departments of state government and maintain adequate legislative reference and research library services for the Legislature.

(*l*) Acquire, organize and supply books and other library informational and reference materials to supplement the collections of other public libraries of the State with the more technical, scientific and scholarly works, to the end that through an established interlibrary loan system, the people of the State shall have access to the full range of reference and informational materials.

(m) Make studies and surveys of public library needs and adopt rules and regulations for the allocation of federal funds to public libraries.

(n) Contract, at its discretion, with other public libraries in the State to give public services of the types referred to in subdivisions (g) and (*l*) of this section, when service by contract appears to be a needed supplement to the facilities and services carried on directly by the State Library.

CHAPTER 1956

An act to add Article 11 (commencing at Section 11640) to Chapter 2 of Part 2 of Division 4 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing at Section 11640) is added to Chapter 2 of Part 2 of Division 4 of the Business and Professions Code, to read:

Article 11. Revocation of Approvals

11640. If no lots in a subdivision for which a final map has been approved and recorded under this chapter prior to the effective date of this section have been sold within five years from the date of recordation of the maps or if none of the improvements required to be made have been made within two years from the date of recordation, the governing body of the city, city and county, or county having jurisdiction of the land under this chapter at the time said public hearing is called may on its own motion hold a public hearing, after notice, to determine whether the approval of such final map should be revoked. If it be determined that such approval should be revoked, the governing body shall by resolution revoke such approval without prejudice to the filing of a new

map pursuant to this chapter. Such revocation shall be effective upon recordation of a certified copy of such resolution in the county in which the map was recorded, and thereupon all streets, ways and other easements dedicated or offered for dedication by such map shall be of no further force or effect.

CHAPTER 1957

An act to amend Section 34311 of the Government Code, relating to organization of new cities.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 34311 of the Government Code is amended to read:

34311. The board shall hold a hearing at the time fixed, and may adjourn the hearing from time to time, for periods not to exceed two months in all.

If upon the final hearing the board of supervisors finds and determines that written protests to the proposed incorporation have been filed with the board, signed by the owners of land within the boundaries of the proposed incorporation representing 51 percent of the total assessed valuation of the land within said boundaries, the jurisdiction of the board of supervisors shall cease; no election shall be called and no further petition for the incorporation of the same or substantially the same area shall be initiated for one year after the date of such determination.

For the purposes of this section written requests for exclusion shall be deemed to be protests.

CHAPTER 1958

An act to amend Section 16626 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to employees in child care centers.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16626 of the Education Code as enacted by the Legislature at its 1959 Regular Session is amended to read:

16626. Each person employed by a school district in a position requiring a child care permit for the care and guidance of children, or for service as a physician, dentist, or nurse, or in the supervision of the child care program, shall

be deemed to be employed in a position requiring certification qualifications, but shall not be entitled to membership in the State Teachers' Retirement System or in any district retirement system for employees in positions requiring certification qualifications.

Each other person employed by a district in a child care center under the provisions of this chapter (commencing at Section 16601) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications, except that he shall not be subject to the provisions of Sections 13701 to 13756, inclusive, of this code.

The provisions of Section 13525, Section 13525.1 or Section 13526 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, shall not apply to employees in Child Care Centers.

A district may lay off an employee required to have such a permit at any time during the school year for lack of work or lack of funds or may provide for his employment for not to exceed 90 days in any one school year on an intermittent basis which shall not be deemed probationary service. The order of lay off shall be determined by length of service. The employee who has served the shortest time shall be laid off first except that no permanent employee shall be laid off ahead of a probationary employee. A permanent employee who has been laid off shall hold re-instatement rights for a period of 39 months from the date of lay off.

Service performed prior to the effective date of this section shall not be included in computing the service required as a prerequisite for attainment of, or eligibility to, classification as a permanent child care center employee.

A person who is employed by a district as a probationary employee in a position requiring a child care permit for the care and guidance of children, or for service as a physician, dentist, or nurse, or in the supervision of the child care program and who has served in such a position for three complete consecutive school years as defined in Sections 13328 and 13464 of the Education Code, immediately prior to the effective date of this section may be dismissed only in accordance with the provisions of Section 13444.

Other persons who are employed as probationary employees in positions requiring such permits on or after the effective date of this section may be dismissed in accordance with the provisions of Section 13443.

CHAPTER 1959

An act to amend Section 5406 of the Labor Code, relating to workmen's compensation.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 5406 of the Labor Code is amended to read:

5406. The period within which may be commenced proceedings for the collection of the benefits provided by Article 4 of Chapter 2 of Part 2 of this division is one year from:

(a) The date of death where death occurs within one year from date of injury; or

(b) The date of last furnishing of any benefits under Chapter 2 of Part 2 of this division, where death occurs more than one year from the date of injury; or

(c) The date of death where the date of death is more than one year after the date of injury and compensation benefits have been furnished.

No such proceedings may be commenced more than one year after the date of death, nor more than 240 weeks from the date of injury.

CHAPTER 1960

An act to amend Section 1243 of the Civil Code, relating to abandonment of homestead.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1243 of the Civil Code is amended to read:

1243. Except as provided in Chapter 2A (commencing with Section 1435.1) of Division 4 of the Probate Code where one or both spouses are incompetent, a homestead can be abandoned only by:

1. A declaration of abandonment executed and acknowledged by the husband and wife, jointly or by separate instruments, if the claimant is married.

2. A declaration of abandonment or a conveyance by the claimant if unmarried.

3. A declaration of abandonment or a conveyance by the grantee named in a conveyance by which one spouse conveys the homestead to the other spouse without expressly reserving his homestead rights.

4. A conveyance or conveyances by both spouses as provided in Section 1242.

5. A declaration of abandonment or a conveyance by the claimant alone in the case of a married person's separate homestead.

CHAPTER 1961

An act to amend Section 30682 of the Streets and Highways Code, relating to the financing and construction of a bridge from San Pedro to Terminal Island.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 30682 of the Streets and Highways Code is amended to read:

30682. For the purpose of providing funds for all engineering, traffic, and financial studies and expenses in connection with the financing and the preparation of the necessary surveys, plans, specifications, and estimates of cost for the construction of the toll bridge, and for the purpose of providing such additional funds, over and above the amount which can be raised through the issuance of revenue bonds, as may be necessary in order to complete the financing of the toll bridge, the authority may, from time to time, direct the Controller to transfer to the authority, for expenditure by the department, the following amounts:

(a) From money in the State Highway Fund required to be expended for the construction of state highways in the County of Los Angeles pursuant to Section 188.4 a sum sufficient to complete the project over and above the amounts made available from the proceeds of revenue bonds and the amounts made available in subdivisions (b) and (c) hereof.

(b) Not to exceed the total of two million dollars ($2,000,000) from money in the Highway Users Tax Fund available for apportionment to the County of Los Angeles. Any amount so transferred shall be deemed to be in the Highway Users Tax Fund for the purpose of making the apportionments from such fund, but the amount payable to the County of Los Angeles from the Highway Users Tax Fund shall be reduced by an amount equal to the transfers so made.

(c) Not to exceed the total of two million dollars ($2,000,000) from money in the State Highway Fund available for allocation and expenditure for city streets within the City of Los Angeles pursuant to Section 194. Any amount so transferred shall be deemed to be in the State Highway Fund for the purpose of making the allocations mentioned in Section 194, but the amount expended from the State Highway Fund for city streets within the City of Los Angeles shall be reduced by an amount equal to the transfers so made.

Of the first nine million dollars ($9,000,000) required for the purpose of completing the project over and above the amount available from the sale of revenue bonds, the transfer shall be made from the above sources as follows:

Five-ninths from the State Highway Fund, two-ninths from the funds mentioned in subdivision (b) and two-ninths from the amounts mentioned in subdivision (c). Additional necessary amounts shall be transferred from the State Highway Fund upon resolution of the California Highway Commission. Such transfers shall be paid out or disbursed solely for the studies and expenses above mentioned and the preparation of the necessary surveys, plans, specifications, and estimates of cost, and for the construction of the toll bridge and the acquisition of the necessary lands and easements therefor. Any amount of such transfers not so expended shall be returned to the particular portion of the fund from which transferred and from it be apportioned or allocated and expended as if the transfer had not been made.

CHAPTER 1962

An act to amend Section 69593 of the Government Code, relating to superior court judges.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be nine judges of the superior court.

CHAPTER 1963

An act to add Article 9.5 (commencing with Section 7040) to Chapter 5 of Part 1 of Division 2 of the Insurance Code, relating to merger of county mutual fire insurers.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 9.5 (commencing with Section 7040) is added to Chapter 5 of Part 1 of Division 2 of the Insurance Code, to read:

Article 9.5. Merger

Merger plan: Review by commissioner

7040. Notwithstanding the provisions of Section 3602 of the Corporations Code, any two of such insurers may merge.

The plan and agreement by which any such merger is to be effected shall be submitted to the commissioner who shall examine the same and may require such provisions to be inserted in the agreement and such actions to be taken in connection with the merger (including but not limited to: (1) the terms of the merger, (2) the terms of the notice of the vote by the members of each such insurer on the merger, and (3) the manner and form of voting thereon by the members of each such insurer) as he may deem necessary in order that the transaction shall be mutually fair and equitable between the respective members and policyholders of the companies parties to the merger. The commissioner shall not approve any such plan and agreement if the by-laws of any insurer party to the merger have been amended within one year prior to the date of filing of such plan and agreement with the commissioner.

Approval by members

7041. When any such plan and agreement shall have been approved by the commissioner, with changes, if any required by him, the same shall be approved by a vote of not less than two-thirds of the members voting at a meeting of the members of each such insurer involved at which there shall be present in person or by proxy at least 10 percent of the members entitled to vote.

Filing and certificate

7042. If the vote is in the affirmative a certified copy of all proceedings relating to the proposed merger shall be filed with the commissioner. If the commissioner finds that the proceedings have been in accordance with the law and his requirements he shall issue his certificate approving the plan and agreement and the merger shall become effective when such certificate, the agreement and any other documents required by law have been filed with the Secretary of State.

County of organization of surviving corporation

7043. After any merger made under the provisions of this article shall have been completed, the surviving corporation shall be deemed, for the purpose of the territorial limit provided in Section 6048, to have been organized not only in its county of organization but also in the county of organization of the county mutual insurer which was merged into it.

Succession to rights and properties, etc.

7044. Any plan of merger under this article shall provide that all rights and properties of the parties to the plan of merger shall accrue to and become the rights and properties of the surviving corporation, which surviving corporation shall succeed to and assume all the obligations and liabilities of the merged corporations in the same manner as if incurred or contracted by the surviving corporation.

CHAPTER 1964

An act to amend Section 16102 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to the storage of vehicles.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16102 of the Vehicle Code is amended to read:

16102. Whenever the registration card and license plates of any motor vehicle are suspended pursuant to Section 16100, the owner of the motor vehicle shall forthwith cause it to be stored at the expense of the owner, in such private or public garage or storage place or places in this State as the owner may select and shall continue the storage for such period of time as is provided in this chapter.

Permission to move the vehicle from one place of storage to another within California may be granted upon application to the department, accompanied by a showing that proof of financial responsibility exists for the period of such operation or when such operation is performed by a bailee insured for bodily injury and property damage in amounts not less than that provided in Section 16059, which coverage is applicable to such operation.

CHAPTER 1965

An act to add Section 25209 to the Government Code, relating to the correction of deeds of real property.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25209 is added to the Government Code, to read:

25209. If real property is conveyed by a county and it is subsequently determined and mutually agreed by the board of supervisors and the person to whom the property was conveyed that an error was made in the description of the property conveyed, so that less property is included in the description than was intended by the parties, the board may by resolution recite the facts of such error and approve such determination and agreement; thereafter the board may execute or cause to be executed a corrective deed without conforming to the requirements of law, if any, for the sale of real property by counties and without commencing a judicial action to reform the deed.

A similar procedure may be followed with respect to property conveyed to a county, where the error results in more property being conveyed than was intended. In either case the resolution of the board shall be conclusive as to the facts recited therein as to good faith purchasers or encumbrancers for value.

This section shall not apply to a conveyance by or to a county if the error is in the published description required by law or charter, nor shall this section require notice of such sale or purchase to be published if not otherwise required by law.

CHAPTER 1966

An act to amend Section 14455.1 of, and to add Section 14455.11 to, the Health and Safety Code, relating to commissioners of county fire protection districts.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 14455.1 of the Health and Safety Code is amended to read:

Commissioner's terms, compensation, etc.

14455.1. If the commissioners are appointed by the board, they shall hold office as provided in Section 14455.11. If the commissioners are elected, they shall hold office for a term of three years. They shall serve without compensation, but may be paid their actual and necessary traveling expenses while on the business of the district. On adoption of a resolution of the board of supervisors permitting reimbursement for travel expense and establishing maximum amounts allowable, the commissioners and employees of the district may be reimbursed for reasonable expenses, including transportation, in attending professional or vocational meetings outside the county in which the district is situated.

SEC. 2. Section 14455.11 is added to said code, to read:

Terms of appointed commissioners

14455.11. Where the commissioners are appointed by the board, the board shall determine whether the commissioners shall serve at the pleasure of the board, or for a term of four years subject to removal by the board for cause. If the commissioners are appointed for four-year terms, the terms of members first appointed shall expire as follows: one member, one year from the effective date of his appointment; one member, two years from the effective date of his appointment; one member three years from the effective date of his appointment; and two members four years from the effective date of their appointments. The determination as to which commissioners shall serve the one-, two-, three- and four-year terms shall be determined by the board by lot.

Operative date

SEC. 3. This act shall become operative on January 1, 1960.

CHAPTER 1967

An act to amend Section 65951 of the Government Code, relating to zoning.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 65951 of the Government Code is amended to read:

65951. Whenever an application for variance, exception, conditional use permit or other similar permit, or for the revocation or modification of same is submitted to a local authority, such authority shall give notice of hearing thereon by publication in a newspaper of general circulation in accordance with Section 65651, and posting said notice in conspicuous places close to the property, or by notice through the United States mails, with postage prepaid and using the addresses from the last adopted tax roll. Procedure for administering any of the above notices shall be governed by the conditions of a local ordinance.

CHAPTER 1968

An act to amend Sections 6357, 7304, 7401, 7452, 7481 and 8651 of the Revenue and Taxation Code, relating to the motor vehicle, sales, and use fuel taxes.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6357 of the Revenue and Taxation Code is amended to read:

Exemptions, collection, etc

6357. There are exempted from the taxes imposed by this part the gross receipts from the distributions of and the storage, use, or other consumption in this State of motor vehicle fuel the distributions of which in this State are subject to the tax imposed by Part 2 (commencing at Section 7301) of this division and liquefied petroleum gas the use of which is subject to the tax imposed by Part 3 of this division, and not subject to refund.

The Controller shall collect the sales tax upon sales of motor vehicle fuel which are subject to tax and refund under Part 2 of this division and the use tax when applicable to the storage, use or other consumption of such fuel by way of deduction from refunds otherwise allowable under that part. He shall transfer the amount of the deductions from the Motor Vehicle Fuel Fund to the Retail Sales Tax Fund.

SEC. 2. Section 7304 of said code is amended to read:

7304. "Motor vehicle fuel" includes gasoline, natural gasoline, and any inflammable liquid, by whatever name the liquid may be known or sold, which is used or is usable for propelling motor vehicles operated by the explosion type of engine. It does not include kerosene or liquefied petroleum gas. "Motor vehicle fuel"

SEC. 3. Section 7401 of said code is amended to read:

7401. The provisions of this part requiring the payment of license taxes do not apply to any of the following: Exemptions

(a) Natural gasoline distributed to a duly licensed distributor under such regulations as the board may prescribe.

(b) Motor vehicle fuel exported from this State by the distributor or delivered by the distributor to any vessel clearing from a port of this State for a port outside of this State and actually exported from this State in the vessel.

(c) Motor vehicle fuel distributed, or delivered on the order of the owner, to a distributor who has furnished bond of one hundred thousand dollars ($100,000) as prescribed by Section 7454 and who has established to the satisfaction of the board that this bond, together with property to which the lien imposed by Section 7871 attaches, is sufficient security to assure payment of all license taxes as they may become due to the State from him under this part.

(d) Motor vehicle fuel sold to the United States Armed Forces for use in ships or aircraft, or for use outside this State.

Every distributor claiming an exemption shall report the exports, sales or distributions to the board in such detail as the board may require; otherwise the exemption granted in this section shall be null and void and all the fuel shall be considered distributed in this State subject fully to the provisions of this part.

SEC. 4. Section 7452 of said code is amended to read:

7452. Applications shall be made on forms to be prescribed, prepared, and furnished by the board. Applications

SEC. 5. Section 7481 of said code is amended to read:

7481. Every person before becoming a producer or broker shall apply for a license on forms prescribed by the board. Each application shall be accompanied by a license fee of ten dollars ($10) payable to the board. It is unlawful for any person to be a producer or broker without first securing a license. If a broker deals exclusively in fuel the use of which is subject to the tax imposed under Part 3, Division 2 of the Revenue and Taxation Code and the broker is required to be licensed as a vendor thereunder, he shall not be required to apply for a broker's license under this section or to file reports under Section 8307 of this part. Producers' and brokers' licenses

SEC. 6. Section 8651 of said code is amended to read:

8651. An excise tax is hereby imposed at the rate of seven cents ($0.07) for each gallon of fuel used, except that with respect to liquefied petroleum gas an excise tax is hereby imposed at the rate of six cents ($0.06) for each gallon of fuel used. Tax levy

SEC. 7. The provisions of this act shall become operative on the first day of the month next succeeding the month in Operative date

which it becomes effective. With respect to distributions of liquefied petroleum gas which have occurred prior to the operative date of this act the provisions of Part 2 (commencing at Section 7301), Division 2, Revenue and Taxation Code shall remain applicable for the collection of the tax, the making of any refund or the effecting of any credit, and the commencement or continuance of any action or proceeding provided by that part.

CHAPTER 1969

An act to amend Section 17703 of, and to add Section 17704 to, the Education Code as enacted at the 1959 Regular Session, relating to apportionment of funds to school districts from the State School Fund.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 17703 of the Education Code is amended to read:

Computation of district aid

17703. (a) Upon request of the district, the Superintendent of Public Instruction shall use in computing district aid under Section 17702 or 17702.1, whichever is in effect, the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the preceding fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the preceding fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 20901.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) If a request is received from a school district and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 17416 shall not apply with respect to any tax revenues to which subdivision (a) applies.

The provisions of this section shall not apply to impounded tax receipts derived from assessment of water, where the procedures of Section 17704 have been been utilized.

SEC. 2. Section 17704 is added to said code, to read:

17704. (a) Upon request of the district, the Superintendent of Public Instruction shall use in computing district aid under Section 17702 and 17702.1, whichever is in effect, the total assessed valuation of property in a district as shown on the equalized assessment roll for the preceding fiscal year, reduced by the portion thereof representing the total assessed valuation of water with respect to which revenues of the district taxes levied in the 1958-1959 Fiscal Year or thereafter have been impounded by the county auditor pursuant to Section 26906.1 of the Government Code. Same

(b) Whenever, after July 1, 1959, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of such impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion under this section, of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) If a request is received from a school district and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 17416 shall not apply with respect to any tax revenues to which subdivision (a) applies.

CHAPTER 1970

An act to amend Sections 8200, 8201, 8203, 8203.1, 8203.5, 8207, 8209, 8212, 8213, and 8216 of, and to repeal Section 8205.1 of, the Government Code, relating to notaries public.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8200 of the Government Code is amended to read:

8200. The Governor may appoint and commission notaries public in such number as he deems necessary for the public convenience. Notaries public may act as such notaries in any part of this State, and they shall receive for their services such fees as are provided by law. Notaries public

SEC. 2. Section 8201 of said code is amended to read:

8201. Every person appointed as notary public shall: Qualifications

(a) Be at the time of appointment a citizen of the United States and of this State, except as otherwise provided in Section 8203.1 of this chapter.

(b) Have resided in this State for 12 consecutive months immediately preceding his appointment, except as otherwise provided in Section 8203.1.

(c) Be not less than 21 years of age.

(d) Be of good moral character.

SEC. 3. Section 8203 of said code is amended to read:

Presidio

8203. At least one notary public appointed and commissioned shall keep an office for the transaction of business in the portion of the City and County of San Francisco known as the Presidio.

SEC. 4. Section 8203.1 of said code is amended to read:

Military and naval reservations

8203.1. The Governor may appoint and commission notaries public for the military and naval reservations of the Army, Navy, Coast Guard, Air Force, and Marine Corps of the United States, wherever located in the State; provided, however, that such appointee shall be a citizen of the United States, not less than 21 years of age, and of good moral character.

SEC. 5. Section 8203.5 of said code is amended to read:

Jurat

8203.5. In addition to the name of the State, the jurat shall also contain the name of the reservation in which the instrument is executed.

Repeal

SEC. 6. Section 8205.1 of said code is repealed.

SEC. 7. Section 8207 of said code is amended to read:

Seal

8207. A notary public shall provide and keep an official seal, upon which shall be engraved the State Seal, the words "Notary Public" and the name of the county in which he maintains his principal place of business. If he transfers his principal place of business to a different county than that shown on the seal, he shall have the seal altered to indicate such change. He shall authenticate with his official seal all official acts.

SEC. 8. Section 8209 of said code is amended to read:

Death, resignation, etc.

8209. If any notary public dies, resigns, is disqualified, removed from office, or allows his appointment to expire without obtaining reappointment within 30 days, his records and all his public papers shall be delivered to the clerk of the county in which his principal place of business is located within 30 days.

SEC. 9. Section 8212 of said code is amended to read:

Bond

8212. Every person appointed a notary public shall execute an official bond in the sum of five thousand dollars ($5,000). Unless the bond is executed by an admitted surety insurer, it shall be approved by a judge of the superior court of the county in which the person maintains his principal place of business.

SEC. 10. Section 8213 of said code is amended to read:

Filing, oath, etc.

8213. Within 20 days from the beginning of the term prescribed in his commission, every person appointed a notary public shall file his official bond, and take, subscribe, and file his oath of office in the office of the county clerk of the county within which he maintains his principal place of business. Upon filing the oath and bond, the county clerk shall

forthwith transmit to the Secretary of State his certificate setting forth the fact of such filing and containing a copy of the official oath, signed by the notary with his own proper signature, and shall forthwith deliver the bond to the county recorder for recording.

If he transfers his principal place of business from one county to another he shall, within 20 days of such transfer, file a new oath of office and bond, or a duplicate of the original bond, with the county clerk of the county to which he transfers.

A recording fee of two dollars ($2) shall be paid by the person appointed a notary public. Said fee may be paid to the county clerk who shall transmit it to the county recorder.

The county recorder shall record the bond and return it to the county clerk who shall keep the bond for one year following the expiration of the term of the commission for which the bond was issued after which said bond may be disposed of. Such disposition shall not affect the time for commencement of actions on the bond. A certified copy of the record of the official bond with all affidavits, acknowledgements, endorsements and attachments, may be read in evidence with like effect as the original thereof, without further proof.

SEC. 11. Section 8216 of said code is amended to read:

Release of surety

8216. When a surety of a notary desires to be released from responsibility on account of future acts, he may make application to the superior court of the county in which his principal place of business is located, or a judge thereof, for relief. The court or judge shall cite the notary to appear at a designated time and place and give other security. If the notary has absconded, left, or removed from the State, or if he cannot be found after due diligence and inquiry, the citation may be served by leaving a copy of it at his residence, or by such publication as the court or judge may order.

CHAPTER 1971

An act to add Section 20852 to the Business and Professions Code, relating to the dispensing of petroleum products.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20852 is added to the Business and Professions Code, to read:

20852. The use of pumps or other devices which are capable of withdrawing gasoline from each of two tanks containing different qualities of the same petroleum product and dispensing them as a single combined product shall be authorized when the department determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities of the gasoline being simultaneously withdrawn from each of the two tanks and the quantity dispensed.

(b) The device mechanism accurately and visibly records and displays the resulting combined quality, the total quantity, the price per gallon for the particular quality combination being dispensed, and the total price of the quantity of gasoline dispensed at the particular sale.

(c) The device has a locking selector mechanism which prevents the changing of the proportion of the two qualities being combined during the dispensing of the desired quantity.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede the provisions of Sections 20782, 20783, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of a blending type of pump connected to two tanks containing two different products, or two different grades of the same product, which, when blended together in different proportions, will produce gasolines of different octane rating, each blend of which shall meet the specifications for gasoline as required by this chapter.

CHAPTER 1972

An act to amend Section 28105 of the Government Code, relating to the salary of the supervisors of counties of the fifth class.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand five hundred dollars ($10,500) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. The district attorney shall not engage in the private practice of law and shall not, directly or indirectly, refer litigation to any attorney or receive and accept any payment from any attorney or firm of attorneys for his personal account.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year for personal services performed by him as supervisor and member of the Board of Equalization. Each supervisor shall be allowed expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such

expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of seven cents ($0.07) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at seven cents ($0.07) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section, other than the county auditor if he is also designated as county controller, shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1973

An act to amend Section 6 of Chapter 2374, Statutes of 1957, relating to inclusion of certain officers and employees of the University of California in the State Employees' Retirement System.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6 of Chapter 2374, Statutes of 1957 is amended to read:

Sec. 6. This act shall not become operative unless the Board of Regents of the University of California by a vote of at least a majority of the members of that board accepts its provisions and undertakes to discharge all obligations imposed

upon the University of California by it, in which event it shall become operative on the first day of July following such action by the Board of Regents, but in no event after July 1, 1961.

CHAPTER 1974

An act to add Article 12.5 (commencing at Section 73790) to Chapter 10, Title 8 of the Government Code, relating to municipal court districts.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 12.5 (commencing at Section 73790) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 12.5. Los Gatos-Campbell-Saratoga

Los Gatos-Campbell-Saratoga Judicial District

73790. This article applies to the municipal court established in a district embracing the Cities of Los Gatos, Campbell, Saratoga, designated as the Los Gatos-Campbell-Saratoga Judicial District.

Judge

73791. There shall be one judge.

Clerk

73792. There shall be one clerk who shall also act as secretary to the judge and who shall receive a minimum salary of seven hundred seventy-nine dollars ($779) monthly with annual increments of thirty-nine dollars ($39), forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45), forty-seven dollars ($47), fifty dollars ($50), and fifty-two dollars ($52), to a maximum of one thousand ninety-six dollars ($1,096) monthly.

Clerk's appointees

73793. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred fifty-nine dollars ($859) monthly.

(b) One deputy court clerk, grade III, who shall receive a minimum salary of four hundred fifty-five dollars ($455) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29) and thirty-one dollars ($31), to a maximum of six hundred forty-one dollars ($641) monthly.

(c) Two deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred thirty-eight dollars ($338) monthly with annual increments of seventeen dol-

lars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of four hundred seventy-eight dollars ($478) monthly.

(d) Two deputy court clerks, grade I, each of whom shall receive a minimum salary of two hundred ninety-two dollars ($292) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20), to a maximum of four hundred twelve dollars ($412) monthly.

Marshal

73794. The sheriff shall be ex-officio marshal and shall act as such without additional compensation, and his designated deputies shall be ex-officio deputy marshals of the court. The persons who hold the positions of marshal, deputy marshal, and other persons lawfully entitled to act as such, shall become employees of the Sheriff's Office of the County of Santa Clara upon the effective date of this section.

Salary changes

73795. Notwithstanding any other provisions of law, the salaries of municipal court employees may, upon approval of the board of supervisors, be increased or decreased within the limits set forth for such employees in Sections 73792 and 73793 in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the Santa Clara County classified service, as said comparability is determined by said board.

CHAPTER 1975

An act to add Article 10.8 (Commencing at Section 70030) to Chapter 5, Title 8 of the Government Code, relating to superior court in Nevada County.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 10.8 (commencing at Section 70030) is added to Chapter 5, Title 8 of the Government Code, to read:

Article 10.8. Official Reporters in Counties With a Population of 19,500 to 20,000

Official reporter

70030. In each county having a population of more than 19,500 and less than 20,000, as determined by the 1950 federal census, the judge of the superior court may appoint a competent phonographic reporter, to be known as the official reporter of such court, to assist the court in the transaction of its judicial business by performing the duties of a phonographic reporter as elsewhere defined in this code. Such

reporter shall hold office during the pleasure of the judge of such court.

Pro tempore official reporter

70031. When needed in order that the judicial business of the superior court in such county may be diligently carried on and a particular matter or matters may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter or matters, or until the regular official reporter becomes available for such service.

Compensation

70032. Such regular official court reporter shall be paid an annual salary of five thousand two hundred dollars ($5,200) for taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter in the superior court as required by law or by order of the court. No further fee shall be collected from, or assessed against, any party to any proceeding for such reporting services, but such reporter shall be allowed, and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid pursuant to Article 9 (commencing at Section 69941), Chapter 5, Title 8, of this code and any other law pertinent to the case.

Such reporter pro tempore shall be paid at the rate provided in Section 69948, and shall receive the other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8, of this code.

Salary

70033. The salary provided for in this article shall be paid in monthly installments out of the salary fund of the county, and shall be allowed and audited in the same manner as the law requires for other salary demands against the county.

Additional filing fees

70034. In addition to the fees required by other laws, a fee of five dollars and fifty cents ($5.50) shall be paid to the county clerk of such county by each party, or jointly by parties appearing jointly, in each of the following instances:

(a) Where Section 26821 requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(c) Where Section 26826 requires such party or parties to pay the county clerk a fee for the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, corespondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but such additional fee of five dollars and fifty cents ($5.50) as in this section provided.

(d) Where Section 26827 requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

70035. In cases in which the additional filing fees provided for by Section 70034 have not been paid, the parties litigant shall pay to the county clerk prior to the trial or hearing of the cases the reporter's fees prescribed by Article 9 (commencing at Section 69941), Chapter 5, Title 8, of this code. Fees

70036. The fee so required shall be taxed as costs in favor of any party paying the same and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103. Same

70037. The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer all money paid to him pursuant to this article during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such money, and such money shall be deposited in the salary fund of such county. Transmittal of funds

70038. The provisions of this article are applicable only if the board of supervisors of the county by resolution adopts the procedure for the appointment and compensation of official phonographic reporters provided for in this article. Operative upon adoption of resolution

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CHAPTER 1976

An act to repeal Article 3 (commencing at Section 73390) of Chapter 10, Title 8 of the Government Code and to add Article 26.5 (commencing at Section 74550) to Chapter 10, Title 8 of the Government Code, relating to municipal court districts.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 3 (Sections 73390 to 73401) of Chapter 10, Title 8 of the Government Code is repealed.

SEC. 2. Article 26.5 (commencing at Section 74550) is added to Chapter 10, Title 8 of the Government Code, to read:

Article 26.5. San Jose-Alviso

74550. This article applies to the municipal court established in a district embracing the Cities of San Jose, Alviso, and Milpitas designated as the San Jose-Alviso Judicial District. San Jose-Alviso Judicial District

74551. There shall be five judges. Judges

74552. There shall be one clerk who shall also act as secretary to the judges and who shall receive a minimum salary of eight hundred eighteen dollars ($818) monthly with annual increments of forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45), forty-seven dollars ($47), Clerk

fifty dollars ($50) fifty-two dollars ($52), and fifty-five dollars ($55), to a maximum of one thousand one hundred fifty-one dollars ($1,151) monthly.

Clerk's appointees

74553. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a minimum salary of six hundred forty-one dollars ($641) monthly with annual increments of thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39) forty-one dollars ($41), and forty-three dollars ($43), to a maximum of nine hundred two dollars ($902) monthly.

(b) Nine deputy court clerks, grade III, each of whom shall receive a minimum salary of four hundred fifty-five dollars ($455) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28) twenty-nine dollars ($29), and thirty-one dollars ($31), to a maximum of six hundred forty-one dollars ($641) monthly.

(c) Fourteen deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred thirty-eight dollars ($338) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of four hundred seventy-eight dollars ($478) monthly.

(d) Five deputy court clerks, grade I, each of whom shall receive a minimum salary of two hundred ninety-two dollars ($292) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18) nineteen dollars ($19), and twenty dollars ($20), to a maximum of four hundred twelve dollars ($412) monthly.

A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m. Attaches who are required to work a night shift shall be paid one step more than the amount to which they are otherwise entitled.

Marshal

74554. The sheriff shall be ex officio marshal and shall act as such without additional compensation and his designated deputies shall be ex officio deputy marshals of the court. The persons who hold the positions of marshal, deputy marshals, and other persons lawfully entitled to act as such, shall become employees of the Sheriff's Office of the County of Santa Clara upon the effective date of this section.

Per diem fees

74555. All per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court. All fees shall be deposited in the treasury of the court to the credit of the general fund.

Transcript fees

74556. Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law, the court may direct the payment

of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Reporter's fees

74557. In the municipal court no further fee shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

Filing fees

74558. In any civil action or proceeding where the prayer of the complaint or petition exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of eight dollars and fifty cents ($8.50) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

(a) Upon the filing of a complaint or complaint in intervention where the prayer of the complaint exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the prayer of the complaint being answered exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the prayer of the complaint exceeds three hundred dollars ($300).

Same

74559. The fee required by Section 74558 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

On or before the first day of each calendar month the clerk of the municipal court shall transmit to the county treasurer all money paid to him pursuant to Section 74558 during the preceding calendar month, or up to the day immediately preceding the day in which he transmits such money. The money shall be deposited in the general fund of the city and county.

Salary changes

74560. Notwithstanding any other provisions of law, the salaries of municipal court employees may, upon approval of the board of supervisors, be increased or decreased within the limits set forth in Sections 74552 and 74553, in order to provide compensation that is comparable to county employees of similar qualifications and experience, holding equal or comparable positions in the Santa Clara County classified service, as said comparability is determined by said board.

CHAPTER 1977

An act to add Article 32.5 (commencing at Section 74820) to Chapter 10, Title 8 of the Government Code, relating to municipal court districts.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 32.5 (commencing at Section 74820) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 32.5. Sunnyvale

Sunnyvale Judicial District

74820. This article applies to the municipal court established in a district embracing the City of Sunnyvale designated as the Sunnyvale Judicial District.

Judge

74821. There shall be one judge.

Clerk

74822. There shall be one clerk who shall also act as secretary to the judge and who shall receive a minimum salary of seven hundred seventy-nine dollars ($799) monthly with annual increments of thirty-nine dollars ($39), forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45), forty-seven dollars ($47), fifty dollars ($50), and fifty-two dollars ($52), to a maximum of one thousand ninety-six dollars ($1,096) monthly.

Clerk's appointees

74823. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred fifty-nine dollars ($859) monthly.

(b) One deputy court clerk, grade III, who shall receive a minimum salary of four hundred fifty-five dollars ($455) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty-one dollars ($31), to a maximum of six hundred forty-one dollars ($641) monthly.

(c) Two deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred thirty-eight dollars ($338) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of four hundred seventy-eight dollars ($478) monthly.

(d) Two deputy court clerks, grade I, each of whom shall receive a minimum salary of two hundred ninety-two dollars ($292) monthly with annual increments of fifteen dollars

($15), fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20), to a maximum of four hundred twelve dollars ($412) monthly.

Marshal

74824. The sheriff shall be ex-officio marshal and shall act as such without additional compensation, and his designated deputies shall be ex-officio deputy marshals of the court. The persons who hold the positions of marshal, deputy marshal, and other persons lawfully entitled to act as such, shall become employees of the Sheriff's Office of the County of Santa Clara upon the effective date of this section.

Salary changes

74825. Notwithstanding any other provisions of law, the salaries of municipal court employees may, upon approval of the board of supervisors, be increased or decreased within the limits set forth in Sections 74822 and 74823 in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the Santa Clara County classified service, as said comparability is determined by said board.

CHAPTER 1978

An act to amend Sections 12805 and 12808 of the Vehicle Code as enacted by the Legislature at its 1959 Regular Session, relating to testing applicants, licensing, and grounds for withholding issuance of drivers' licenses.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 12805 of said code is amended to read:

Grounds for refusing drivers' licenses

12805. The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of narcotic drugs or an habitual user of any other drug rendering the person incapable of safely operating a motor vehicle.

(c) Who is insane or feebleminded or an idiot or an imbecile.

(d) Who is an epileptic.

(e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this State and valid on September 11, 1957.

SEC. 2. Section 12808 of said code is amended to read:

Traffic record check

12808. (a) The department shall, before issuing or renewing any license, check the record of the applicant for conviction of traffic violations and traffic accidents.

(b) The department shall, before issuing or renewing any license, check the record of the applicant for notices of failure to appear in court filed with it and shall withhold or shall not issue a license to any applicant who has violated his written promise to appear in court unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated. In lieu of the certificate of adjudication, a notice from the court stating that the original records have been lost or destroyed shall permit the department to issue a license.

(c) Any notice received by the department pursuant to Section 40509 of this code which has been on file 10 years may be removed from the department records and destroyed at the discretion of the department.

CHAPTER 1979

An act to amend Section 4102 and 4124 of the Penal Code, relating to county industrial farms and road camps.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 4102 of the Penal Code is amended to read:

Resolution of intention

4102. Before establishing an industrial farm or industrial road camp in any county the board of supervisors thereof shall adopt a resolution of its intention so to do. The resolution shall state an amount per person per day for which persons from incorporated cities will be maintained on an industrial farm. Certified copies of the resolution shall be forwarded by the clerk of the board of supervisors to the clerks of all incorporated cities within the county.

SEC. 2. Section 4124 of said code is amended to read:

Rate for care of city prisoners

4124. Each county board of supervisors may specify a rate to be charged for the care of city prisoners, which rate shall not exceed the average cost to the county of caring for one prisoner per day. In calculating this average cost, the value of the farm products used in other county institutions and in supplying the needs of paupers, incompetents, poor and indi-

gent persons and persons incapacitated by age, disease or accident shall be deducted from the cost of maintenance, and the cost of the original investment in establishing an industrial farm shall not be included. The reasonable value of services rendered by city prisoners to the extent that such services inure to the benefit of the county shall be deducted from the average cost of caring for city prisoners. Cities may, under terms and conditions suitable to the board of supervisors, be assigned prisoners for the purposes authorized by Section 36904 of the Government Code. By mutual agreement between cities and the county, the rate may be changed from time to time.

CHAPTER 1980

An act to amend Section 25359 of the Government Code, relating to the working of county jail prisoners.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 25359 of the Government Code is amended to read as follows:

25359. The board may provide for the working of prisoners confined in the county jail under judgment of conviction of misdemeanors, under the direction of a responsible person appointed by the sheriff, upon the public grounds, roads, streets, alleys, highways, firebreaks, fire roads, riding or hiking trails, or public buildings, or in such other places as are deemed advisable, for the benefit of the public.

CHAPTER 1981

An act to add Section 71604.1 to the Government Code, relating to constables.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 71604.1 is added to the Government Code, to read:

71604.1. In counties containing a population of 280,000 and under 285,000 as ascertained and determined by the 1950 federal census, there shall be a division of constabulary which shall include all constables and deputy constables of such county and shall be headed by a chief constable. The chief constable shall be appointed by the board of supervisors and he shall appoint the constables and deputy constables. All such

appointments shall be made in conformity with the procedures of the civil service ordinances of such county, if any. Persons presently holding the office of constable or deputy constable shall continue to hold such office in the judicial district in which they now hold office until discharged, reduced, promoted or suspended in accordance with the procedures of the civil service ordinances of such county, and persons presently holding the office of constable shall not be compulsorily retired by reason of age prior to the greatest age at which they would have been compulsorily retired by reason of age had they continued to hold elective office.

If the board of supervisors of such county and the judge or judges of a municipal court therein unanimously agree, the marshal and deputy marshals, if any, of such court, shall likewise and on the same terms be included in said division.

No constable whose office is an elective office shall be included in the division of constabulary, and this section shall not apply to such constable, unless at an election held in the judicial district of which he is constable a majority of the district electors voting on a proposition to make the office appointive under civil service pursuant to this section vote in favor of such proposition. Such election shall be called by the board of supervisors as soon as practicable after the presentation to the board of supervisors of a petition signed by at least 5 percent of the electors of the judicial district requesting the submission of the proposition to the district electors. Such election shall be called, held, and conducted in the same manner as the elections in the judicial district for the election of the judge or constable of the district.

CHAPTER 1982

An act to amend Section 117j of the Code of Civil Procedure, relating to unlawful detainer proceedings in small claims court.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may, within 30 days after the date of entry of the judgment, appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justice court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). No fee shall be charged in the superior

court upon the filing of any document or paper by the plaintiff in the small claims action. Except as otherwise provided in this chapter, such appeal shall be taken as provided in Chapter 3 of Title 13 of Part 2 of this code for appeals from justice courts.

The time for appeal from any small claims judgment rendered prior to the effective date hereof and upon which no notice of entry of judgment has been given by the plaintiff shall be 90 days from and after the effective date hereof.

If, in an unlawful detainer proceeding in a small claims court pursuant to Section 117, judgment is for plaintiff, proceedings on the judgment are automatically stayed, without the filing of a bond by defendant, until the expiration of the time for appeal, and, if an appeal is perfected, until the appeal is decided.

CHAPTER 1983

An act to amend Sections 1500 and 1590 of the Probate Code, relating to guardianship.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1500 of the Probate Code is amended to read:

Guardianship Duties

1500. Every guardian has the care and custody of the person of his ward and the management of his estate, or the care and custody of the person of his ward or the management of his estate, according to the order of appointment, until legally discharged, or until his ward is restored to capacity pursuant to Chapter 5 (commencing with Section 1470) of this division, whichever shall occur first, or, in case of the guardianship of a minor, until the minor reaches the age of majority or, as to the guardianship of the person, until the ward marries. The guardian of a minor also has charge of the education of the minor. The guardian of the person of a ward may fix the residence of the ward at any place in the State, but not elsewhere without the permission of the court.

SEC. 2. Section 1590 of said code is amended to read:

Termination

1590. (1) Where the appointment of a guardian was made solely because of the ward's minority, the marriage of a minor ward terminates the guardianship of the person; and the guardianship of the estate of a minor female ward is terminated upon her attaining majority as provided in Section 25 of the Civil Code.

(2) If the appointment of a guardian is made solely because of the ward's minority, the guardianship is terminated by his attaining majority.

(3) In all other cases the guardianship is terminated only by order of the court upon application of the guardian or the

ward, after such notice to the other as the court or judge may require, or by restoration of the ward to capacity pursuant to Chapter 5 (commencing with Section 1470) of this division, whichever shall occur first.

CHAPTER 1984

An act to amend Sections 3.1, 3.3, and 3.6 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.1 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 3.1. The board of supervisors, by resolution, may from time to time establish a zone or zones within the district for the purpose of financing the acquisition of and conserving of imported or reclaimed water, or both, which acquisition the board has determined will be of special benefit to the area within any such zone. Water so acquired shall be conserved by the district in a manner beneficial to the zone. Expenditures for the purpose of conserving water so acquired may be made from funds derived from taxes levied pursuant to Section 14 of this act but such expenditures therefrom shall not exceed an amount equal to the amounts levied within the zone under the provisions of said Section 14. Such zone shall be accurately described and shall be designated by a zone number by said resolution, and shall include all territory which will be specially benefited by the conservation of the water so acquired and conserved.

As used in Sections 3.1 to 3.6 of this act, the term "public district" shall not include metropolitan water districts, but shall include all other public districts; the term "imported water" shall mean water imported from a source which is not tributary to the ground water supply in the zone; and the term "reclaimed water" shall include water reclaimed from sewage or other wastes, but shall not include waters recaptured or re-used by the owners or producers thereof.

SEC. 2. Section 3.3 of said act is amended to read:

Sec. 3.3. Whenever any zone is established pursuant to Section 3.1 of this act, a special tax may be levied each year thereafter by the board of supervisors upon the taxable real property within said zone to defray the cost of acquiring and conserving the water for which the zone is established. Said tax in any one fiscal year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation. It

shall be in addition to any other taxes provided for by this act, and shall be levied and collected at the same time and in the same manner as such other taxes. All funds collected by reason of said tax shall be expended only on behalf of the zone and only for the purpose of acquiring water or for the purpose of conserving such acquired water, including costs of planning and engineering investigations, operation and maintenance costs, costs of constructing conservation facilities, and costs of lands, rights of way, easements and property, as set forth in the notice of hearing upon the proposal to establish the zone.

Expenditures for the purpose of acquiring imported or reclaimed water, or both, as set out in Section 3.1 of this act, may be made by the district from funds derived from the special tax or taxes levied pursuant to this section upon the taxable real property within such zone established under said Section 3.1, but not from any other funds. No contract for the acquisition of imported or reclaimed water, or both, shall be entered into by the district which does not provide, that, unless sooner terminated, all obligations thereunder shall terminate at the end of any fiscal year during or at the end of which the zone within which the water is to be conserved, is terminated.

SEC. 3. Section 3.6 of said act is amended to read:

Sec. 3.6. Any zone established pursuant to Section 3.1 of this act may be terminated by the board of supervisors after a public hearing on the matter. Such hearing may be ordered upon motion of the board, and shall be ordered upon a petition for termination being filed with the clerk of the board, signed by the owners of 10 percent of the taxable real property within the zone as ascertained by reference to the last equalized county assessment roll, or upon the filing with the clerk of a resolution requesting termination adopted by a majority vote of the governing body of any city, or of any public district formed for the purpose of supplying water, all or any part of which is included within the zone. The determination of the percentage of owners of real property signing the petition for termination shall be made and certified to by the assessor in the manner described in Section 3.5.

Notice of such hearing shall be given in the manner described in Section 3.2. The notice shall contain a description of the zone, a general statement of its activities, and the purpose of the hearing.

At the hearing, evidence may be presented concerning the necessity, or lack thereof, for continuing the zone. The hearing may be continued from time to time not to exceed 60 days in the aggregate. If the board determines that such necessity no longer exists, or that the public interest otherwise requires the termination of the zone, or that the real property is no longer benefited, the board shall thereupon by resolution declare the zone terminated for all purposes except those necessary to finance outstanding contracts. When such contracts

have been satisfied the zone will terminate for all purposes, effective at the close of the then current fiscal year.

Such a zone shall terminate without hearing at the end of the third or fourth fiscal year during which taxes were, or could have been, levied for zone purposes if certified copies of resolutions requesting such termination are filed with the board of supervisors, as hereinafter provided, on or before 60 days prior to the date of the requested termination. Such resolutions shall be sufficient if adopted by a majority vote of the governing bodies of cities or of public districts formed for the purpose of supplying water within which cities or public districts or both, there is taxable real property situated within the zone having an assessed value equal to not less than 35 percent of the assessed value of all of the taxable real property within the zone, as shown by the equalized assessment roll of such fiscal year.

If not sooner terminated, such zone shall terminate without hearing at the end of the fifth fiscal year during which taxes were, or could have been, levied for zone purposes. A new zone comprising or including all or any part of an original zone which has been terminated pursuant to the provisions of this section, shall not be established if protests are filed with the clerk of the board, at least fifteen (15) days prior to the date set for hearing thereon, which protests have been adopted by a majority vote of the governing bodies of cities or of public districts formed for the purpose of supplying water, within which cities or public districts or both, there is taxable real property situated within the proposed zone as described in the notice of hearing, having an assessed value equal to not less than 35 percent of the assessed value of all of the taxable real property within the proposed zone as described in said notice of hearing, as shown on the last equalized assessment roll Such a new zone may be established during the life of the original zone, or subsequent re-established zone, to be operative at the beginning of the fiscal year following the fiscal year during which the previous zone terminates. Procedures as described in Section 3.3 for levying and collecting taxes for such a new zone may be followed irrespective of the existence of a previous zone.

Any remaining funds of a terminated zone shall be added to the general funds of the district and shall be expended by the district for water conservation in a manner beneficial to the area within the terminated zone in addition to that normally performed; provided, that water conservation as herein used shall be deemed to mean and include both acquisition and conservation of waters and such remaining funds may be expended for the purpose of acquiring waters or for the purpose of conserving such waters for the benefit of such area.

CHAPTER 1985

An act to add Section 71273 to the Government Code, relating to municipal and justice courts.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 71273 is added to the Government Code, to read:

71273. In addition to the deputy clerks for which provision is made herein, upon application of the county within which the judicial district is located the clerk may appoint an officer or employee of such county a deputy clerk to perform such clerical functions as may be delegated by the clerk. No person so appointed shall receive any increased compensation by reason of such appointment.

CHAPTER 1986

An act to add Section 1959 to the Government Code, relating to liability of court attaches.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1959 is added to the Government Code, to read:

1959. Each county may insure the officers and attaches of its superior, municipal, and justice courts against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from their negligence or carelessness during the course of their service or employment. The premium for the insurance is a proper charge against the treasury of the county.

CHAPTER 1987

An act to add Section 26154 to the Government Code, relating to county assistance to elementary school districts having a redevelopment agency or housing authority within its boundaries.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26154 is added to the Government Code, to read:

26154. The board of supervisors may provide financial assistance to elementary school districts which have within the boundaries of such school districts a redevelopment agency and a housing authority organized under state law. Any funds received pursuant hereto by an elementary school district may be deposited by the governing board of the school district in any fund but the general fund of the district. The provisions hereof are applicable only to elementary school districts which have an average daily attendance of less than 1,500. The provisions of this section shall remain in effect until the ninety-first day after final adjournment of the 1961 Regular Session of the Legislature. While this section is in effect, it supersedes any existing provisions of law which are in conflict with it, but such provisions will not be repealed by this section and after this section is no longer effective they shall have the same force as though this section had not been enacted.

CHAPTER 1988

An act to add Sections 8057, 8058, 8059, 8060, 8061, 8062, 8063, 8064, 8065, 8066, 8067, 8068, 8069, and 8070 to the Fish and Game Code, relating to the payment of privilege taxes and claims and suits for refund.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 8057 is added to the Fish and Game Code, to read:

Overpayment of tax or penalty

8057. If the department determines that any tax or penalty has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department and shall certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the department that an amount not exceeding twenty-five dollars ($25) was not required to be paid under this part, the department without obtaining approval of the State Board of Control may credit the amount or any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

SEC 2. Section 8058 is added to said code, to read:

8058. In the event of overpayment of any of the taxes imposed by this article, the taxpayer may file a claim for refund or a claim for credit with the department. No refund or credit shall be approved by the department unless the claim therefor is filed with the department within six months after the close of the calendar year in which the overpayment was made. Claim for refund

SEC. 3. Section 8059 is added to said code, to read:

8059. Every claim shall be in writing and shall state the specific grounds upon which the claim is founded. Same

SEC. 4. Section 8060 is added to said code, to read:

8060. Failure to file a claim within the time prescribed in this article constitutes a waiver of any demand against the State on account of overpayment. Waiver of claim

SEC. 5. Section 8061 is added to said code, to read:

8061. Within 30 days after disallowing any claim in whole or in part the department shall serve notice of its action on the claimant, either personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the licensee at his address as it appears in the records of the department, but the service shall be deemed complete at the time of the deposit of the notice in the mail without extension of time for any reason. Notice of disallowance of claim

SEC. 6. Section 8062 is added to said code, to read:

8062. Interest shall be paid upon any overpayment of tax at the rate of one-half of 1 percent per month from the date of overpayment. The interest shall be paid to the date the claim for refund or credit is approved by the department. Interest

SEC. 7. Section 8063 is added to said code, to read:

8063. If the department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon. Disallowance of claim

SEC. 8. Section 8064 is added to said code, to read:

8064. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this article of any tax. Tax collection

SEC. 9 Section 8065 is added to said code, to read:

8065. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously paid or erroneously or illegally determined or collected unless a claim for refund or credit has been duly filed pursuant to Sections 8058 and 8059 of this article. Recovery of overpayments, etc: Claim

SEC. 10. Section 8066 is added to said code, to read:

8066. Within 90 days after the mailing of the notice of the department's action upon a claim filed pursuant to Sections 8058 and 8059, the claimant may bring an action against the department on the grounds set forth in the claim in a court of competent jurisdiction in any city or city and county of this State in which the Attorney General has an office for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed. Actions

Failure to bring action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

SEC. 11. Section 8067 is added to said code, to read:

Actions prior to notice

8067. If the department fails to mail notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the department of its action on the claim, consider the claim disallowed and bring an action against the department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

SEC. 12. Section 8068 is added to said code, to read:

Judgment for plaintiff

8068. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any privilege tax due and payable from the plaintiff to the State under this article. The balance of the judgment shall be refunded to the plaintiff.

SEC. 13. Section 8069 is added to said code, to read:

Interest

8069. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the department.

SEC. 14. Section 8070 is added to said code, to read:

Actions by assignees

8070. A judgment shall not be rendered in favor of the plaintiff in any action brought against the department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

CHAPTER 1989

An act to amend Section 10752 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to schools.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 10752 of the Education Code, as enacted by the Legislature at its 1959 Regular Session is amended to read:

10752. Whenever a pupil transfers from one school district to another within this State, the cumulative record of the pupil, which may be available to the pupil's parent for inspection during consultation with a certificated employee of the district, or a copy of the record, shall be transferred to the district to which the pupil transfers; provided, a request for such cumulative record is received from the district to which

the transfer is made. The State Board of Education is hereby authorized to adopt rules and regulations concerning the transfer of cumulative records from one school district to another. The effective date of this section shall be July 1, 1960.

CHAPTER 1990

An act to amend Section 537 of the Penal Code, relating to defrauding innkeepers.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 537 of the Penal Code is amended to read:

537. Any person who obtains any food or accommodations at an hotel, inn, restaurant, boarding house, lodging house, apartment house, bungalow court, motel, or auto camp, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an hotel, inn, restaurant, boarding house, lodging house, apartment house, bungalow court, motel, or auto camp by the use of any false pretense, or who, after obtaining credit, food accommodations, at an hotel, inn, restaurant, boarding house, lodging house, apartment house, bungalow court, motel, or auto camp, absconds, or surreptitiously, or by force, menace, or threats, removes any part of his baggage therefrom without paying for his food or accommodations is guilty of a misdemeanor.

Evidence that such person left the premises of such an hotel, inn, restaurant, boarding-house, lodging-house, apartment house, bungalow court, motel, or auto camp, without paying or offering to pay for such food or accommodation shall be prima facie evidence that such person obtained such food or accommodations with intent to defraud the proprietor or manager.

CHAPTER 1991

An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Del Norte, State of California.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Any person or persons owning or claiming any interest in or to that certain real property situated in the County of Del Norte, State of California, and described in

this act, may bring suit against the State of California, in accordance with law, in any court of competent jurisdiction of the State of California, to quiet title to the said property and to prosecute the action to final judgment. In such action the court may also determine whether said property was, in fact, swamp and overflowed lands at the date of issuance of patents from the State of California, and may grant declaratory relief with respect to such matter. If the judgment is given against the State in the suit, no costs shall be recovered against the State.

SEC. 2. Any action brought under the provisions of this act shall be commenced within one year from the effective date of this act.

SEC. 3. Service of summons in such suit shall be made upon the Chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the State in such suit.

SEC. 4. The real property referred to in Section 1 of the act is described as follows:

California Swamp and Overflowed Lands Del Norte County Surveys Nos. 89 to 96, inclusive, and all other such surveys and lands within the beds of Lake Talawa and Lake Earl.

SEC. 5. The State Lands Commission with the approval of the Attorney General is authorized to dispose of any right, title, or interest of the State of California in and to the real property described in this act by quitclaim deed or otherwise.

CHAPTER 1992

An act to amend Sections 2, 4.2, 6 3, 8 3, 9, 10.1, 11.1, 11.6, 11.7, 11.9, 11.12, and 11.13 of, to add Sections 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, and 31 to, and to repeal Section 4.4 of, the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952 (1st Ex. Sess.)), relating to the powers of the agency.

In effect September 18, 1959

[Approved by Governor July 16, 1959 Filed with Secretary of State July 17, 1959]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Sacramento County Water Agency Act is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless by the context otherwise indicated:

(a) "The agency" shall mean the Sacramento County Water Agency;

(b) "The county" shall mean the County of Sacramento of the State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "District" means any of the following lying within or partially within the agency; irrigation districts, county water districts, water conservation districts, municipalities, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and to deliver water to users;

(g) "Member unit" shall mean any district which enters into a contract with the agency for (i) the repayment in whole or part to the agency or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States;

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State to vote in the county at general elections;

(i) "May" is permissive and "shall" is mandatory.

(j) "Bonds" as used herein include both agency bonds and zone bonds. "Agency indebtedness" means any indebtedness of the agency secured by all taxable property in the agency as a whole and does not include any indebtedness secured only by the taxable property in a designated zone or zones. "Agency bonds" are those bonds issued to finance projects of, or for purposes of, the whole agency secured by all taxable property in the agency. "Zone bonds" are those bonds issued by the agency to finance projects of, or for purposes of, the designated zone or zones and secured by the taxable property in the zone or zones.

SEC. 2. Section 4.2 of said act is amended to read:

Sec. 4.2. The agency shall have the power: to control flood and storm waters within the agency and the flood and storm waters of streams outside of the agency, which flow into the agency; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the agency; to release such waters from surface reser-

voirs to replenish and augment the supply of waters in natural underground reservoirs; and otherwise to reduce the waste of water and to protect life and property from floods within the agency.

SEC. 3. Section 4.4 of said act is repealed.

SEC. 3.5. Section 6.3 of said act is amended to read:

Sec. 6.3. The agency shall have the power to cooperate, act in conjunction and contract with the United States, State of California, municipalities, and public districts of any kind, mutual water companies, or any other water companies subject to the jurisdiction of the Public Utilities Commission, in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purposes of conserving and transporting said waters for beneficial use, and for the use, operation, management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district of any kind, public corporation, any person or any number of them for the joint acquisition, disposition, or operation of any property or works or water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users shall have the power: (a) to cooperate, act in conjunction and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate, act in conjunction and contract with such districts, municipalities, and political subdivisions; (b) and to carry out the terms of such contracts.

SEC. 4. Section 8.3 of said act is amended to read:

Sec. 8.3. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of three thousand dollars ($3,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board of directors of the agency shall advertise pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the agency inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right

to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of three thousand dollars ($3,000) or the work consists of emergency work necessary in order to protect life and property, the board of directors by unanimous vote of all members present may without advertising for bids therefor have said work done by force account. The agency shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 6, or to a contract authorized by a vote of the electorate of the agency.

SEC. 5. Section 9 of said act is amended to read:

Sec. 9. The agency shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the anticipated revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable; provided, that this section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors at an election held for such purpose.

SEC. 6. Section 10.1 of said act is amended to read:

Sec. 10.1. If from any cause, the revenues of the agency shall be, or in the judgment of the board of directors are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board of directors of the agency shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of said agency and to carry out any of the objects, purposes or powers of this act; provided, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied to meet the bonded indebtedness of the agency or any zone, and the interest thereon duly authorized by a vote of the electors of the agency or zone thereof, and exclusive of any special assessment levied to meet any indebtedness or contractual liability duly authorized by vote of the electors of the agency, and exclusive of any tax levied for the payment of any portion of any indebtedness represented by capital obligations underwritten by member units or represented by the amounts agreed to be paid by member units for any water or water supply to be furnished or sold such member units.

Said taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenue derived from said taxes shall be paid into the county treasury to the credit of the agency, and the board of directors shall have the power to control and order the expenditure thereof for said purposes.

SEC. 7. Section 11.1 of said act is amended to read:

Sec. 11.1. (1) Whenever the board of directors shall determine that a bonded indebtedness should be incurred to pay all or any part of the cost of acquisition or construction of any works for any of the purposes of the agency as a whole, the board may by resolution determine and declare the respective amounts of agency bonds in order to raise the amount of money necessary for such work and the denomination and rate of interest of the bonds, and the resolution shall generally describe the work. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Sacramento County within five days after its passage. From and after the filing, the board shall be deemed vested with the authority to proceed with the bond election.

(2) Thereafter, the board of directors may call a special election at which shall be submitted to the qualified electors of the agency the question whether or not bonds shall be issued in the amount or amounts determined in the resolution and for the purpose or purposes therein stated.

(3) The board of directors shall call such special election by ordinance and not otherwise and submit to the qualified electors of the agency the proposition of incurring a bonded indebtedness in the agency in the amount and for the purposes stated in the resolution and shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by the board of directors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred therefor and the rate of interest thereon, and the proportion or part of such indebtedness to be underwritten by each member unit, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 5 percent per annum. For the purposes of the election, the board of directors shall in the ordinance establish election precincts within the boundaries of the agency and may form election precincts by consolidating the precincts established for general election precincts in the agency.

In all particulars not recited in the ordinance, such election shall be held as nearly as practicable in conformity with the general elections laws of the State.

(4) The board of directors shall cause a plan or plans to be prepared covering a general description of the work to be done, which the plan shall show the location of the proposed works and shall cause the the plan to be posted in a prominent place in the county courthouse for public inspection for at least 30 days before the date fixed for such election.

(5) The ordinance calling for such election shall prior to the date set for such election, be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the agency; the last publication of such ordinance must be at least 14 days before the election, and if there be no such newspaper, then such ordinance shall be posted in five public places in the agency for at least 30 days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds of the vote cast are in favor of incurring such bonded indebtedness, then bonds of the agency for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 8 Section 11.6 of said act is amended to read:

Sec. 11.6. The board of directors may issue and sell the agency or zone bonds authorized at not less than 95 percent par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the agency for the uses and purposes of the bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and said funds shall be applied exclusively to the purposes and objects for which such bonds were issued, subject to the provisions in this act contained. Payments from these funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county. The bonds shall be sold at a public sale to the highest bidder, after notice of such sale has been given by publication in the agency pursuant to Section 6061 of the Government Code at least one week prior to such sale and after such other notice as the board of directors may deem proper.

The manner of making, submitting and opening bids and conducting such sale and the terms thereof shall be determined by the board of directors. The board is hereby given the right to reject any and all bids which in the judgment of the board are too low to be in the best interests of the agency.

SEC. 9. Section 11.7 of said act is amended to read:

Sec. 11.7. Any agency bonds issued under the provisions of this act and the interest on such bonds if no other funds are available shall be paid by revenue derived from the tax authorized by Section 11.9 and all the taxable property within the agency shall be and remain liable to be taxed for such payments as in this act provided until such bonds and the

interest are fully paid or the liability therefor legally discharged.

SEC. 10. Section 11.9 of said act is amended to read:

Sec. 11.9. The board of directors shall levy a tax or assessment each year upon all the taxable property in the agency sufficient to pay such portion of the interest for that year upon agency bonds issued by the agency, and such portion of the principal thereof as is to become due before the time for making the next general tax levy as cannot be paid from revenue due the agency from member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of the cost underwritten by said member units of works financed by said bonds. Such tax shall be levied and collected together with and not separately from taxes for county purposes, when collected shall be paid into the county treasury of the county to the credit of the agency, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the treasurer of the county in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 11. Section 11.12 of said act is amended to read:

Sec. 11.12. Agency or zone bonds shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in bonds of the agency, issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, such bonds of the agency may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict herewith are hereby repealed.

SEC. 12. Section 11.13 of said act is amended to read:

Sec. 11.13. All agency or zone bonds issued under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the Sacramento County Water Agency is a district, including a reclamation and irrigation district, within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of the State of California.

SEC. 13. Section 20 is added to said act, to read:

Sec. 20. The agency shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the agency as a whole; or

2. For the common benefit of two or more zones hereinafter referred to as participating zones; or

3 For the benefit of a single zone.

SEC. 14. Section 21 is added to said act, to read:

Sec. 21. The agency may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. All powers and duties of the agency may be exercised or performed on behalf of and within a zone of the agency. For the purpose of acquiring authority to proceed with any such project, the board of directors shall adopt a resolution setting forth the proposed boundaries and specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones of participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; the map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project, modify it, or proceed with the same, unless prior to the conclusion of the hearing written protests against the proposed project signed by a majority in number of the registered voters residing within such zone or participating zones be filed with the board, in which event further proceedings relating to such project shall be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 14 5. Section 23 is added to said act, to read:

Sec. 23. Each year at the time the board fixes and levies taxes for agency purposes, it shall also fix the rates of zone taxes and shall levy the taxes upon the zone. The rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the ex-

penditures incident to the project or works of improvement for which the zone is established and the cost of the maintenance thereof or both, during the current fiscal year. The tax in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this section.

The taxes levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and shall be levied and collected at the same time and in the same manner as other agency taxes and assessments. All funds collected by reason of the tax shall be expended only on behalf of the zone and only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Whenever the board determines it in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone tax in excess of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question as to whether or not the taxes in excess of twenty-five cents ($0.25) for each one hundred dollars ($100) of excess valuation shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone and notice of the time, place, and purpose of the election has been given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places in the zone. If a majority of the votes cast favor such tax rate, the board may thereafter tax not to exceed such new rate.

The taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from agency taxes or assessments shall be paid into the county treasury to the credit of the agency, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 15. Section 24 is added to said act, to read:

Sec. 24. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of zone bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of the bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Sacramento County within five (5) days after its issuance. From and after the filing of the copy of such resolution the board shall be deemed vested with the authority to proceed with the zone bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in the zone or participating zones at which shall be submitted to the qualified electors of the zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in the resolution and for the purpose or purposes therein stated. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) The board shall call such special zone bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in the zone or participating zones in the amount and for the purposes stated in the resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by the board, and on file for particulars; and the ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on the indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of the election, the board shall in the ordinance establish special zone bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in the district to a number not exceeding six general precincts for each such special zone bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in the ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

The ordinance calling for such special zone bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by such election. If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 16. Section 25 is added to said act, to read:

SEC. 25. The board shall, subject to the provisions of this act, prescribe by resolution the form of the zone bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Zone bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by the board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of the indebtedness shall have been paid.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and the bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on

the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 17. Section 26 is added to said act, to read:

Sec. 26. The board may issue and sell the zone bonds of such zones authorized as provided in Section 11.6. The proceeds of the sale of such bonds shall be placed in the treasury of the County of Sacramento to the credit of the agency and the respective participating zones thereof, for the uses and purposes of the zone, or zones voting the bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and the respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special zone bond election, subject to the provisions in this act contained. Payments from the zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Sacramento.

SEC. 18. Section 27 is added to said act, to read:

Sec. 27. Any zone bonds issued under the provisions of this act shall be a lien upon all property of the zone or zones of issuance. Zone bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all property within the zone or participating zones and all property in the zone or participating zones shall be and remain liable to be taxed for such payments. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

Zone bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of the treasurer to receive and register the bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor; that the receipts shall be personal to the respective holders and not transferable. That such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor.

SEC. 19. Section 28 is added to said act, to read:

Sec. 28. The board shall levy a tax each year upon all property in the zone or zones of issuance sufficient to pay the interest and such portion of the principal of zone bonds as is due or to become due before the time for making the next general tax levy. Such taxes shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of Sacramento County to the credit of the zone of payment, and be used for the payment of the principal and interest on the bonds, and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer of Sacramento County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 20. Section 29 is added to said act, to read:

Sec. 29. The agency may: restrict the use of agency water in any zone or zones during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit use of such water during such periods for specific uses which the agency may from time to time find to be nonessential; prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to above. Every ordinance relating to the matters referred to in this section shall be in full force and effect forthwith upon adoption, but shall be published once in full in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption, or if there be no such newspaper it shall be posted within this time in three public places within the district.

SEC. 21. Section 30 is added to said act, to read:

Sec. 30. A finding by the board upon the existence, threat or duration of an emergency or shortage or upon the matter of necessity or any other matter or condition referred to in Section 29, shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

From and after the publication or posting of any ordinance as provided in Section 29 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corpora-

tion to use or apply water received from the agency contrary to or in violation of such restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars ($300), or by both such fine and imprisonment.

SEC. 22. Section 31 is added to said act, to read:

Sec. 31. Notwithstanding any other provision of this act, the agency may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code (the Revenue Bond Law of 1941) to provide funds for the acquisition, construction, improving, or financing any one or more revenue producing enterprises for any one or more of the purposes for which the agency has been formed. "Enterprise" as used in the section means a revenue producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the powers of the agency. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the agency may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in Chapter 6 (commencing with Section 54300). Part 1, Division 2, Title 5 of the Government Code.

CHAPTER 1993

An act to add Section 561 to the Welfare and Institutions Code, relating to unclaimed bicycles and toys.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 561 is added to the Welfare and Institutions Code, to read:

561. In counties having a population in excess of 500,000, the board of supervisors may by ordinance provide that any bicycles or toys, or both, in the possession of the sheriff of any such county which have been unclaimed for a period of at least six months may, instead of being sold at public auction to the highest bidder pursuant to the provisions of Section 1873 of the Civil Code, be turned over to the probation officer of such county for use by him in any program of activities designed to prevent juvenile delinquency.

CHAPTER 1994

An act to add Section 12419.4 to the Government Code, relating to liens for amounts owing to the State.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

12419.4. The State has a lien for any taxes due the State from any person or entity, upon any and all personal property belonging to such person or entity and held by the State or amount owed to such person or entity by the State. This section does not apply to salary or wages owing to officers or employees of the State. Except as limited in this section this lien shall apply to all such property held or such amount owed by an agency of the State while such person or entity owes any taxes to that agency or another agency of the State. If the property held or amount owed is subject to Section 12419.5 of this code, the procedure set forth in that section shall be followed in enforcing liens created herein. If the property held or amount owed is not subject to Section 12419.5 of this code, the lien created herein shall be enforced by means of written demand by the creditor state agency on the agency holding the property or owing the amount involved. The state agency holding the property or, owing the amount involved, upon receipt of such written demand, shall transfer the property, or shall pay the amount which it owes, but not in excess of the taxes specified in the demand, to the creditor state agency. The creditor state agency shall apply such payment to the taxes owing to it, or shall reduce the property so transferred to cash, apply so much as is necessary to pay the taxes owing to it, and remit any excess to the person or entity. If the state agency which holds the property of or owes an amount to the person or entity also is owed taxes by such person or entity, the lien shall be enforced by applying the amount owed by the state agency to the taxes owed to such agency, or by reducing the property to cash and applying the proceeds, or so much thereof as is required, to the taxes owing to the state agency, remitting the excess, if any, to the person or entity. Amounts paid to or applied by a state agency pursuant to this section shall constitute payment by the person or entity involved and the account of such person or entity shall be credited immediately by the collecting state agency.

Immediately upon transfer or payment to another state agency of the property held or amount owed, the agency which had held the property or which had owed the amount involved shall give written notice of the transfer or payment to the person or entity involved. The notice may be served personally or by mail. If served by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall

be addressed to the person or entity involved at his or its address as it appears in the records of the agency which had held the property or which had owed the amount involved. The service shall be deemed complete at the time of the deposit of the notice in the mail.

Nothing in this section shall permit one state agency to collect or obtain such property or amount from another state agency so long as the latter has any rights against such property or amount. Property held or deposited with any state agency for a particular purpose, such as security for the payment of taxes, shall not be applied to any other purpose by the state agency holding the property or amount until the property or amount is no longer needed for the particular purpose for which the property or amount was held or deposited.

Upon transfer or payment pursuant to the lien created in this section, the state agency which had held the property or had owed the amount involved is relieved and discharged of any and all liability.

CHAPTER 1995

An act to amend Section 349.1 of the Code of Civil Procedure, relating to improvement districts.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 349.1 of the Code of Civil Procedure is amended to read:

349.1. The validity of any acts or proceedings taken under color of law for the formation, organization, incorporation or consolidation of, or for any change in the territorial boundaries of, any city, county, city and county, special district, public corporation or other public entity, or improvement district within any of the foregoing, shall not be contested in any action unless such action shall have been brought within six months from the date of completion of said acts or proceedings. Unless an action is commenced within said period all said acts or proceedings shall be held valid and in every respect legal and incontestable.

This section shall not amend or repeal any existing statute prescribing a shorter period of limitation than that specified herein.

CHAPTER 1996

An act to amend Sections 7, 285, 350, 675, 1503, 1651, 2101, 2105, 2259, 2400, 4150, 5017, 5750, 6850, 6851, 9255, 9262, 9264, 9400, 9703, 11102, 11107, 11703, 11801, 11802, 12513, 12514, 12816, 13350, 13555, 13953, 14100, 16005, 16053, 16107, 16482, 17700, 20013, 21058, 21457, 21460, 21464, 22107, 22352, 22452, 22510, 24001, 24404, 24600, 24604, 24610, 24951, 25251, 25301, 25501, 25651, 25800, 26116, 30069, 30800, 30801, 31009, 31608, 31610, 35414, 35713, 35714, 35790, 40303, 40516, 42050 of, to amend and renumber Section 25789 of, to amend the headings preceding Sections 9700 and 9800 of, to add Sections 286, 676, 11112 and 16110 to, and to repeal Sections 13353, 40308, 40309, and 40310 of, the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to technical changes in the Vehicle Code as recodified.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

Effect of headings

7. Division, chapter, and article headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

SEC. 1.4. Section 285 of said code is amended to read:

"Dealer"

285. "Dealer" is a person not otherwise expressly excluded by this section, who:

(a) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration under this code, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle, or

(b) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by such person.

SEC. 1.5. Section 286 is added to said code, to read:

Same· Exclusions

286. The term "dealer" does not include:

(a) Insurance companies, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(b) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(c) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(d) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions.

(e) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(f) Persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(g) Persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children.

SEC. 2. Section 350 of said code is amended to read:

"Implement of husbandry"

350. Implement of husbandry includes, but is not limited to:

(a) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(b) A trailer of the tip-bed type when used exclusively by a farmer owner in the transportation of other implements of husbandry.

(c) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry.

(d) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(e) A spray or fertilizer applicator rig designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations.

(f) A nurse rig or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of a spray rig or an airplane used for the dusting, spraying, fertilizing, or seeding of crops.

(g) A row duster.

(h) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(i) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which is only incidentally operated or moved on a highway as a trailer.

(j) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(k) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(*l*) A portable honey extracting trailer or semitrailer.

(m) A non-self-propelled fertilizer nurse tank or trailer moved unladen on the highway and auxiliary to the use of a spray or fertilizer applicator rig.

(n) Any cotton trailer when used on the highways for the exclusive purpose of transporting cotton from a farm to a cotton gin, and returning the empty trailer to such farm, except that Section 5018 shall apply to such trailers.

SEC. 2.4. Section 675 of said code is amended to read:

"Vehicle salesman"

675. "Vehicle salesman" is a person not otherwise expressly excluded by this section, who:

(a) Is employed as a salesman by a dealer as defined in Section 285, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in a vehicle required to be registered under this code, or

(b) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle.

SEC. 2.5. Section 676 is added to said code, to read:

Same: Exclusions

676. The term "vehicle salesman" does not include:

(a) Representatives of insurance companies, finance companies, or public officials who in the regular course of business, are required to dispose of, or sell vehicles under a contractual right or obligation of the employer, or in the performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from any loss or pursuant to the authority of a court of competent jurisdiction.

(b) Persons who sell or distribute vehicles to dealers holding a license under the provisions hereof, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles to retail purchasers, they shall be deemed to be vehicle salesmen and are subject to the provisions of Article 1 (commencing at Section 11700), of Chapter 1, of Division 5.

(c) Persons exclusively employed in a bona fide business of exporting vehicles, or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States.

(d) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

SEC. 3. Section 1503 of said code is amended to read:

Conduct of department

1503. Except as in this division otherwise provided, the provisions of Chapter 2 (commencing at Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code shall govern and apply to the conduct of the department in every respect the same as if the provisions were set forth in this code, and wherever in that chapter the term "head of the department" or similar designation occurs, for the purposes of this division, it shall mean the director.

SEC. 3.5. Section 1651 of said code is amended to read:

Rules and regulations

1651. The director may adopt and enforce rules and regulations as may be necessary to carry out the provisions of this code relating to the department.

Rules and regulations shall be adopted, amended, or repealed in accordance with the Administrative Procedure Act, commencing at Section 11370 of the Government Code.

SEC. 4. Section 2101 of said code is amended to read:

"Department"

2101. As used in this chapter, "department" means the Department of the California Highway Patrol.

SEC. 5. Section 2105 of said code is amended to read:

Conduct of department

2105. Except as in this chapter otherwise provided, the provisions of Chapter 2 (commencing at Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code shall govern and apply to the conduct of the department in every respect the same as if the provisions were set forth in this code, and wherever in that chapter the term "head of the department" or similar designation occurs, for the purposes of this division, it shall mean the commissioner.

SEC. 6. Section 2259 of said code is amended to read:

Uniform and equipment repair

2259. The Department of the California Highway Patrol shall pay the cost of repairing the uniforms and equipment of members of the California Highway Patrol which are damaged in the line of duty. If the uniforms or equipment are damaged beyond repair, the department shall pay an amount equal to

the actual value thereof at the time the damage occurred, which shall be determined by the commissioner.

The term "equipment," as used in this section, shall include equipment required by the department or personal accoutrements necessary for the patrol member to perform his duty.

SEC. 7. Section 2400 of said code is amended to read:

Commissioner's duties

2400. The commissioner shall administer and enforce Chapter 4 (commencing at Section 10850) of Division 4, except Section 10854, Article 3 (commencing at Section 17300) of Chapter 1 of Division 9, Division 10 (commencing at Section 20000), Division 11 (commencing at Section 21000), except Sections 22950 and 22951, Division 12 (commencing at Section 24000), Division 13 (commencing at Section 29000), and Division 15 (commencing at Section 35000), and shall enforce all other laws regulating the operation of vehicles and the use of the highways.

SEC. 7.5. Section 4150 of said code is amended to read:

Application for original vehicle registration

4150. Application for the original registration of a vehicle of a type required to be registered under this code shall be made by the owner to the department upon the appropriate form furnished by it and shall contain:

(a) The name and business or residence address of the owner, and of the legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the vehicle, including the following data insofar as it may exist:

The make, model, and type of body.

The number of cylinders.

The motor number or any other identifying number of the vehicle as may be required by the department.

The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

SEC. 8. Section 5017 of said code is amended to read:

Identification plates

5017. Each identification plate issued under Section 5016 shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall display the identification card issued by the department as provided by Section 4454. It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

SEC. 9. Section 5750 of said code is amended to read:

5750. Upon transfer of the title or any interest of the legal owner or owners in a vehicle registered under this code, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for the vehicle. Transfer of title

SEC. 10. Section 6850 of said code is amended to read:

6850. A nonresident owner of any foreign commercial vehicle shall register the vehicle in this State and pay the fees applicable thereto under this code, except as provided in this article and Article 3 (commencing at Section 8000), and except in the event the vehicle is lawfully registered as a private passenger vehicle in the foreign jurisdiction in which the owner has his residence. Nonresident owners of foreign commercial vehicles

SEC. 11. Section 6851 of said code is amended to read:

6851. Any vehicle which is a two-wheel semitrailer offered for short-term lease to operators of private motor vehicles for the purpose of transporting the lessee's personal property and does not exceed (a) a maximum unladen weight of 1,000 pounds, (b) a maximum gross vehicular weight of 2,500 pounds, (c) a maximum outside width of 80 inches, and (d) a maximum loading area of 48 square feet, and is owned by a nonresident owner is exempt from registration and registration fees if the vehicle is registered in the foreign jurisdiction in which the owner has his residence. Two-wheel semitrailers for lease

SEC. 11.5. Section 9255 of said code is amended to read:

9255. Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered under this code, or for which a certificate of ownership has been issued without registration under Section 4452, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required under this code to obtain the issuance to him of a new certificate of ownership and registration card, there shall be paid the following fees: Transfer fees

(a) For a transfer by the owner	$2
(b) For a transfer by the legal owner	2
(c) When application is presented showing a transfer by both the owner and legal owner	
Total fee	2

SEC. 11.6. Section 9262 of said code is amended to read:

9262. The following fees shall be paid to the department for special plates issued to manufacturers, transporters and dealers: Manufacturers', transporters', etc., fees

(a) For the first set of special plates where in the discretion of the department an investigation is necessary	$58
(b) For the first set of special plates where no investigation is necessary or upon annual renewal	8
(c) For each additional set of special plates	8

SEC. 12. Section 9264 of said code is amended to read:

Automobile wreckers' fees

9264. The fees for a license or certificate and special plates issued to automobile wreckers shall be:

(a) For the certificate or license and the first set of special plates where in the discretion of the department an investigation is necessary $55

(b) For the first set of special plates where no investigation is necessary, or upon annual renewal 5

(c) For each additional set of special plates 3

Should an automobile wrecker make application for registration or special plates as a dealer, then in that event he shall pay such additional fees as are set forth under Section 9262.

SEC. 12.5. Section 9400 of said code is amended to read:

Commercial vehicle fees

9400. In addition to any other registration fee there shall be paid the following fees for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation:

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$48
6,000 lbs. or more but less than 10,000 lbs.	96
10,000 lbs. or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
3,000 lbs. to and including 4,000 lbs.	$14
4,001 lbs. to and including 5,000 lbs.	27
5,001 lbs. to and including 6,000 lbs.	40
6,001 lbs. to and including 7,000 lbs.	54
7,001 lbs. to and including 8,000 lbs.	67
8,001 lbs. to and including 9,000 lbs.	80
9,001 lbs. to and including 10,000 lbs.	94
10,001 lbs. to and including 11,000 lbs.	107
11,001 lbs. to and including 12,000 lbs.	120
12,001 lbs. to and including 13,000 lbs.	134
13,001 lbs. to and including 14,000 lbs.	147
14,001 lbs. and over	160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$11
3,001 lbs. to and including 4,000 lbs.	20
4,001 lbs. to and including 5,000 lbs.	40
5,001 lbs. to and including 6,000 lbs.	60
6,001 lbs. to and including 7,000 lbs.	80
7,001 lbs. to and including 8,000 lbs.	100
8,001 lbs. to and including 9,000 lbs.	120
9,001 lbs. to and including 10,000 lbs.	140
10,001 lbs. to and including 11,000 lbs.	160
11,001 lbs. to and including 12,000 lbs.	180
12,001 lbs. to and including 13,000 lbs.	200
13,001 lbs. to and including 14,000 lbs.	220
14,001 lbs. to and including 15,000 lbs.	240
15,001 lbs. and over	267

SEC. 13. The heading preceding Section 9700 of said code is amended to read:

Article 5. Quarterly Payment of Weight Fees

SEC. 14. Section 9703 of said code is amended to read:

Renewal of vehicle registration

9703. Application for renewal of a vehicle registration expiring on the date above mentioned shall be made by the owner within the first five days of the next succeeding quarter and shall be made by presentation of the certificate or insignia last issued for the vehicle or by presentation of a potential certificate or insignia issued by the department for use at the time of renewal and by payment of the full quarterly fee for the vehicle, as provided in this section, or, if renewal is for the remainder of the calendar year, by payment of the annual fee provided by Section 9400, as reduced pursuant to Section 9407.

Heading

SEC. 15. The heading preceding Section 9800 of said code is amended to read:

Article 6. Enforcement of Liens

SEC. 15.2. Section 11102 of said code is amended to read:

Driving schools Qualifications to operate

11102. Every person, in order to qualify to operate a driving school shall meet the following requirements:

(a) Be of good moral character.

(b) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(c) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(d) Pay to the department an examination fee of two hundred dollars ($200) which shall entitle the applicant to three examinations within a period of one year, and a license fee of fifty dollars ($50).

(e) If the application for a license is for the purpose of operating a school in which the person making application will be the sole instructor, the applicant shall have worked for an established licensed driver training school for a period of not less than one year, except that this subdivision does not apply to any person who holds a general secondary credential or a special secondary credential in public safety, including driver education and driver training.

SEC. 15.4. Section 11107 of said code is amended to read:

Grounds for refusal of license

11107. The Department of Motor Vehicles may refuse to issue a license certificate to any applicant to conduct a driver school or to any driving instructor when it is satisfied that:

(a) The applicant has not met the qualifications required under this chapter.

(b) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(c) The applicant has been convicted in a court of record or has done any act or series of acts or is guilty of conduct which would be a cause for suspension or revocation under Section 11110.

(d) One or more of the partners, if the applicant be a partnership, or one or more of the directors, employees, or officers of the corporation, if a corporation be the applicant, was previously the holder of a license issued under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, directors, employees, or officers, as the case may be, though not previously the holder of a license, was convicted or has done any act or series of acts or been guilty of conduct which would be a cause for revocation or suspension under Section 3108; or has been convicted of a felony.

(e) By reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business it is likely that the policy of the business will be directed, controlled or managed by an individual who by reason of the conviction, act, series of acts or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

SEC. 15.6. Section 11112 is added to said code, to read:

Hearing

11112. Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), Part 1, Division 3, Title 2 of the Government Code.

SEC. 15.8. Section 11703 of said code is amended to read:

11703. The department may refuse to issue a license and certificate to a manufacturer, transporter, or dealer, when it determines:

Grounds for withholding manufacturer's, etc., license

(a) The applicant was previously the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(b) That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders or officers of the corporation, if a corporation be the applicant, was previously the holder of a license and certificate, issued under the authority of this chapter, which were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, and,

That by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated, or,

The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude.

SEC. 16. Section 11801 of said code is amended to read:

11801. Application forms for a vehicle salesman license shall be furnished by the department, and shall contain provisions for:

Vehicle salesman license Application

(a) Name and address of the applicant.

(b) Names and addresses of two character references.

(c) Whether the applicant has ever been convicted of a felony in connection with the activity of a vehicle salesman.

(d) Whether the applicant has ever had a court judgment rendered for which he has been liable as a result of having misrepresented a vehicle.

(e) Such other information which will touch on the moral character or fitness of the applicant.

(f) Name, address, license number and certification of a licensed dealer employing the applicant.

SEC. 16.1. Section 11802 of said code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

Issuance

(b) The department may refuse to issue, or suspend or revoke a license, when satisfied that:

The information contained in an application is incorrect.

The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with the activity of a vehicle salesman.

SEC. 16.5. Section 12513 of said code is amended to read:

Junior permits. Issuance

12513. (a) Upon application, successful completion of tests and compliance with Sections 17700 to 17705, inclusive, the department may issue a junior permit to any person 14 years of age, but less than 16, who establishes eligibility as required by this section. A person is eligible when, in the opinion of the department, any one or more of the following circumstances exist:

School or other transportation facilities are inadequate for regular attendance at school and at activities authorized by the school. The application for a junior permit shall be accompanied by a signed statement from the school principal verifying such facts. A junior permit issued under this subsection shall be restricted to operating a vehicle from residence to the school and return.

Reasonable transportation facilities are inadequate and operation of a vehicle by a minor is necessary due to illness of a family member. The application shall be accompanied by a signed statement from a physician familiar with the condition, containing a diagnosis and probable date when sufficient recovery will have been made to terminate the emergency.

Transportation facilities are inadequate, and use of a motor vehicle is necessary in the transportation to and from the employment of the applicant and the applicant's income from such employment is essential in the support of the family, or where the applicant's operation of a motor vehicle is essential to an enterprise from which an appreciable portion of the income of the family will be derived. The application shall be accompanied by a signed statement from the parents or the guardian, setting forth the reasons a permit is necessary under this subsection.

(b) The existence of public transportation at reasonable intervals within one mile of the residence of the applicant may be considered adequate grounds for refusal of a junior permit.

(c) The department shall impose restrictions upon junior permits appropriate to the conditions and area under which they are intended to be used.

SEC. 17. Section 12514 of said code is amended to read:

Limitations

12514. (a) Junior permits issued pursuant to Section 12513 shall not be valid for a period exceeding that established on the original request as the approximate date the minor's operation of a vehicle will no longer be necessary. In any

event, no permit shall be valid on or after the sixteenth birthday of the applicant.

(b) The department may revoke any permit when such action appears necessary for the welfare of the minor or in the interests of safety.

(c) In the event conditions or location of residence, which required the minor's operation of a vehicle, change prior to expiration of the permit the department may cancel such permit

(d) Upon determination that the permittee has operated a vehicle in violation of restrictions, the department shall revoke such permit.

(e) A junior permit shall be construed to be a form of operator's license and shall be subject to all provisions of this code applying to operator's licenses, except as modified in this section and Section 12513.

(f) An instruction permit valid for a period not to exceed six months may be issued after eligibility has been established under Section 12513.

SEC. 17.5. Section 12816 of said code is amended to read:

Expiration and renewal of driver's license

12816. (a) Every original driver's license issued after September 10, 1957, shall expire on the anniversary of the date of birth of the applicant in the third year following the date of the application for the license.

(b) Renewal of any driver's license shall be made for a term which shall expire on the anniversary of the date of birth of the applicant in the fifth year following the expiration of the license renewed except that an original driver's license or such renewal of a license shall expire on the anniversary of the date of birth of the applicant in the second year following the application for an original, or the expiration of the license renewed if within the past two years the applicant has:

Except for parking violations, been convicted of two or more violations of Division 10 (commencing at Section 20000) or of Division 11 (commencing at Section 21000) of this code, if licensed as an operator, or four or more violations if licensed as a chauffeur.

Been convicted of any felony in the commission of which a motor vehicle was used.

(c) The department may accept application for a renewal of a driver's license made not more than six months prior to the date of expiration and the renewal license when issued shall expire as stated in subdivision (b) above. If renewal is not applied for within 30 days after expiration of the license, the application and fee shall be considered the same as an application for an original license to be issued for the term indicated in subdivision (a) above.

SEC. 18. Section 13350 of said code is amended to read:

Revocation of driving privilege

13350. The department shall immediately revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing

that the person has been convicted of any of the following crimes or offenses:

(a) Manslaughter resulting from the operation of a motor vehicle.

(b) Driving when addicted to the use, or under the influence of a narcotic drug under Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Upon three or more convictions upon violation of Section 20002, 23103, or 23104 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(e) Any felony in the commission of which a motor vehicle is used, except as provided for in Section 13352.

Repeal

SEC. 18.4. Section 13353 of said code is hereby repealed.

SEC. 18.6. Section 13555 of said code is amended to read:

Termination of probation, etc.

13555. A termination of probation and dismissal of charges pursuant to Section 1203.4 of the Penal Code does not affect any revocation or suspension of the privilege of the probationer to drive a motor vehicle under this chapter. The probationer's prior conviction shall be considered a conviction for the purpose of revoking or suspending such privilege on the ground of two or more convictions.

SEC 19. Section 13953 of said code is amended to read:

Suspension or revocation of driving privilege

13953. In the alternative to the procedure under Sections 13950, 13951, and 13952 and in the event the department determines upon investigation or re-examination that the safety of the person subject to investigation or re-examination or other persons upon the highways require such action, the department shall forthwith and without hearing suspend or revoke the privilege of the person to operate a motor vehicle or impose reasonable terms and conditions of probation which shall be relative to the safe operation of a motor vehicle. No order of suspension or revocation or the imposition of terms or conditions of probation shall become effective until 10 days after the giving of written notice thereof to the person affected, except that the department shall have authority to make any such order effective immediately upon the giving of notice when in its opinion because of the mental or physical condition of the person such immediate action is required for the safety of the driver or other persons upon the highways.

SEC. 20. Section 14100 of said code is amended to read:

Application for hearing

14100. Whenever the department has given notice or taken or proposes action under Section 13950, 13951, 13952, or 13953, the person receiving the notice or subject to the action taken or proposed to be taken may, in writing and within 10 days, either demand an informal hearing or a formal hearing which shall be granted, except as provided in Section 14101 or 14102.

An application for a hearing shall not operate to stay the action by the department for which notice is given.

SEC. 20.2. Section 16005 of said code is amended to read:

16005. (a) All reports and supplemental reports required by this chapter including insurance information forms and the total amounts of security required for deposit as determined by the department from the reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department and any other state department needing the same, except that the department shall disclose from the reports and security deposit records: Reports

The names and addresses of persons involved in the accident.

The registration numbers and descriptions of vehicles involved in the accident.

The date, time, and location of the accident.

The exemption from security requirement which has been established under Section 16050.

That security has been deposited or that suspension action has been taken by the department.

Names and addresses of insurance carriers.

(b) This information may be given to any person having a proper interest therein including:

The driver or drivers involved, or the employer, parent, or legal guardian thereof.

The authorized representative of any person involved in the accident.

Any person injured in the accident.

The owners of vehicles or property damaged in the accident.

SEC. 20.4. Section 16053 of said code is amended to read:

16053. Exemption may be established by filing evidence satisfactory to the department: Establishment of exemption

(a) That the driver has been released from liability by all other persons injured or damaged in the accident. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter. The department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or legal guardian on behalf of a minor without the approval of any court or judge.

(b) That all judgments that may arise out of damages or injuries sustained in the accident have been rendered in favor of the driver or have been satisfied by him.

(c) That a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident has been executed by the driver.

In the event of a default in any payment under the agreement, and upon notice of such default, the department shall forthwith suspend the driving privilege of the person defaulting and the privilege shall not be restored until either:

Such driver deposits and thereafter maintains security as required in Article 2 or in such amount as the department may then determine.

One year has elapsed following the date when such security was required and during such period no action at law upon

the agreement or for damages arising out of such accident has been instituted and is pending.

SEC. 20.6. Section 16107 of said code is amended to read:

Limitation on transfer of title

16107. No owner, other than a legal owner, shall sell or transfer title, or any other interest therein, in a motor vehicle from the time it has been involved in an accident requiring a report until either:

(a) The conditions for exemption specified in Sections 16051, 16052, 16055, 16056, 16057, and 16058 have in fact been complied with or exist, or that the conditions for exemption specified in Sections 16053 and 16054 have been complied with, whether or not a report or evidence thereof has been filed with the department; provided, that nothing herein shall excuse the filing of a report or evidence which may be required to establish exemption from suspension of the privilege to drive or suspension of registration.

(b) Security has been deposited as required by Sections 16020, 16021, and 16022.

(c) Suspension and storage of such motor vehicle has been terminated as provided in Sections 16055, 16056, and 16057.

(d) Security has been deposited with the department in an amount which the department is satisfied is equivalent to the value of said vehicle or the owner's interest therein, but not exceeding the amount of security fixed by the department. If the department has not fixed the amount of security at the time of such proposed sale or transfer, the department shall refund to the depositor any amount by which said deposit may exceed the amount of security thereafter fixed by the department.

(e) Fifty (50) days have elapsed since the date of accident without evidence of injury or damage having been submitted.

SEC. 20.8. Section 16110 is added to said code, to read:

Transfer of suspended vehicles, etc

16110. The department shall transfer registration of ownership and terminate suspension of a vehicle which is subject to suspension, or has been suspended under the provisions of Section 16027, upon receipt of the required fee, the registration card, and an endorsed certificate of ownership including the statement required by subdivision (d) of Section 4451, unless the department is satisfied that the interest of the new owner and legal owner, if any, in the vehicle was acquired with knowledge on their part that the registration was suspended, or was not acquired in good faith and for value. If the certificate of ownership does not contain provision for the statement required by subdivision (d) of Section 4451, the department shall accept in lieu thereof a separate document containing said statement, or if no such statement is presented to the department, it may require in lieu thereof such information as the department deems necessary to establish that the interest of the new owner and legal owner, if any, was acquired in good faith and for value and without knowledge that the registration was suspended.

SEC. 20.9. Section 16482 of said code is amended to read:

16482. (a) Any person whose privilege to operate a motor vehicle or whose privilege to register a motor vehicle has been suspended because of failure to satisfy a judgment and the judgment has been outstanding for a period of five years or more, the person may be relieved of the penalties therein provided and the privilege of the person to operate and register a motor vehicle may be restored in the event the person files with the department and thereafter maintains proof of ability to respond in damages notwithstanding that the judgment which gave rise to the order of suspension has not been paid or fully satisfied.

Restoration of suspended driving privilege

(b) Any person who has filed proof of ability to respond in damages as hereinbefore required for three years, or who has been eligible to file such proof for three years, may be relieved of the requirement of filing proof as provided in subdivision (b) of Section 16480.

SEC. 21. Section 17700 of said code is amended to read:

17700. For the purposes of this chapter, all persons under 21 years of age, except persons 18 years of age or over who have been married, are minors.

Minors

SEC. 22. Section 20013 of said code is amended to read:

20013. No such accident report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or failure to comply with the requirement that such a report be made to the department.

Accident reports as evidence

SEC. 23. Section 21058 of said code is amended to read:

21058. A physician traveling in response to an emergency call shall be exempt from the provisions of Sections 22351 and 22352 if the vehicle so used by him displays an insigne approved by the department indicating that the vehicle is owned by a licensed physician. The provisions of this section do not relieve the driver of the vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect the driver from the consequences of an arbitrary exercise of the privileges of this section.

Physician's emergency call

SEC. 24. Section 21457 of said code is amended to read:

21457. Whenever a flashing red or yellow signal is used in an official traffic control device, it shall require obedience by vehicular traffic as follows:

Flashing red or yellow signals

(a) When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

SEC 25. Section 21460 of said code is amended to read:

Double lines

21460. (a) When double parallel solid white or yellow lines are in place, no person driving a vehicle shall drive to the left thereof, except as permitted in this section.

A double parallel solid line consists of two parallel solid white or yellow lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement.

(b) When the double line described in this subdivision is in place, no person driving a vehicle shall drive to the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles.

The double line consists of two parallel lines, one of which shall be a solid white or yellow line and one a broken white line, each four inches in width separated by a black line three inches in width or a corresponding width of pavement. The term "broken line" used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed 26 feet in length and the solid or painted portions thereof between the breaks are not less than eight feet in length.

(c) Either of the markings as specified in subdivision (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, and either of the markings shall be disregarded when authorized signs have been erected designating offcenter traffic lanes as permitted under Section 21655, in which event, no person shall disobey the instructions given by the signs.

SEC. 26. Section 21464 of said code is amended to read:

Damage, etc , of road signs

21464. No person shall without lawful authority deface, injure, knock down, or remove, nor shall any person shoot at, any official traffic control device, guide post, or historical marker placed or erected as authorized or required by law, nor shall any person without such authority deface, injure, or remove, nor shall any person shoot at, any inscription, shield, or insigne on any such device, guide, or marker.

SEC. 27. Section 22107 of said code is amended to read:

Change of direction

22107. No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

SEC. 27.4. Section 22352 of said code is amended to read:

Prima facie speed limits

22352. The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

When traversing a grade crossing of a steam, electric or street railway, if during the last 100 feet of the approach to the

crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(b) Twenty-five miles per hour:

On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

When passing a school building or the grounds thereof, contiguous to the highway while children are going to or leaving such school during opening or closing hours or during the noon recess period Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children.

SEC. 27.6. Section 22452 of said code is amended to read:

Stops at railroad crossings

22452. (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any schoolchild, or of any motor truck carrying explosive substances as a cargo or part of a cargo, or of any motor tank truck, tank trailer, or tank semitrailer, used in the transportation of flammable liquids or liquefied petroleum gas as a cargo or part of a cargo, whether loaded or empty, before traversing a grade crossing of a railway, or electric railway, shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train, interurban car, or other vehicle using such rails. The vehicles shall remain standing while any train is moving toward the crossing and is close enough to constitute an immediate hazard.

(b) No stop need be made at street railway tracks within a business or residence district.

(c) Unless a train or locomotive is approaching, the driver of a motor vehicle need not stop at any industrial or spur track as defined by the Public Utilities Commission unless the Public Utilities Commission determines that a stop should be made.

(d) Distinctive signs or devices of a type authorized by the Public Utilities Commission shall be erected at industrial or spur tracks where no stop need be made.

(e) No stop need be made at any crossing where an officer is on duty and directs traffic to proceed nor where a stop and go signal is in operation and indicates that traffic may proceed.

(f) The driver of a motor vehicle need not stop at any branch line which crosses a road or street leading to or from a public ferry and on which there is less than daily train service and with characteristics and freight service similar to industrial track operations, where with the approval of the Public Utilities Commission, distinctive signs are displayed indicating that no stop need be made, unless a train or locomotive is approaching upon such branch line.

SEC. 28. Section 22510 of said code is amended to read:

Snow conditions: Parking

22510. Where any highway has been cleared of snow by snowplows, and the width of the highway is restricted by reason of snow conditions, the Department of Public Works, in respect to state highways, and local authorities, in respect to highways under their jurisdiction, may place and maintain signs indicating those areas within which parking is prohibited on either or both sides of the highways. No person shall stop, park, or leave standing any vehicle within the areas marked by signs, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or peace officer.

SEC. 29. Section 24001 of said code is amended to read:

Application of divisions

24001. This division and Division 13 (commencing at Section 29000), unless otherwise provided, applies to all vehicles whether publicly or privately owned when upon the highways, including all authorized emergency vehicles.

SEC. 29.5. Section 24404 of said code is amended to read:

Spotlamps

24404. (a) In addition, a motor vehicle may be equipped with not to exceed two spotlamps, which shall not be used in substitution of headlamps.

(b) No spotlamp shall be equipped with any lamp source exceeding 32 standard candlepower or 30 watts nor project any glaring light into the eyes of an approaching driver.

(c) Every spotlamp shall be so directed when in use:

That no portion of the main substantially parallel beam of light will strike the roadway to the left of the prolongation of the left side line of the vehicle.

That the top of the beam will not strike the roadway at a distance in excess of 300 feet from the vehicle.

(d) This section does not apply to spotlamps on authorized emergency vehicles.

(e) No spotlamp when in use shall be directed so as to illuminate any other moving vehicle.

SEC. 30. Section 24600 of said code is amended to read:

Rear lamps

24600. Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles during darkness shall be equipped with one or more lighted rear lamps exhibiting red light plainly visible from a distance of 500

feet to the rear except that a vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 and every new vehicle other than a motorcycle first registered after January 1, 1958, shall be equipped with not less than two such lighted rear lamps which shall be mounted at the left and right side respectively on the rear of the vehicle. Whenever any vehicle is equipped with two rear lamps, as required or permitted by this section, both of such lamps shall be lighted during darkness, except that such lamps may flash as a part of a turn signal lamp.

SEC. 31. Section 24604 of said code is amended to read:

Rearward projections

24604. Whenever the load upon any vehicle extends, or whenever any integral part of any vehicle projects, to the rear four feet or more beyond the bed or body of the vehicle, there shall be displayed at the extreme end of the load or projecting part of the vehicle during darkness, in addition to the required rear light, two red lights with a bulb rated not in excess of six candlepower plainly visible from a distance of at least 500 feet to the sides and rear. At any other time there shall be displayed at the extreme end of the load or projecting part of the vehicle a red flag or cloth not less than 16 inches square.

SEC. 32. Section 24610 of said code is amended to read:

Reflectors

24610. A reflector placed on vehicles under Section 24609 which is of the button or other multiple-unit type shall contain not less than seven units with a total of not less than three square inches of reflecting surface. The red reflectors required may be separate units or a part of the red rear lamps, but in either event the reflector and rear lamps shall comply with all of the requirements of Sections 24600, 24602, and 24609, and any reflector constituting an integral part of a rear lamp shall comply with all photometric requirements applicable to a separate reflector.

SEC. 32.5. Section 24951 of said code is amended to read:

Turn signal devices

24951. (a) Any vehicle may be equipped, and when required by this code, shall be equipped, with a lamp type turn signal system or semaphore turn signal device capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles which are first registered on or after January 1, 1958, shall be equipped with an electrical turn signal of a type approved by the department and meeting the requirements of this chapter:

All passenger type vehicles except motorcycles and motor-driven cycles.

All motor trucks and truck tractors.

All trailers or semitrailers having a gross weight of 6,000 pounds or more.

This requirement does not apply to special mobile equipment, pole or pipe dollies, or auxiliary dollies.

SEC. 33. Section 25251 of said code is amended to read:

25251. Flashing lights are permitted on motor vehicles as follows:

(a) To indicate an intention to turn or move to the right or left upon a roadway, approved turn signal lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(b) As warning lights on disabled vehicles as permitted in Section 25300 or on other vehicles which are disabled upon the roadway, four or more approved turn signal lamps may be flashed, at least two of which must be toward the front and at least two toward the rear of the vehicle.

(c) For use on emergency vehicles.

(d) For use on tow cars to the extent provided in Section 25253.

(e) For use during darkness, vehicles used by highway authorities or bridge and highway districts in highway maintenance work may be equipped with flashing or other red lights, to the front or rear, which may be used while the vehicles are parked or working on the highway.

(f) For use during darkness, vehicles used by mosquito abatement districts or pest abatement districts when dispersing insecticides in aerosol form or as mists, fogs, or smokes, may be equipped with flashing or other red lights to the front or rear which may be used while the vehicles are parked or working on the highway.

SEC. 33.5. Section 25301 of said code is amended to read:

Warning devices on utility vehicles

25301. When utility or public utility vehicles are parked, stopped or standing at the site of work as described in Section 22512, warning devices shall be displayed as follows:

(a) During daylight warning devices shall consist of either:

A warning flag or barricade striping on the front and rear of the vehicle.

A warning flag, sign, or barrier on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof, except that in zones where the maximum speed limit is in excess of 25 miles per hour said 50-foot distance may be increased up to 500 feet from the vehicle as circumstances may warrant.

(b) During darkness the warning devices shall consist of either:

One or more lights or fusees on the vehicle giving warning to approaching traffic from each direction.

A warning light, flare, fusee, or reflector on the highway not more than 50 feet in advance of the vehicle and not more than 50 feet to the rear thereof, except that in zones where the maximum speed limit is in excess of 25 miles per hour said 50-foot distance may be increased up to 500 feet from the vehicle where circumstances may warrant.

(c) The provisions of subdivision (a) or (b) do not prevent the display of both types of the warning devices during daylight or darkness.

(d) During either daylight or darkness, no warning device is necessary if the vehicle is an authorized emergency vehicle and is equipped with a flashing red light visible to approaching traffic from each direction.

SEC. 34. Section 25501 of said code is amended to read:

Insigne, etc.

25501. The name, legend, trademark, trade name, or insigne of any organization carrying a safety message or indicating a service rendered by the organization to a vehicle or operator and contained on reflectorizing material of any color, except red on the front of the vehicle, may be donated to or purchased by the owner and displayed on a vehicle, except that the name, legend, trademark, trade name, or insigne shall not be in excess of 48 square inches in area.

SEC. 35. Section 25651 of said code is amended to read:

Motor-driven cycles Headlamps

25651. The headlamp upon a motor-driven cycle may be of the single-beam or multiple-beam type, but in either event, when the vehicle is operated during darkness, the headlamp shall comply with the requirements and limitations as follows:

(a) The headlamp shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour and at a distance of not less than 200 feet when operated at a speed of 25 to not exceeding 35 miles per hour, and at a distance of 300 feet when operated at a speed greater than 35 miles per hour.

(b) In the event the motor-driven cycle is equipped with a multiple-beam headlamp, the upper beam shall meet the minimum requirements set forth above and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in subdivision (b) of Section 24407.

(c) In the event the motor-driven cycle is equipped with a single-beam lamp, it shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

SEC. 36. Section 25800 of said code is amended to read:

Implements of husbandry

25800. The provisions of Sections 24250, 24251, 24400 through 24404, inclusive, Articles 3, 4, 5, 6, 9, 11, and 13 (commencing at Sections 24600, 24800, 24950, 25100, 25350, 25450, and 25650 respectively), and Section 25953 of this chapter shall not apply to implements of husbandry or special mobile equipment. Such vehicle or equipment shall be subject to the provisions of Section 25260, Article 12 (commencing at Section 25500), Sections 25803, 25950, and 25952, of this chapter.

SEC. 37. Section 26116 of said code is amended to read:

Lighting equipment Revocation of approval

26116. When any approved lighting equipment is no longer manufactured for commercial sale, the department may revoke the prior approval, but such revocation shall not prevent the use of the lighting equipment sold during the time it was approved.

The department may, however, at its discretion revoke approval of any lighting equipment other than any lighting equipment which is part of the original equipment of a vehicle, if it is found unsafe, impractical, or objectionable in actual use or is defective for any of the reasons for which an original approval may be denied.

SEC. 38. Section 30069 of said code is amended to read:

Inspections

30069. Inspections shall be made en route to assure that binders are tight, unit separators are in position as required, stakes, racks and tarpaulins are in position as required, and that the load or portion of load does not contain projections beyond the width limits of the vehicle.

SEC 39. Section 30800 of said code is amended to read:

Hay in bales

30800. This chapter applies to the loading and securement of hay in bales for transportation.

SEC. 40. Section 30801 of said code is amended to read:

Exception

30801. This chapter does not apply to a farmer transporting his own hay incidental to his farming operations where such transporting requires that he use the highways, except that this section does not relieve the farmer from loading and securing the hay in a safe manner.

SEC 41. Section 31009 of said code is amended to read:

Binders

31009. Binders securing loads of baled hay shall be tightened and locked prior to a vehicle entering upon a highway and inspection shall be made en route to assure that the load is stable and that the binders are tight and locked.

SEC. 42. Section 31608 of said code is amended to read:

Inspection

31608. The inspection of a vehicle required under subdivision (b) of Section 31607 shall include inspection of the following:

(a) Brakes and the brake system.

(b) The ignition and lighting systems.

(c) All tires on the equipment.

(d) All supplemental equipment as required by Section 31610.

SEC. 43. Section 31610 of said code is amended to read:

Transportation of explosives

31610. Every vehicle or combination of vehicles used in the transportation of explosives and subject to this division, in addition to any other equipment required by law, shall be equipped and maintained as required by this section.

(a) Brakes and the brake system shall be maintained in good and safe operating condition.

(b) The ignition and lighting systems shall be maintained in good operating condition. Every vehicle or combination of vehicles shall be equipped with at least one spare electric bulb for each kind of electric lamp used for any of the lighting devices required under this code and one spare fuse for each type fuse used in the electrical system.

(c) All tires shall be in good condition, properly matched and inflated. Every vehicle or combination of vehicles shall carry at least one spare tire.

(d) There shall be carried at least two fire extinguishers, filled and ready for use, one bearing the approval of the Underwriters Laboratories as a 2:A Unit, the other as a 4.B:C Unit.

(e) Every vehicle or combination of vehicles shall carry two red cloth flags, each not less than 16 inches square, for use as warning devices and either three red electric lanterns or three red emergency reflectors. No flare, fusee, oil lantern or any signal device producing a flame shall be carried upon any vehicles or combination of vehicles.

SEC. 44. Section 35414 of said code is amended to read:

Transportation of poles, etc.

35414. The limitations of this chapter as to length of vehicles and loads shall not apply when only poles, timbers, pipes, or integral structural materials not exceeding 80 feet in length are being transported upon a pole or pipe dolly or other lawful trailer used in connection with a motor vehicle.

SEC. 45. Section 35713 of said code is amended to read:

Closing of highways

35713. No ordinance closing a highway under Section 35712 is effective until appropriate signs are erected indicating either the highways affected by the ordinance or the highways not affected as the county may determine will best serve to give notice of the ordinance, nor shall any ordinance be effective with respect to any county highway unless the board of supervisors designates in the ordinance an alternate route for the use of the vehicles which shall remain unrestricted by any local regulation as to commercial vehicles so long as the ordinance proposed shall remain in effect.

SEC. 46. Section 35714 of said code is amended to read:

Same

35714. No ordinance adopted pursuant to Section 35712 shall be effective with respect to:

(a) Any vehicle which is subject to the provisions of Article 2 (commencing at Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(b) Any highway which is a through highway or was a through highway on or after January 1, 1955.

(c) Any highway, any portion of which is also under the jurisdiction of a city, unless the consent of the governing body of the city is first obtained.

(d) Any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted highway for which a building permit has previously been obtained.

(e) The operation of ambulances or hearses.

(f) Any vehicle owned, operated, controlled, or used by a public utility in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities.

(g) Any state highway, until the proposed ordinance has been submitted by the board of supervisors of the county to and approved in writing by the Department of Public Works. In submitting a proposed ordinance to the department for approval, the board of supervisors shall designate therein, an alternate route for the use of the vehicles which shall remain unrestricted by any local regulation as to commercial vehicles so long as the ordinance proposed shall remain in effect. The approval of the proposed ordinance by the Department of Public Works shall constitute an approval by the department of the alternate route so designated.

(h) Vehicles operated as an incident to any industrial, commercial or agricultural enterprise conducted within the boundaries of the unincorporated residential subdivision area.

SEC. 47. Section 25789 of said code is amended and renumbered to read:

Housemoving across railroad tracks

35789. Any housemoving contractor or other person who by contract or otherwise moves or transports a dwelling house or other building across railroad tracks shall furnish to the division or district superintendent of the railroad company operating such tracks written notice of intention to make such movement at least 36 hours prior to doing so. The written notice of intention to make such a movement shall contain the name of the street, highway or road over which such dwelling house or other building will be moved across the railroad tracks, the approximate time of day such movement will be made and such other information as may be necessary to enable the railroad company to take precautionary measures to avoid a collision by a train with such dwelling house or other building.

SEC. 48. Section 35790 of said code is amended to read:

Overwidth trailer coaches

35790. (a) The State Department of Public Works with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may upon application in writing and if good cause appears issue a special permit in writing authorizing the applicant to move a trailer coach in excess of the maximum width, but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for any permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

(d) The State Department of Public Works or local authority is authorized to establish seasonal or other time

limitations within which the trailer coach described may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

The power unit used to tow overwidth trailers must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels.

The trailer coach for which the permit is issued shall not have a gross weight in excess of 18,000 pounds.

A permit which has been issued for the movement of a trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the State.

(f) The Department of Public Works shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of the highways.

(h) It is a misdemeanor for any person to violate any of the terms or conditions of any such special permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956) would cause this State to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

SEC. 48.5. Section 40303 of said code is amended to read:

Arrests

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(a) Sections 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Sections 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal

of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Sections 2800 and 2803, relating to the refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 20007, relating to failure to stop after collision with an unattended vehicle.

(h) Section 23109, relating to participating in speed contests.

(i) Section 14601, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 23332, relating to persons upon vehicular crossings.

Repeal

SEC. 49. Section 40308 of said code is hereby repealed.

Same

SEC. 50. Section 40309 of said code is hereby repealed.

Same

SEC. 51. Section 40310 of said code is hereby repealed.

SEC. 52. Section 40516 of said code is amended to read:

Warrants

40516. (a) The expenses incurred by the Department of the California Highway Patrol and the Department of Motor Vehicles in executing any warrant issued as a result of a notice to appear issued by a member of the California Highway Patrol shall be a legal charge against the city or county in which jurisdiction the warrant was issued except where the commissioner authorizes the acceptance of a warrant for execution within 30 days of the date of its issuance.

(b) The commissioner or director shall certify to the Controller the cost of executing warrants on behalf of each city or county under this section. The departments shall be reimbursed for costs as provided in Section 11004.5 of the Revenue and Taxation Code.

(c) The peace officer to whom a warrant has been delivered for execution, upon demand, shall transfer the warrant, if it has not been executed within 30 days of the date of its issuance, to any member of the California Highway Patrol or to the Department of Motor Vehicles for execution.

SEC. 53. Section 42050 of said code is amended to read:

Penalty assessments

42050. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 17305 of the Education Code, on and after January 1, 1954, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles, except offenses relating to parking or registration, in the following amounts:

(a) Where a fine is imposed	$1 for each $20 of fine, or fraction thereof.
(b) If sentence is suspended	$1 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
(c) If bail is forfeited	$1 for each $20 of bail, or fraction thereof.
(d) Where multiple offenses are involved	The penalty assessment shall be based on the total fine or bail for all offenses, or $1 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

Operation

SEC. 54. The provisions of Section 9605 of the Government Code shall not apply to this act.

In the event any provision of the Vehicle Code enacted by the Legislature at the 1959 Regular Session which is amended or repealed by any of the preceding sections of this act is also affected by any other enactment of the Legislature at the 1959 Regular Session other than Chapters 6, 11, 173, 255 and 403, the conflicting section of this act shall not be operative.

CHAPTER 1997

An act to amend Section 30031 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to tax exemption for the Leland Stanford Junior University.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 30031 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

30031. The exemption from taxation of the Leland Stanford Junior University is as provided in Section 1a of Article XIII of the Constitution; provided, however, that it shall hold exempt from taxation all real property used by it exclusively for educational purposes.

CHAPTER 1998

An act to add Section 68073.5 to the Government Code, relating to courts.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 68073.5 is added to the Government Code, to read:

68073.5. In any county having a population of 3,000,000 or more, the board of supervisors may, with respect to any dining facility, or garage or other vehicular parking facility, in or adjacent to the county courthouse and other court buildings in said county, provide the courts occupying such buildings and the judges, officers of the court, attaches and jurors quartered therein, with the same accommodations as to use, access, occupancy and, excepting jurors, with the same participation in the operational administration thereof, as are furnished, made available to, or enjoyed by the departments, officers and employees of the county with respect to similar facilities in or adjacent to other county buildings.

CHAPTER 1999

An act to amend Sections 19175 and 19575 of the Government Code, relating to punitive actions against state employees.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 19175 of the Government Code is amended to read:

Review by board

19175. The board at the written request of a rejected probationer, filed within 15 calendar days of the effective date of rejection, may investigate with or without a hearing the reasons for rejection. After investigation, the board may:

(a) Affirm the action of the appointing power; or

(b) Restore the name of the rejected probationer to the employment list for certification to any position within the class; provided, that his name shall not be certified to the agency by which he was rejected, except with the concurrence of the appointing power thereof; or

(c) Restore him to the position from which he was rejected, but this shall be done only if the board determines, after hearing, that there is no substantial evidence to support the reason or reasons for rejection, or that the rejection was made in fraud or bad faith. At any such hearing the rejected probationer shall have the burden of proof; subject to rebuttal by

him, it shall be presumed that the rejection was free from fraud and bad faith and that the statement of reasons therefor in the notice of rejection is true.

SEC. 2. Section 19575 of the Government Code is amended to read:

19575. No later than 20 calendar days after service of the notice of punitive action, the employee may file with the board a written answer to the notice, which answer shall be deemed to be a denial of all of the allegations of the notice of punitive action not expressly admitted and a request for hearing or investigation as provided in this article. With the consent of the board or its authorized representative an amended answer may subsequently be filed. If the employee fails to answer within the time specified or after answer withdraws his appeal the punitive action taken by the appointing power shall be final. A copy of the employee's answer and of any amended answer shall promptly be given by the board to the appointing power. Answer

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CHAPTER 2000

An act to amend Section 20009.1 of the Government Code, relating to state retirement systems.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 17, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20009.1 of the Government Code is amended to read:

20009.1. "Public agency" also includes the following:

(a) The office of county superintendent of schools with respect to its employees whose compensation is not paid from county funds and with respect to employees of school districts within the jurisdiction of the superintendent which are not contracting agencies.

(b) The Commandant, Veterans Home of California, with respect to employees of the post exchange and other post fund activities whose compensation is paid from the post fund of the Veterans Home of California.

(c) Any foundation or trust established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of a state or junior college.

(d) Any student body or nonprofit organization composed exclusively of students of a state or junior college or of members of the faculty of a state or junior college, or both, and established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of the state or junior college.

(e) The Adjutant General with respect to persons employed by him pursuant to federal regulations and compensated directly from federal funds.

CHAPTER 2001

An act to add Section 25550.5 to the Government Code, relating to the transfer by a county of a local park to a city.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 25550.5 is added to the Government Code, to read:

25550.5. By unanimous vote, the board of supervisors of any county owning any property situated in any city, which real property has been improved for use as a public park may, upon a finding that the park is local in character, convey such park to the city for public park purposes without consideration other than the agreement of the city to maintain such area as a public park for the benefit and use of all residents of the county.

By unanimous vote, the board of supervisors of any county, upon transferring a park pursuant to the provisions of this section, may convey to the city for continued use on that park only such personal property as is at the time of transfer located on said park. Such transfer may also be without consideration other than the agreement of the city to maintain such personal property for use on that park facility.

CHAPTER 2002

An act to amend Sections 2100, and 2106 of, to repeal Section 2108 of, and to add Section 2108 to, the Health and Safety Code, relating to pet birds.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2100 of the Health and Safety Code is amended to read:

Banding required

2100. No person, association, organization, partnership, or corporation shall raise and sell, offer for sale, trade, or barter any shell parakeet or budgerigar unless such bird is banded with traceable, seamless, closed bands of standard size, color, and material as specified by the department after consulting with the advisory committee.

SEC. 2. Section 2106 of said code is amended to read:

Fees

2106. All manufacturers selling or marketing bands prescribed in Section 2100 shall pay a fee to the department on each such band sold. The board shall provide by regulation the amount of the fee to be paid, the total amount of such fees to yield a sum approximating the estimated cost of the

administration of this chapter. All fees due and payable under this chapter shall be paid quarterly, the first quarter to begin on or before the fifteenth day of January of each year. Such fees shall be paid by the department into the General Fund in the State Treasury.

Repeal

SEC. 3. Section 2108 of said code is repealed.

SEC. 4. Section 2108 is added to said code, to read:

Application of chapter

2108. The provisions of this chapter shall apply to all shell parakeets or budgerigars.

CHAPTER 2003

An act to add Section 154.8 to the Agricultural Code, relating to noxious weeds.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 154.8 is added to the Agricultural Code, to read:

154.8. For the purpose of this chapter the term "noxious weed" shall mean any species of plant which is, or is liable to be detrimental or destructive and difficult to control or eradicate; and shall include all species of primary noxious weeds and secondary noxious weeds listed in Sections 911.22 and 911.23 of this code, and such other species of plants as the director, after investigation and hearing, shall determine to be a noxious weed.

CHAPTER 2004

An act to amend Section 13832 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the State Teachers' Retirement System.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 13832 of the Education Code is amended to read:

13832. "Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system or time during which he was not a member but for which he has received credit under the system, except such time as was so credited pursuant to the provisions of Sections 14067 and 14068. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute

a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. With respect to members whose retirements are effective after June 30, 1956, two or more breaks in service which are separated by periods of service each of which does not exceed one-half year of credited service, shall be added together, and for the purpose of this section, the total shall be considered as one break. Time during which a member is in state service or in the employment of a local school district or of a county superintendent of schools and is also a member of another retirement system to which the State, a county, or the university contributes shall not be considered to be an absence for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system. Retirement allowances, heretofore effective and based on such final compensation, are hereby validated and confirmed.

The board may specify a different final compensation with respect to benefits based on part-time service rendered prior to July 1, 1956, for which credit was given under this system under board rules in effect prior to such date.

CHAPTER 2005

An act to amend Section 1306 of the Penal Code, relating to bail.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1306 of the Penal Code is amended to read:

1306. When any bond is forfeited, if the court which has declared the same forfeited has civil jurisdiction to render judgment in an action arising upon a contract of similar nature and amount, 90 days after such forfeiture, if the same has not been set aside, it shall enter a summary judgment against each bondsman named in such bond in the amount for which such bondsman shall have bound himself; if the court declaring such forfeiture has not jurisdiction to give judgment in an action arising upon a contract of similar

nature and amount, said court 90 days after such forfeiture, if the same has not been set aside, shall deliver to the district attorney of the county in which said court is located said bond, together with a certified copy of its order declaring the same forfeited, and immediately thereafter said district attorney must file said bond and said certified copy of forfeiture in a court having jurisdiction to render judgment in an action arising upon a contract of similar nature and amount. The court in which said bond and certified copy of forfeiture shall be so filed shall forthwith enter a summary judgment against each bondsman named in such bond in the amount for which said bondsman shall have bound himself.

A dismissal of the indictment or information after the default of the defendant shall not release or affect the obligation of the bail bond or undertaking.

Within five days after said judgment becomes final the district attorney or other civil legal adviser of the board of supervisors shall demand immediate payment of said judgment. If the judgment remains unpaid for a period of 10 days after demand has been made, he shall forthwith cause a writ of execution to issue and be levied upon the property of the judgment debtor and shall take any other steps necessary to collect said judgment.

CHAPTER 2006

An act to add Section 35791 to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to permits for vehicles of an excessive size or weight.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35791 is added to the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, to read:

35791. The Department of Public Works and any local authority may, with respect to such highways as may be agreed upon under their respective jurisdictions which traverse any area within the boundaries of the local authority, contract for the issuance by either authority of a single permit authorizing the operation or movement of a vehicle or a combination of vehicles or special mobile equipment in the same manner as if each authority had issued separate permits pursuant to Section 35780.

CHAPTER 2007

An act to amend Section 20630 of the Government Code, relating to member contributions under the State Employees' Retirement System.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 20630 of the Government Code is amended to read:

20630. Subject to rules prescribed by the board any member may elect to make contributions in excess of his normal contributions, for the purpose of providing additional benefits. The exercise of this privilege by a member does not require his employer to make any additional contributions. Upon application, the board shall furnish information concerning the nature and amount of additional benefits to be obtained from additional contributions. The board may by rule provide for refund of additional contributions to a member.

CHAPTER 2008

An act to amend Section 834 of the Corporations Code, relating to derivative actions by corporate shareholders.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 834 of the Corporations Code is amended to read:

834. (a) No action may be instituted or maintained in right of any unincorporated association or of any domestic or foreign corporation by a member of such association or by the holder or holders of shares, or of voting trust certificates representing shares, of such corporation unless both of the following conditions exist:

(1) The plaintiff alleges in the complaint that he was a member, registered shareholder or the holder of voting trust certificates at the time of the transaction or any part thereof of which he complains or that his membership, shares or voting trust certificates thereafter devolved upon him by operation of law from a holder who was a holder at the time of the transaction or any part thereof complained of.

(2) The plaintiff alleges in the complaint with particularity his efforts to secure from the board of directors such action as he desires and alleges further that he has either informed the corporation or such board of directors in writing of the ultimate facts of each cause of action against each defendant

director or delivered to the corporation or such board of directors a true copy of the complaint which he proposes to file, and the reasons for his failure to obtain such action or the reasons for not making such effort.

(b) In any such action, at any time within 30 days after service of summons upon the corporation or any defendant who is an officer or director of the corporation, or held such office at the time of the acts complained of, the corporation or such defendant may move the court for an order, upon notice and hearing, requiring the plaintiff to furnish security as hereinafter provided. Such motion shall be based upon one or more of the following grounds:

(1) That there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint against the moving party will benefit the corporation or its security holders;

(2) That the moving party, if other than the corporation, did not participate in the transaction complained of in any capacity.

The court on application of the corporation or any defendant may, for good cause shown, extend such 30-day period for an additional period or periods not exceeding 60 days.

At the hearing upon such motion, the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material: (a) to the ground or grounds upon which the motion is based, or (b) to a determination of the probable reasonable expenses, including attorney's fees, of the corporation and the moving party which will be incurred in the defense of the action. If the court determines, after hearing the evidence adduced by the parties at the hearing, that the moving party has established a probability in support of any of the grounds upon which the motion is based, the court shall fix the nature and amount of security to be furnished by the plaintiff for reasonable expenses, including attorney's fees, which may be incurred by the moving party and the corporation in connection with such action, including expenses for which said corporation may become liable pursuant to Section 830. A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. The corporation and the moving party shall have recourse to such security in such amount as the court shall determine upon the termination of such action. The amount of such security may thereafter from time to time be increased or decreased in the discretion of the court upon showing that the security provided has or may become inadequate or is excessive. If the court, upon any such motion, makes a determination that security shall be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within such reasonable time as may be fixed by the court.

(c) If any such motion is filed, no pleadings need be filed by the corporation or any other defendant, and the prosecution of such action shall be stayed, until 10 days after such motion shall have been disposed of.

(d) The provisions of this section are applicable to all associations, both incorporated and unincorporated. As used in this section "corporation" includes an unincorporated association, and "board of directors" includes the managing body of an unincorporated association.

CHAPTER 2009

An act to add Article 5 (commencing at Section 380.20) to Chapter 3, Division 3, of the Agricultural Code, and to amend Section 12022 of the Business and Professions Code, relating to poultry meat.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing at Section 380.20) is added to Chapter 3, Division 3, of the Agricultural Code, to read:

Article 5. Moisture Content of Poultry Meat

Definitions

380.20. As used in this article

(a) "Poultry" means domesticated fowl to be used for human food, and includes chickens, turkeys, ducks, geese, and other domesticated birds.

(b) "Poultry meat" means the carcass of poultry or any part thereof in the raw state, but does not include poultry meat food products.

Added moisture

380.21. It shall be unlawful to offer for sale or sell poultry meat which contains added moisture in excess of 4 percent by weight, or in excess of any greater amount that may be established by regulations of the director as necessary in good commercial processing techniques consistent with protection of the interests of the consuming public.

Adoption of rules and regulations

380.22. The director shall enforce this article, and may, after investigation and hearings conducted in accordance with Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2, of the Government Code, promulgate and adopt such rules and regulations as are reasonably necessary for carrying out the provisions thereof. The rules and regulations adopted by the director shall be, insofar as possible, similar to and consistent with regulations adopted by the United States Department of Agriculture.

Inspection

380.23. All enforcing officers may enter and inspect any place or conveyance where any poultry or poultry meat, as defined in this article, is produced, prepared, packed, re-

packed, cut up, recut, stored, delivered for shipment, loaded, shipped, transported or sold, and may inspect all such poultry and poultry meat and the containers thereof, and may take for inspection such representative samples of such products and containers as may be necessary to determine by laboratory analysis or other tests whether or not this article has been violated.

380.24. Any person who violates the provisions of this article or the regulations adopted thereunder is guilty of a misdemeanor. Misdemeanor

SEC. 2. Section 12022 of the Business and Professions Code is amended to read:

12022. Every person who, in putting up in any container, goods usually sold by weight, puts in or conceals therein any other substance including moisture, except such moisture as may be included or absorbed by the goods or commodity contained therein during preparation for market or processing in accordance with ordinary commercial practice, for the purpose of increasing the weight of such container with intent thereby to sell the goods therein or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars ($25) for each offense. The amount of added moisture contained in poultry meat as defined in Section 380.20 of the Agricultural Code shall not exceed 4 percent by weight or any greater amount established by regulation of the director. Fine

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CHAPTER 2010

An act to add Section 56 to the Elections Code, relating to election returns.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 56 is added to the Elections Code to read:

56. The county clerk, as defined in this code, in every county shall compile and make available to the Legislature or any appropriate committee thereof, such information and statistics as may be necessary for use in connection with the reapportionment of legislative districts, including, but not limited to, lists showing the election returns for each precinct in the county at state-wide elections held in the years 1958 and 1960.

CHAPTER 2011

An act to add Section 214.2 to the Revenue and Taxation Code, relating to the welfare exemption from taxation.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 214.2 is added to the Revenue and Taxation Code, to read:

214.2. As used in Section 214.1, "facilities in the course of construction" shall include the demolition or razing of a building with the intent to replace it with facilities to be used exclusively for religious, hospital or charitable purposes.

SEC. 2. The amendments made by this act do not constitute a change in, but are declaratory of, the pre-existing law, and said amendments shall apply to "facilities in the course of construction" prior to its effective date.

CHAPTER 2012

An act to add Article 5 to Chapter 10, Title 8, of the Government Code, relating to Lodi Municipal Court.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing at Section 73480) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 5. Lodi

City of Lodi

73480. This article applies to the municipal court established in a district embracing the City of Lodi.

One judge

73481. There shall be one judge.

Salary Clerk

73482 There shall be one clerk, who shall be the administrative officer and act as secretary to the judge and be at Range 24 and receive a minimum salary of four hundred fifty-four dollars ($454) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred fifty dollars ($550) monthly.

73483. The clerk may appoint:

Same Deputy clerks

(a) Two deputy clerks III who shall be at Range 16 and each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

(b) Two deputy clerks II who shall be at Range 14 and each of whom shall receive a minimum salary of two hundred eighty-two dollars ($282) monthly, with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341).

(c) Two deputy clerks I who shall be at Range 13 and each of whom shall receive a minimum salary of two hundred sixty-nine dollars ($269) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of three hundred twenty-five dollars ($325) monthly.

Same Marshal

73484. There shall be one marshal who shall receive a salary of six hundred dollars ($600) monthly.

Same Deputy marshals

73485. The marshal may appoint two deputy marshals III who shall be at Range 17, and each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred ninety-four dollars ($394) monthly.

73486. This article shall become effective when it is determined in the manner prescribed by Section 71043 that the population of the Lodi Judicial District exceeds 40,000 and shall thereafter be known as the Lodi Municipal Court District.

CHAPTER 2013

An act to amend Sections 4986.5 and 4986.6 of the Revenue and Taxation Code, relating to taxes on real property.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4986.5 of the Revenue and Taxation Code is amended to read:

Tax moratorium exceptions

4986.5. When real property is distributed by description to the State after the lien date because there are no known heirs or because the estate or any portion thereof is to be distributed to heirs, devisees, or legatees whose whereabouts are unknown, taxes upon such real property shall not be paid for a period of five years after the date of entry of the decree of distribution except as provided in this section.

(a) If five years after the date of entry of the decree of distribution elapse without claim by the heirs of decedent or other persons entitled to make such claim, all taxes shall be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney.

(b) If during the five-year period the real property is claimed by the heirs of decedent or other persons entitled to

make such claim, all taxes upon such real property become due upon the approval of the claim, and shall be collected in the manner provided by law.

(c) If during the five-year period the State sells the real property it shall credit the proceeds of the sale to the particular estate and all taxes thereon shall be canceled. If the proceeds are claimed within the five-year period and the claim is allowed, the Controller shall deduct from the amount allowed to be paid to the claimant and remit to the taxing agency an amount equal to all taxes canceled plus any other amounts which would have been necessary to redeem the property at the time of cancellation, in accordance with an estimate thereof by the redemption officer.

SEC. 2. Section 4986.6 of said code is amended to read:

Sale for taxes after escheat

4986.6. When any real property escheats to the State after the lien date and is not distributed by description, either because it is unknown, or is included in a general distribution clause without description, or is property as to which no probate proceedings have been taken, all taxes levied upon such real property are valid and any tax sale by the State for such taxes conveys the same title thereto as if no escheat had occurred, notwithstanding any provision of law to the contrary. All such taxes levied upon such real property and tax sales by the State duly taken pursuant to law occurring before the effective date of this section are hereby validated.

If any such real property is discovered prior to tax sale by the State, the public administrator of the county in which the property is situated shall immediately commence probate proceedings with respect to such property, and such tax sale shall not be made.

CHAPTER 2014

An act to amend Sections 6900 and 6902 of the Government Code, relating to vending stands for the blind.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6900 of the Government Code is amended to read:

Vending stands Operation

6900. For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this chapter, except as otherwise provided, may operate vending stands, snack bars and cafeterias in any building owned or occupied by the State or by any county or city for the vending of articles pursuant to this chapter.

SEC. 2. Section 6902 of said code is amended to read:

6902. The Director of Finance may construct and install or permit the construction and installation of vending stands, snack bars and cafeterias in any building owned or occupied by the State for the Bureau of Vocational Rehabilitation for the use of blind persons licensed by the bureau. The amount of space allotted for this purpose shall be kept to the minimum space consistent with the number of persons to be served. The governing board of any county may also construct and install or permit the construction and installation of vending stands for operation by blind persons in any building owned or occupied by the county. The governing board of any city may construct and install or permit the construction and installation of such vending stands for operation by such blind persons in any building owned or occupied by the city.

State, etc., buildings

CHAPTER 2015

An act to amend Section 37361 of the Government Code, relating to cities.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 37361 of the Government Code is amended to read:

37361. The legislative body may acquire property for the preservation or development of a historical landmark. It may also acquire property for the development of recreational purposes and facilities in connection therewith.

The legislative body may provide for places, buildings, structures, works of art, and other objects, having a special character or special historical or aesthetic interest or value, special conditions or regulations for their protection, enhancement, perpetuation or use, which may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both.

CHAPTER 2016

An act to add Chapter 14 (commencing at Section 1420) to Title 10, Part 2 of the Penal Code, relating to disposition of unclaimed money held by a district attorney.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing at Section 1420) is added to Title 10 of Part 2 of the Penal Code, to read:

CHAPTER 14. DISPOSITION OF UNCLAIMED MONEY HELD BY DISTRICT ATTORNEY

Unclaimed money

1420. All money received by a district attorney in any criminal action or proceeding, the owner or owners of which are unknown, and which remains unclaimed in the possession of the district attorney after final judgment in said criminal action or proceeding, may be deposited with the county treasurer. Upon the expiration of two years after such deposit, the county treasurer may cause a notice to be published in the county once a week for two successive weeks in a newspaper of general circulation published in the county.

Notice

1421. The notice shall state the amount of money, the criminal action or proceeding in which the money was received by the district attorney, the fund in which it is held and that it is proposed that the money will become the property of the county on a designated date not less than 45 days nor more than 60 days after the first publication of the notice.

Verified complaint for recovery

1422. Unless some person files a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within the county in which the notice is published, and serves a copy of the complaint and the summons issued thereon upon the county treasurer before the date designated in the notice, upon that date the money becomes the property of the county and shall be transferred by the treasurer to the general fund.

CHAPTER 2017

An act to add Article 2.1 (commencing at Section 35575) to Chapter 2 of Part 2 of Division 2 of Title 4 of the Government Code, relating to exclusion of territory from cities.

In effect September 18, 1959

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.1 (commencing at Section 35575) is added to Chapter 2 of Part 2 of Division 2 of Title 4 of the Government Code, to read:

Article 2.1. Uninhabited Territory Owned by a Chartered County

Contiguous uninhabited territory

35575. Where a chartered city contains uninhabited territory contiguous to and a part of a larger parcel of property owned by a chartered county and held for a public use, such territory may be excluded from the city upon the adoption of an ordinance by the board of supervisors of the county describing the territory sought to be excluded and declaring its intention and desire that the territory be excluded from the

city; provided, however, that no territory shall be so excluded without the approval of the legislative body of the city by the adoption of an ordinance consenting to such exclusion.

35576. Upon approval by the legislative body of the city, the clerk of the board of supervisors shall file a certified copy of each ordinance with the Secretary of State and the county recorder. Certified copy of ordinances

35577. From the date of filing with the Secretary of State the exclusion of the territory is complete and it ceases to be a part of the city. Exclusion of territory

CHAPTER 2018

An act to add Section 17205 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to the transportation of school district money to and from banks.

[Approved by Governor July 16, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 17205 is added to the Education Code, to read:

17205. The governing board of any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, which district maintains clearing accounts, cafeteria accounts, and other accounts in several banks, pursuant to Section 17204 or 17053 of this code, or pursuant to any other provision of law, may contract and pay for the expenses of transporting money to and from such banks.

CHAPTER 2019

An act to add Division 19 (commencing at Section 65000) to the Water Code, relating to state assistance to local agencies in areas affected by state financed water resource construction projects.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Division 19 (commencing at Section 65000) is added to the Water Code, to read:

DIVISION 19. STATE ASSISTANCE TO LOCAL AGENCIES

PART 1. PROJECT COSTS FOR LOCAL GOVERNMENTAL SERVICES

65000. It is declared to be the responsibility of the State of California to assist local governments in providing certain essential services and facilities where water resource construc- State assistance in local projects

tion projects financed, in whole or in part, by the State or by the State jointly with the Federal Government create an undue burden on a local area's ability to provide these services and facilities. State responsibility for providing financial assistance under such circumstances includes the following: police and fire protection, public health and hospitals, sanitation, emergency and indigent relief, and such other activities for which there is a demonstrated urgent need and which are approved by the State Department of Finance and the State Department of Water Resources.

State expenditures

65001. State expenditures and loans for aid to local governments provided in accordance with the provisions of this part are a part of the project cost of the project giving rise to the creation of the impact area.

Designation of sites of construction

65002. The Governor may designate, from time to time, and may revoke previous designations of, the area within a 20-mile airline radius of the site of principal construction of any water construction project undertaken by the State as an impact area when:

(a) He is requested to do so by the county board of supervisors or the city council of any county or city within the impact area; and

(b) He finds that:

(1) Such construction will cause a sudden influx of people into the impact area.

(2) The construction will require more than 12 months to complete.

(3) The construction will result in serious fiscal problems to the affected local governments.

(4) Peak construction employment on the project within the impact area is estimated by the Department of Water Resources to total more than 500 employees.

(5) The increase in population in the impact area, found by multiplying such peak construction employment as estimated by the Department of Water Resources by 4.5, equals at least 20 percent of the estimated population in the area on July 1st of the year prior to the date that construction was started. At any time that the increase in population falls below 20 percent of the estimated population of the area, the designation shall terminate as of the following June 30th. All population data are to be determined by the Department of Finance.

Same Water construction projects

65003. For the purposes of this part the Department of Water Resources shall designate the site of principal construction of every water construction project undertaken by the State, and the date construction was started.

"Peak employment"

65004. As used in this part, "peak employment" means the largest number of persons employed in any one year at a site of principal construction and at such other sites as may be related directly thereto within the impact area by the Department of Water Resources, contractors and subcontractors in connection with the construction project.

65005. Requests by any city, county, or district to have an area designated an impact area may be made at any time after the authorization of a water resources project by the Legislature. Except with respect to assistance during the first year of construction or during the first year after enactment of a law providing state aid, requests for financial assistance under provisions of this part shall be made at least six months prior to the beginning of the fiscal year for which the assistance is requested. Requests by local areas

65006. When an impact area has been designated by the Governor the State will pay: Impact area payments

(a) The increased operating expenses necessitated by population increase within the impact area for maintenance of police and fire protection, public hospitals, public health and sanitation and such other activities as may be approved by the Department of Finance and the Department of Water Resources at the same level of service as prevailed within or for the impact area prior to the start of the construction. A subsequent increase in the level of a specific service may be approved by the State Department of Finance. Level of service shall be measured by the ratio of personnel or facilities serving the impact area to the total population within the same area. The portion of the construction-generated population expected to reside within the impact area shall be estimated by the Department of Water Resources for each fiscal year in which the State provides financial assistance under this part to any governmental agency.

(b) Seventy-five percent of the increased cost to the county of emergency and indigent relief provided by the county under the provisions of Chapter 2 (commencing at Section 2500) of Division 4 of the Welfare and Institutions Code at standards that existed prior to the start of construction. An increase in such standards may be approved by the State Department of Finance. The State will also pay all necessary increased costs resulting from personnel, office, and automobile expenses created by an increase in the emergency and indigent caseload, as determined by the Department of Finance.

65007. Funds for capital outlay expenditures for police and fire protection, essential health services, and water and sewerage systems required to serve the expanded population in the impact area may be provided to any city, county, or district rendering, in whole or in part, any of the services described in Section 65000, upon their application under either or both of the following options to be exercised by the local governing bodies: Funds for capital outlay

(a) A loan by the State to the local agency for all or any part of such expenditures; such loans to be entirely repaid within 30 years at a rate of interest one-quarter of 1 percent higher than the interest cost to the State for long-term loans at the time of the loan.

(b) Direct state expenditures to meet all or any part of such needs. Direct state expenditures shall be for temporary

facilities which shall be dismantled upon completion of the water project construction.

State Department of Finance recommendations

65008. Upon the designation of an impact area by the Governor, the State Department of Finance shall recommend the appropriation of funds and the division of state assistance among the local governments in the impact area. For this purpose the State Department of Finance shall be given access to such records and documents as may be necessary to accomplish this objective by the affected local governments.

Maximum payments

65009. Notwithstanding any other provision of this part, except as to projects constructed by the Department of Water Resources, the maximum amount of money paid under this part shall not exceed that proportion of the total cost of the needed assistance as the amount of the State's financial participation in a project bears to the total cost of the project.

Claims of local agencies

65010. When certified by the Department of Water Resources, claims of local agencies for state financial assistance shall be presented to the State Controller for payment out of funds made available therefor. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that any money received by any city, county, or district as state financial assistance hereunder has been expended for the purposes and under the conditions authorized under this division.

Short title

65011. This part shall be known, and may be cited, as the Byrne Act.

CHAPTER 2020

An act to add Chapter 2.5 (commencing at Section 1203.50) to Title 4, Part 3 of the Code of Civil Procedure, relating to oil and gas liens.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing at Section 1203.50) is added to Title 4, Part 3, of the Code of Civil Procedure, to read:

CHAPTER 2.5. OIL AND GAS LIENS

Short title

1203.50. This chapter shall be known and may be cited as the Oil and Gas Lien Act.

Definitions

1203.51. Unless the context otherwise requires, the definitions set forth in this section shall govern the construction of this chapter.

(a) "Person" means an individual, corporation, firm, partnership or association.

(b) "Owner" means a person holding any interest in the legal or equitable title or both to any leasehold for oil or gas

purposes, or his agent and shall include purchasers under executory contract, receivers, and trustees.

(c) "Contract" means a contract, written or oral, express or implied, or partly express and partly implied, or executory or executed, or partly executory and partly executed.

(d) "Material" means any material, machinery, appliances, buildings, structures, casing, tanks, pipelines, tools, bits, or other equipment or supplies but does not include rigs or hoists or their integral component parts except wire lines.

(e) "Labor" means work performed in return for wages.

(f) "Services" means work performed exclusive of labor, including the hauling of material, whether or not involving the furnishing of material.

(g) "Furnish" means sell or rent.

(h) "Drilling" means drilling, digging, shooting, torpedoing, perforating, fracturing, testing, logging, acidizing, cementing, completing or repairing.

(i) "Operating" means all operations conducted on the lease in connection with or necessary to the production of oil or gas, either in the development thereof or in working thereon by the subtractive process.

(j) "Construction" means construction, maintenance, operation, or repair, either in the development thereof or in working thereon by the subtractive process.

(k) "Original contractor" means any person for whose benefit a lien is prescribed under Section 1203.52.

Persons entitled to lien

1203.52. Any person who shall, under contract with the owner of any leasehold for oil or gas purposes perform any labor or furnish any material or services used or employed, or furnished to be used or employed in the drilling or operating of any oil or gas well upon such leasehold, or in the constructing, putting together, or repairing of any material so used or employed, or furnished to be so used or employed, shall be entitled to a lien under this chapter, whether or not a producing well is obtained and whether or not such material is incorporated in or becomes a part of the completed oil or gas well, for the amount due him for any such labor performed, or materials or services furnished, within six months prior to the date of recording the statement of lien as provided in Section 1203.58, including, without limitation, shipping and mileage charges connected therewith, and interest from the date the same was due.

Extent of liens

1203.53. Liens created under Section 1203.52 shall extend to:

(a) The leasehold for oil or gas purposes to which the materials or services were furnished, or for which the labor was performed, and the appurtenances thereunto belonging, exclusive of any and all royalty interest, overriding interests and production payments created by an instrument recorded prior to the date such materials or services were first furnished or such labor was first performed for which lien is claimed; and

(b) All materials and fixtures owned by the owner or owners of such leasehold and used or employed, or furnished to be used or employed in the drilling or operating of any oil or gas well located thereon; and

(c) All oil or gas wells located on such leasehold, and the oil or gas produced therefrom, and the proceeds thereof, except the interest therein owned by the owners of royalty interests, overriding royalty interests and production payments created by an instrument recorded prior to the date such materials or services were first furnished or such labor was first performed for which the lien is claimed.

Subcontractors

1203 54. Any person who shall, under contract, perform any labor or furnish any material or services as a subcontractor under an original contractor or for or to an original contractor or a subcontractor under an original contractor, shall be entitled to a lien upon all the property upon which the lien of an original contractor may attach to the same extent as an original contractor, and the lien provided for in this section shall further extend and attach to all materials and fixtures owned by such original contractor or subcontractor to or for whom the labor is performed or material or services furnished and used or employed, or furnished to be used or employed in the drilling or operating of such oil or gas wells.

Leasehold estate

1203.55. When a lien provided for in this chapter shall have attached to a leasehold estate, forfeiture of such estate shall not impair any lien as to material, appurtenances and fixtures located thereon and to which such lien has attached prior to forfeiture. If a lien provided for in this chapter attaches to an equitable interest or to a legal interest contingent upon the happening of a condition subsequent, failure of such interest to ripen into legal title or such condition subsequent to be fulfilled, shall not impair any such lien as to material, appurtenances and fixtures located thereon and to which said lien had attached prior to such failure.

Time lien attaches

1203.56. The lien provided for in this chapter arises on the date of the furnishing of the first item of material or services or the date of performance of the first labor for which a lien is claimed under the provisions of this chapter. Upon compliance with the provisions of Section 1203 58, such lien shall be preferred to all other titles, charges, liens or encumbrances which may attach to or upon any of the property upon which a lien is given by this chapter subsequent to the date the lien herein provided for arises.

Priority

1203.57. All liens arising by virtue of this chapter upon the same property shall be of equal standing except that liens of persons for the performance of labor shall be preferred to all other liens arising by virtue of this chapter.

Recordation

1203.58. Every person claiming a lien under this chapter, shall record in the office of the county recorder for the county in which such leasehold, or some part thereof, is situated, a verified statement setting forth the amount claimed and the

items thereof, the dates on which labor was performed or material or services furnished, the name of the owner of the leasehold, if known, the name of the claimant and his mailing address, a description of the leasehold, and if the claimant be a claimant under Section 1203 54, the name of the person for whom the labor was immediately performed or the material or services were immediately furnished. The statement of lien must be recorded within six months after the date on which the claimant's labor was performed or his materials or services were furnished to be effective as to such labor, materials, or services.

Effect against purchaser

1203.59. Anything in this chapter to the contrary notwithstanding, any lien claimed by virtue of this chapter, insofar as it may extend to oil or gas or the proceeds of the sale of oil or gas, shall not be effective against any purchaser of such oil or gas until written notice of such claim has been delivered to such purchaser. Such notice shall state the name of the claimant, his address, the amount for which the lien is claimed, and a description of the leasehold upon which the lien is claimed. Such notice shall be delivered personally to the purchaser or by registered letter or certified mail. Upon receipt of such notice the purchaser shall withhold payments for such oil or gas runs to the extent of the lien amount claimed until delivery of notice in writing that the claim has been paid. The funds so withheld by the purchaser shall be used in payment of the lien judgment upon foreclosure. The lien claimant shall within 10 days give notice in writing that the claim has been paid.

Bonds

1203.60. (a) Whenever any lien or liens shall be claimed or recorded under the provisions of this chapter then the lessor or owner of the property on which the lien or liens are claimed or the contractor or subcontractor through whom such lien or liens are claimed, or either of them, may record a bond with the county recorder of the county in which the property is located as herein provided. Such bond shall describe the property on which lien or liens are claimed, shall refer to the lien or liens claimed in manner sufficient to identify them and shall be in an amount equal to 150 percent of the amount of the claimed lien or liens referred to and shall be payable to the party or parties claiming same. Such bond shall be executed by the party recording same as principal and by a corporate surety authorized to execute such bonds as surety and shall be conditioned substantially that the principal and surety will pay to the obligees named or their assigns the amounts of the liens so claimed by them with all costs in the event same shall be proven to be liens on such property.

(b) Such bond, when recorded, shall take the place of the property against which any claim for lien referred to in such bond is asserted. At any time within the period of time provided in Section 1203.61, any person claiming such lien may sue upon such bond but no action shall be brought upon such bond after the expiration of such period. One action

upon such bond shall not exhaust the remedies thereon but each obligee or assignee of an obligee named therein may maintain a separate suit thereon in any court having jurisdiction.

Enforcement of lien

1203.61. (a) Any lien provided for by this chapter shall be enforced in the same manner as provided in Chapter 2 (commencing at Section 1181) of Title 4 of Part 3 of the Code of Civil Procedure Such action shall be filed within 180 days from the time of the recording of the lien provided for herein. If a credit be given and notice of the fact and terms of such credit be filed in the office of the county recorder subsequent to the filing of such lien and prior to the expiration of said 180-day period, then such lien continues in force until 180 days after the expiration of such credit, but no lien continues in force by reason of any agreement to give credit for a longer time than one year from the time the work is completed. If the proceedings to enforce the lien be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists shall be equivalent to the cancellation and removal from the record of such lien

(b) As against any purchaser or encumbrancer for value and in good faith whose rights are acquired subsequent to the expiration of the 180-day period following the filing of such lien, no giving of credit or extension of the lien or time to enforce the same shall be effective unless evidenced by a notice or agreement filed for record in the office of the county recorder prior to the acquisition of the rights of such purchaser or encumbrancer

Personal actions

1203 62. Nothing in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for work performed or materials or services furnished to maintain a personal action against the person liable for such debt.

Additional security

1203.63. The taking of any note or any additional security by any person given a lien by this chapter shall not constitute a waiver of the lien given by this chapter unless made a waiver by express agreement of the parties in writing. The claiming of a lien under this chapter shall not constitute a waiver of any other right or security held by the claimant unless made a waiver by express agreement of the parties in writing.

Assignment of liens

1203.64. All claims for liens and likewise all actions to recover therefor under this chapter shall be assignable upon compliance with the provisions of Section 1203.58 so as to vest in the assignee all rights and remedies herein given subject to all defenses thereto that might be raised if such assignments had not been made.

Perfected liens

1203 65. All liens granted by this chapter shall be perfected and enforced in accordance with the provisions hereof whether such liens arise before or after the effective date of this chapter; provided, however, that any unperfected lien

granted under any statute in effect prior to the effective date of this chapter and which could be subsequently perfected in accordance with such prior statute were it not for the existence of this chapter may be perfected and enforced in accordance with the provisions of this chapter if the statement of lien required to be recorded under Section 1203.58 is recorded within the time therein required or within two months after the effective date of this chapter, whichever period is longer; and provided further, that the validity of any lien perfected prior to the effective date of this chapter in accordance with the requirements of any statute in effect prior to such effective date shall be determined on the basis of such prior statute but the enforcement thereof shall insofar as possible be governed by the provisions of this chapter.

1203.66. This chapter shall be given liberal construction in favor of all persons entitled to any lien under it. Liberal construction

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CHAPTER 2021

An act making an appropriation for the regulation and control of drugs, medicines, compounds, and devices used in the diagnosis, treatment, or cure of cancer.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of the General Fund in the State Treasury the sum of thirty-nine thousand dollars ($39,000) to the State Department of Public Health for expenditure during the 1959-1960 Fiscal Year to carry out the duties imposed by Chapter 7 (commencing at Section 1700), Division 2 of the Health and Safety Code in the regulation and control of the diagnosis, treatment, and cure of cancer.

CHAPTER 2022

An act to add Sections 31408.5, 30700.5, and 30748.5 to the Water Code, relating to county water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 31408.5 is added to the Water Code, to read:

31408.5. In the Pleasant Valley County Water District, every owner of land within the district, but no others, may vote at the election. Pleasant Valley County Water District Owners' vote

The special provisions of this section are necessary because in the Pleasant Valley County Water District much of the land is owned by persons living in the nearby communities of Oxnard, Ventura, Camarillo, and other nearby towns and many of the persons residing on the land are not the owners of the land and the owners may wish to undertake financing through a bond issue. The owners of the land within the district are the ones primarily concerned with the district and the ones who will bear the cost of financing and not the resident nonowners.

SEC. 2. Section 30700.5 is added to said code, to read:

Same

30700.5. In the Pleasant Valley County Water District every owner of land within the district, but no others, may vote at the election for directors or otherwise.

The provisions of this section shall apply only to a county water district heretofore formed in Pleasant Valley, Ventura County. These special provisions are necessary for reasons similar to those expressed in Section 30205.

SEC. 3. Section 30748 5 is added to said code, to read:

Certificate of nomination

30748.5. In the Pleasant Valley County Water District the certificate of nomination shall be signed by five owners of land within the district or 10 percent of owners of land within the district, whichever is the smaller number.

The provisions of this section shall apply only to a county water district heretofore formed in Pleasant Valley, Ventura County. These special provisions are necessary for reasons similar to those expressed in Section 30205.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Provisions of this act are necessary to permit negotiations with the United States for aid to this district in carrying out acts essential to the public health and welfare and since such negotiations must be completed in 60 days it is necessary that this act be in effect immediately.

CHAPTER 2023

An act to add Section 753 to the Welfare and Institutions Code, relating to custody of children.

In effect September 18 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 753 is added to the Welfare and Institutions Code, to read:

753. Any person desiring the custody of a child who is a ward of the juvenile court or the child himself through a

properly appointed guardian, may petition the court in the same action in which the child was found to be a ward of the juvenile court for a hearing to change, modify or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child or guardian, shall state the petitioner's relationship to or interest in the child and the reasons for the proposed change of order or termination of jurisdiction.

If it appears that the best interests of the child may be promoted by the proposed change of order or termination of jurisdiction, the court shall order that a hearing be held and shall prescribe how and to whom notice of said hearing shall be given.

CHAPTER 2024

An act making an appropriation for the acquisition of additional beach and park lands, and providing for the transfer of money to the State Beach and Park Fund.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred thirty-five thousand one hundred ninety-two dollars and ninety cents ($335,192.90) is appropriated to the Division of Beaches and Parks, Department of Natural Resources, from the State Beach and Park Fund for the acquisition of additional beach and park lands pursuant to the following schedule: Appropriation

(1) For acquisition of additional beach lands in Orange County pursuant to plans as mutually agreed upon by the State Park Commission and the Board of Supervisors of Orange County	($66,220.20)
(2) For acquisition of additional lands in Humboldt Redwoods State Park	($229,857.70)
(3) For acquisition of additional lands in Donner Memorial State Park	($19,245.00)
(4) For acquisition of additional park lands in Shasta County, pursuant to plans as mutually agreed upon by the State Park Commission and the Board of Supervisors of Shasta County	($19,470 00)

SEC. 2. For the purposes of this act, the State Controller shall transfer to the State Beach and Park Fund the sum of sixty-five thousand seventeen dollars ($65,017.00) received by Special Deposit Fund transfers

the State for the sale of state lands or interests in state lands and now being held in a suspense fund in the State Treasury designated as the Special Deposit Fund—Natural Resources Suspense Account.

CHAPTER 2025

An act to amend Section 232 of the Water Code, relating to determination of water supplies.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 232 of the Water Code is amended to read:

232. The Legislature finds and declares that in providing for the full development and utilization of the water resources of this State it is necessary to obtain for consideration by the Legislature and the people, information as to the water which can be made available for exportation from the watersheds in which it originates without depriving those watersheds of water necessary for beneficial uses therein. To this end, the department is authorized and directed to conduct investigations and hearings and to prepare findings therefrom and to report thereon to the Legislature at the earliest possible date with respect to the following matters:

(a) The boundaries of the respective watersheds of the State and the quantities of water originating therein;

(b) The quantities of water reasonably required for ultimate beneficial use in the respective watersheds;

(c) The quantities of water, if any, available for export from the respective watersheds;

(d) The areas which can be served by the water available for export from each watershed; and

(e) The present uses of water within each watershed together with the apparent claim of water right attaching thereto, excluding individual uses of water involving diversions of small quantities which, in the judgment of the Director of Water Resources, are insufficient in the aggregate to materially affect the quantitative determinations included in the report.

Before adopting any findings which are reported to the Legislature, the department shall hold public hearings after reasonable notice, at which all interested persons may be heard.

CHAPTER 2026

An act to add Sections 46206, 46207, 46208, 46209, and 46210 to, to amend Sections 46225 and 46280 of, and to repeal Sections 46228 and 46229 of, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 46206 is added to the Water Code, to read:

46206. The board shall forthwith give notice of the filing of the assessment roll by publication at least once a week for two successive weeks in each affected county, and shall state therein the time within which objections to the roll may be filed with the board, which shall be not less than 20 days after the completion of publication. Notice of filing

SEC. 2. Section 46207 is added to said code, to read:

46207. The objections to any assesment shall be in writing, verified, and filed with the secretary of the board, and shall set forth the grounds of the objection. Objections to assessment

SEC. 3. Section 46208 is added to said code, to read:

46208. The verification shall be made by the affidavit of the objector or some other person familiar with the facts. Verification

SEC. 4. Section 46209 is added to said code, to read:

46209. If no objections are filed with respect to a particular assessment roll, as provided in Sections 46206 and 46207, then upon the expiration of the time fixed by the board for the filing of such objections the secretary of the board shall execute certificates in which he shall certify to the fact that no objections were so filed. The secretary of the board shall file one copy of such certificates with the department and one copy with the county treasurer of each county in which lands appear on the assessment roll. Execution of certificates

SEC. 5. Section 46210 is added to said code, to read:

46210. Upon filing of the certificates of the secretary of the board as provided in Section 46209, the assessment roll and the assessments therein made shall be final and conclusive, and no action or defense shall ever be maintained attacking them in any respect, and the assessment roll shall be conclusive evidence before any court or tribunal that the assessment has been made and levied according to law. Finality of assessments

SEC. 6. Section 46225 of said code is amended to read:

46225. In the event objections are filed with respect to a particular assessment roll, as provided in Sections 46206 and 46207, the director shall appoint two disinterested persons, "Adjustment board"

who together with the president of the board constitute a board in the nature of a board of equalization which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections presented as provided in this article to the assessment made by the commissioners. Each of the two appointed members of the board shall receive twenty dollars ($20) for each day employed by him in the performance of his duties, and actual traveling expenses while engaged in his duties. The compensation and expenses are a part of the cost of the project of the district for which the duties are performed.

SEC. 7. Section 46280 of said code is amended to read:

Liens

46280. When the secretary of the board files the certificates as provided for by Section 46209, or if objections are filed, when the board files with the county treasurer of an affected county the assessment roll as finally approved by the adjustment board, the charges assessed thereby upon the several tracts of land in the county shall constitute a lien thereon which is prior to all other liens except state, county, and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority. The filing in either case imparts notice to all persons.

Repeal

SEC. 8. Sections 46228 and 46229 of said code are repealed.

Urgency

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Prior to 1956 assessments of a water storage district, pursuant to provisions of the Water Code, were equalized by an adjustment board consisting of the president of the district and the two executive directors appointed by the Governor pursuant to Article 2 of Chapter 4, Part 1, Division 14 of said code. By legislation enacted in the 1956 Extraordinary Session of the Legislature the office of executive director was abolished and by legislation enacted in the 1957 Regular Session said Article 2 was repealed, but through inadvertence no change was made in the provisions of the Water Code providing for the composition of the adjustment board. There is, therefore, no adjustment board or other procedure provided by said code for the equalization of assessments of a water storage district, and the plans of several districts contemplate the levying of assessments prior to the regular effective date of legislation. In order that water storage districts may properly function it is essential that this impediment be removed at the earliest possible time, and that this act go into effect immediately.

CHAPTER 2027

An act to amend Section 5 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945), relating to the Humboldt County Flood Control District.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Humboldt County Flood Control District Act (Chapter 939, Statutes of 1945) is amended to read:

Sec. 5. The objects and purposes of this act are to provide for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and floodwaters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds in the district and the watercourses and watersheds of streams flowing into the district, and to increase, and to prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use within the district, and to generate and sell electric energy at wholesale rates.

It is a further purpose of this act to provide water to inhabitants of the district for any domestic use, irrigation, sanitation, industrial use, fire protection and recreation and to provide for all necessary facilities for distribution, sale, and storage of water for distribution for any such uses.

CHAPTER 2028

An act to add Section 5016.1 to the Public Resources Code, relating to the Division of Beaches and Parks.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5016.1 is added to the Public Resources Code, to read:

5016.1. In order to exchange certain lands patented to the State of California for park purposes situated outside and within 10 miles of the present exterior boundaries of the Anza-Borrego Desert State Park for the purpose of acquisition of other public domain lands needed for park purposes still

within these boundaries as well as elsewhere in the State, the State Park Commission is authorized to exchange such lands for lands of approximate equal value which may be made available for park purposes by the Federal Government. In making the exchanges the commission may comply with all rules prescribed by the Secretary of Interior relating thereto.

CHAPTER 2029

An act to add Sections 2020.003, 3084.05, and 4604.5 to, and to repeal Section 4576 of, the Welfare and Institutions Code, relating to medical services to public assistance recipients.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

Purpose

SECTION 1. The intent of this act is to simplify the administration of the medical care program as provided by Chapter 1 of Part 3 of Division 5 of the Welfare and Institutions Code and to extend to public assistance recipients authorized to receive care under that chapter the full amount of medical care which can be obtained by the funds made available for such purpose by that chapter and the special need provisions of each of the public assistance programs set forth in Section 4501 of that chapter.

It is not the intent of this act to increase the total amount of public funds authorized for expenditure by the public assistance laws which apply upon the effective date of this act. The sole purpose of this act is to provide a plan which eliminates costly recordkeeping and separate case determinations which must now precede the determination of the fund source from which payment is to be made for medical services received by public assistance recipients.

SEC. 2. Section 2020.003 is added to said code, to read:

County Medical Care Revolving Fund

2020.003. The county shall pay monthly into the County Medical Care Revolving Fund, established by Section 4604.5 of this code, on behalf of each recipient to whom the county pays aid under this chapter, an amount to be determined by the State Department of Social Welfare on the basis of the statewide average amount of income or supplemental aid under Section 2020.002 available to recipients to pay for medical care services within the policies and scope of services established pursuant to Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code.

The department shall determine the rate of payment under this section on the basis of a caseload sample. The sample shall be selected to reflect accurately the amount of grant which would have been paid to recipients for medical care if such care had been financed by payments to recipients under this chapter. The rate of payment shall be reviewed upon the

expiration of each six-months' period or upon a change in the scope of services under Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code, whichever occurs first. Where the facts indicate the necessity therefor, a new rate shall be established. The sampling methods used by the department pursuant to this section, and the rates of payment derived therefrom, shall be subject to review by and the approval of the State Department of Finance before such rates of payment are put into effect.

No item of medical care for which payment may be made on behalf of a recipient under Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code shall be considered a special need under this chapter.

Payments made by a county into the County Medical Care Revolving Fund under this section shall be considered payments of aid made pursuant to this chapter for purposes of county claims for reimbursement under Sections 2187 through 2189 of this code.

SEC. 3. Section 3084.05 is added to said code, to read:

Same

3084.05. The county shall pay monthly into the County Medical Care Revolving Fund, established by Section 4604.5 of this code, on behalf of each recipient to whom the county pays aid under this chapter, an amount to be determined by the State Department of Social Welfare on the basis of the statewide average amount of income under Section 3084 available to recipients to pay for medical care services within the policies and scope of services established pursuant to Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code.

The department shall determine the rate of payment under this section on the basis of a caseload sample. The sample shall be selected to reflect accurately the amount of grant which would have been paid to recipients for medical care if such care had been financed by payments to recipients under this chapter. The rate of payment shall be reviewed upon the expiration of each six-months' period or upon a change in the scope of services under Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code, whichever occurs first. Where the facts indicate the necessity therefor, a new rate shall be established. The sampling methods used by the department pursuant to this section, and the rates of payment derived therefrom, shall be subject to review by and the approval of the State Department of Finance before such rates of payment are put into effect.

No item of medical care for which payment may be made on behalf of a recipient under Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code shall be considered a special need under this chapter.

Payments made by a county into the County Medical Care Revolving Fund under this section shall be considered payments of aid made pursuant to this chapter for purposes of county claims for reimbursement under Sections 3087 through 3087.3 of this code.

Repeal

SEC. 4. Section 4576 of said code is repealed.

SEC. 5. Section 4604.5 is added to said code, to read:

Establishment of fund

4604.5. Each county shall establish a special Medical Care Revolving Fund for payment of medical care bills rendered for services granted to recipients authorized to receive services provided by this chapter.

Funds advanced to the county by the State pursuant to Section 4604 of this code and funds deposited pursuant to Sections 2020.003 and 3084.05 of this code shall be deposited in such fund. Funds so deposited shall be held in trust for the sole purpose of paying for medical services provided under this chapter and shall only be withdrawn for this purpose. However, funds may be advanced by any county to a corporation or association in accordance with provisions of a contract executed with said corporation or association pursuant to Section 4554 of this code; provided, such corporation or association provides an indemnity bond in the amount of any funds so advanced.

Operative date

SEC. 6. This act shall become operative October 1, 1959.

CHAPTER 2030

An act to add Chapter 11.5 (commencing at Section 7041) to Division 6 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to sheltered workshops for the disabled, and making an appropriation.

I object to the item of appropriation in Section 2 of Senate Bill 624, and I reduce the amount of said appropriation to $17,500 With this reduction, I approve the bill.

EDMUND G. BROWN
Governor

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11.5 (commencing at Section 7041) is added to Division 6 of the Education Code, to read:

CHAPTER 11.5. SHELTERED WORKSHOPS FOR THE DISABLED

Purpose

7041. It is the purpose of this chapter to extend the opportunities for disabled persons for employment through encouragement of local communities to develop sheltered workshops and to improve the standards and operation of existing workshops and to provide the State with information concerning their effectiveness in providing employment and rehabilitation services to the handicapped.

Sheltered workshop

7042. For the purposes of this chapter a sheltered workshop means any facility designed to aid those persons with physical or mental disabilities of such a character as to constitute a handicap in securing or retaining employment, where the aid

being provided is in the form of work activities and related services including but not limited to the following: sheltered employment, work tryout, work conditioning, employment training, work therapy, work evaluation, and personal adjustment to working conditions.

Consultive services

7043. The Vocational Rehabilitation Section of the Department of Education may provide consultive services to organizations in the establishment and operation of sheltered workshops for the disabled. Such consultive service shall include the bringing together of persons interested in the established workshops, surveying community needs, securing the co-operation of other community agencies, planning methods of financing, securing work contracts, establishing professional standards, and maintaining of appropriate records.

Contracts for technical aid

7044. The Vocational Rehabilitation Section may contract with qualified persons or firms for consultation in such technical fields as accounting, engineering and sales so that the directors and governing bodies of the workshops may be advised as to the desirability of any undertaking and the best methods of achieving their objectives.

Appropriation

SEC. 2. There is hereby appropriated to the Department of Education, the sum of fifty thousand dollars ($50,000), less any funds that are available to the State under the provisions of Public Law 565 or other federal statutes, for expenditure during the 1959-1960 Fiscal Year for the purposes of this act.

CHAPTER 2031

An act authorizing a study of the problem of rehabilitation of industrially disabled workers, and making an appropriation therefor.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. The Department of Education is authorized and directed to continue during the 1959-60 Fiscal Year the pilot study of the problems relating to the rehabilitation of industrially disabled workers, authorized by Chapter 1738 of the 1955 Statutes, and to prepare a final report on its findings. The study and report shall include, but not be limited to, information concerning the number and characteristics of industrially injured workers who require vocational rehabilitation, the services required and cost of providing them, and recommendations as to the method of providing and financing the services.

The sum of fifty-three thousand three hundred eighty-four dollars ($53,384) is appropriated from the General Fund to the Department of Education for the purposes of this act, to be augmented by the amount of money made available to the

State for the purposes of this act pursuant to Section 4 of the Vocational Rehabilitation Act, as amended by Chapter 655 (Pub. L. 565), Laws of Eighty-third Congress, Second Session, or any other federal law.

CHAPTER 2032

An act making an appropriation to the State Department of Public Health for physically handicapped children.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the State Department of Public Health the sum of thirty-two thousand dollars ($32,000) in augmentation of Item 401 of the Budget Act of 1959 to pay the costs of diagnosis and treatment of childhood nephrosis.

CHAPTER 2033

An act to establish a pilot project for the extension of crippled children services to children suffering from epilepsy, and making an appropriation therefor.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

Study of feasibility of programs

Section 1. The Department of Public Health is authorized to conduct a study to determine the feasibility of extending the services provided to physically handicapped children by the State to children suffering from epilepsy, and to establish and maintain pilot projects in one to three centers in the State in connection with such study.

The study shall include, but not be limited to, the assembling of information relating to the number of epileptic children in California not receiving adequate treatment, the cost of diagnosing the disease and providing initial treatment to establish control of it, and the problem of educating children with controlled and uncontrolled epileptic seizures. The study may also cover problems associated with the education of parents of epileptic children, methods of bringing services to such children in rural areas, and the need for assistance to teachers in handling classes that include children with epilepsy. The Department of Mental Hygiene and the Department of Education shall provide the Department of Public Health with any information which they have pertinent to the objectives of the study.

The Department of Public Health shall submit a progress report on the results of its study to the Legislature on or before the thirtieth day after the commencement of the 1961 Regular Session. This project shall terminate on June 30, 1963, and the Department of Public Health shall submit a final report on the results of its study to the Legislature on or before the thirtieth day after the commencement of the 1963 Regular Session.

SEC. 2. The sum of thirty-four thousand nine hundred sixty-five dollars ($34,965) is appropriated from the General Fund to the Department of Public Health to be expended for the purposes of this act during the 1959-60 Fiscal Year. Appropriation

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CHAPTER 2034

An act to add Section 1193 to the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1193 is added to the Code of Civil Procedure, to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, must, as a necessary prerequisite to the validity of any claim of lien subsequently filed, cause to be given not later than 15 days prior to the filing of a claim of lien a written notice as prescribed by this section, to the owner or reputed owner and to the original contractor. The notice shall contain a general description of the labor, service, equipment or materials furnished, the name and address of such person furnishing such labor, services, equipment or materials, and the name of the person who contracted for purchase of such labor, services, equipment or materials. If an invoice for such materials contains this information, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice. The notice may be sent at any time after any labor, services, equipment or materials are furnished, but in no event later than fifteen (15) days prior to the expiration of the time within which to file a claim of lien.

(b) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(c) Service of notice required under this section may be given by delivering the same to the person to be notified, per-

sonally, or by leaving it at his address or place of business with some person in charge, or by registered or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at the address shown by the building permit on file with the authority issuing a building permit for the work. If no building permit has been issued or if the building permit does not contain the address of the person on whom notice was required to be served under this section, then service of such notice shall be by certified or registered mail addressed to the job site with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(d) A person required by this section to give notice to the owner and to an original contractor need give only one such notice to the owner and to the original contractor with respect to all materials, service, labor, or materials he furnishes for a work of improvement, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

CHAPTER 2035

An act to amend Section 128 of, and to add Part 3 (commencing with Section 3501) to Division 1 of, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 128 of the Unemployment Insurance Code is amended to read:

"Benefits"

128. "Benefits" means the money payments payable to an individual, pursuant to this division, with respect to his unemployment and includes unemployment compensation benefits, or extended duration benefits, or disability benefits, or all of them.

SEC. 2. Part 3 (commencing with Section 3501) is added to Division 1 of said code, to read:

PART 3. EXTENDED UNEMPLOYMENT COMPENSATION

CHAPTER 1. GENERAL PROVISIONS

Purpose, short title

3501. The purpose of this part is to compensate in part for the added wage loss sustained by individuals because of the extended duration of unemployment during prolonged periods of cyclical and technological unemployment in California. This part may be cited as the "Miller-Collier Act."

Applicable law

3502. (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to extended unemployment compensation.

(b) Except as otherwise provided, subdivision (d) of Section 1253, and Sections 1030, 1032, 1254, 1277, 1281, 1327, 1328, 1329, 1330, and 1331 do not apply to this part.

(c) The provisions of Part 2 of this division do not apply to this part.

Definitions

3503. For the purposes of this part:

(a) "Extended duration benefits" means the extended unemployment compensation benefits payable under this part.

(b) "Normal benefits" means the unemployment compensation benefits payable under Part 1 of this division.

(c) "Exhaustee" means an individual who is not entitled to normal benefits due to either of the following:

(1) He has an unexpired benefit year and has exhausted his normal benefits.

(2) His most recent benefit year expired in the extended duration quarter in which he files a primary claim or in the immediately preceding calendar quarter and he is not entitled to establish a benefit year.

(d) "Extension ratio" means the ratio for a calendar quarter computed during that quarter by dividing:

(1) The average number of weeks of unemployment claimed in California per week during the calendar quarter preceding the date of the computation, excluding weeks of unemployment claimed in connection with unemployment compensation programs which are exclusively federal; by

(2) The average mid-monthly covered employment reported by employers for the last four completed calendar quarters immediately preceding the date of the computation for which an official tabulation has been completed by the department.

(e) "Extended duration quarter" means a calendar quarter for which the extension ratio equals or exceeds 0.06.

(f) "Primary claim" means the first claim for extended duration benefits filed by an exhaustee with an effective date within an extended duration quarter for the purpose of establishing an extended duration award and an extended duration period.

(g) "Extended duration award" means the maximum amount of extended duration benefits allowable under this part to an eligible exhaustee.

(h) "Extended duration period" means a period beginning with the first day of the week with respect to which an exhaustee files a valid primary claim and ending with the last week which begins on or before the last day of the calendar quarter following the extended duration quarter in which the valid primary claim was filed.

(i) "Parent benefit year" means the benefit year with respect to which an individual becomes an exhaustee.

(j) "Additional contributions" means the money payments to the Unemployment Fund required by this part.

Extension ratio

3504. The director shall during each calendar quarter compute the extension ratio for that quarter.

Effect of federal program

3505. Notwithstanding any other provision of this part, no payment of extended duration benefits shall be made to any individual for any week or part of any week with respect to which he is entitled to receive unemployment compensation benefits as a result of participation by this State pursuant to the provision of any federal law providing for the payment of such benefits.

CHAPTER 2. EXTENDED DURATION BENEFITS

Article 1. Eligibility and Disqualifications

Extended duration benefits

3551. Extended duration benefits are payable from the Unemployment Fund to unemployed individuals who are eligible under this part.

Unemployed individual

3552. An unemployed individual is eligible to receive extended duration benefits with respect to any week only if the director finds that:

(a) An extended duration award has been established for him.

(b) The week is within the extended duration period of the award.

(c) He meets the eligibility requirements of Part 1 of this division, except those excluded under subdivision (b) of Section 3502.

(d) He is not subject to disqualification, and is not under disqualification for normal benefits, under any provision of Part 1 of this division.

Valid primary claim

3553. The filing of a valid primary claim by an exhaustee shall constitute an election by him to claim extended duration benefits to the exclusion of filing a new claim for normal benefits for any week of unemployment subsequent to the filing of such primary claim for which extended duration benefits are payable to him.

Article 2. Computation (Amount and Duration)

3601. An exhaustee's weekly benefit amount under an extended duration award shall be the same as his weekly benefit amount for the parent benefit year. Weekly benefit amount

3602. An exhaustee's extended duration award during any one extended duration period shall be 13 times his weekly benefit amount or one-half of the maximum amount of normal benefits payable to him during his parent benefit year, whichever is the lesser. Extended duration award

3603. Only one extended duration award may be established for an exhaustee based on any one parent benefit year. One award per benefit year

Article 3. Filing, Determination, and Payment of Extended Duration Benefit Claims

3651. Claims for extended duration benefits shall be made as provided in this article. Claims

3652. An exhaustee who desires to claim extended duration benefits shall file a valid primary claim. A primary claim for extended duration benefits shall be valid only if its effective date is within an extended duration quarter and the individual filing it is an unemployed exhaustee. Valid primary claim

3653. The effective date of a valid primary claim shall be determined in the same manner as the effective date of a new claim for normal benefits pursuant to Section 1326. Same: Effective date

3654. A notice of the filing of a primary claim or an additional claim shall be given to the employing unit by which the exhaustee was last employed immediately preceding the filing of such claim, but only if such employing unit has not previously been given a notice with respect to that last employment pursuant to Section 1327. The employing unit so notified shall submit within 10 days after the mailing of such notice any facts then known which may affect the exhaustee's eligibility for extended duration benefits. The 10-day period may be extended for good cause. If after such 10-day period the employing unit acquires knowledge of facts which may affect the eligibility of the exhaustee and such facts could not reasonably have been known within the period, the employing unit shall within 10 days of acquiring such knowledge submit such facts to the department. Notice of filing

3655. The facts submitted by an employer pursuant to Section 3654 shall be considered and a determination made as to the exhaustee's eligibility for extended duration benefits. The exhaustee and any employer who prior to the determination has submitted any facts pursuant to Section 3654 shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of notice of the determination. The 10-day period may be extended for good cause. Facts submitted by employer

Extended duration award computation

3656. Upon the filing of a valid primary claim by an exhaustee, an extended duration award computation shall promptly be made, which shall set forth the maximum amount of extended duration benefits potentially payable during the extended duration period, the weekly benefit amount, and the expiration date of the extended duration period. The exhaustee shall be promptly notified of the computation. He may, within 10 days after the mailing or personal service of the notice of computation, protest its accuracy. Any such protest shall be considered and a determination made as to the accuracy of the computation. The exhaustee shall be promptly notified of the determination and may appeal therefrom in the manner provided in Section 3655.

Article 4. Reserve Accounts

Ruling

3701. (a) Any employer who is entitled under Section 3654 to notice of the filing of a primary claim or additional claim and who, within 10 days after mailing of such notice, submits to the department any facts within its possession disclosing whether the exhaustee left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with his work shall be entitled to a ruling as prescribed by this section.

(b) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the exhaustee's most recent employment. Appeals may be taken from said rulings in the manner provided in Section 3655.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

Employer's account

3702. Extended duration benefits shall not be charged to any employer's account.

Same Contributions

3703. Additional contributions shall not be credited to any employer's account.

Article 5. Overpayments

3751. The provisions of Article 4 of Chapter 5 of Part 1 of this division are modified in the following respects:

Overpayments

(a) In the absence of fraud, misrepresentation, or willful nondisclosure, the notice of overpayment of extended duration benefits shall be mailed or personally served not later than one year after the close of the extended duration period in which the overpayment was made.

(b) The director may offset an overpayment of extended duration benefits, or unemployment compensation benefits, or disability benefits against any of such three types of benefits to which the liable person may become entitled under this division. The director may offset the amount of any such overpayments within any of the periods prescribed by subdivision

(b) of Section 1379, and further within the current extended duration period or any extended duration period which begins during the three-year period next succeeding the date of the mailing or personal service of such notice of overpayment.

CHAPTER 3. ADDITIONAL CONTRIBUTIONS

Extended duration benefit account

3801. There shall be maintained in the Unemployment Fund an account known as the extended duration benefit account. This account shall be charged with the amount of all extended duration benefits paid and with all assessments levied under this part for which the Board of Control has granted to the department relief from accountability. This account shall be credited after the end of each calendar year with an amount equal to the taxable wages for employer contributions paid for that year multiplied by the additional contribution rate under this part, in effect for that year.

Additional employer contributions

3802. (a) Employers shall pay into the Unemployment Fund additional contributions upon all wages paid on and after January 1, 1959, with respect to employment at the following rate.

As of January 1, 1959, and January 1st of each succeeding year, the director shall determine the number of calendar quarters during the preceding calendar year for which the extension ratio equaled or exceeded 0.06. If the extension ratio equaled or exceeded 0.06 in the number of quarters which appears on any line in column 1 of the following table, the rate for additional contributions for all employers for the year in which the determination is made shall be the figure appearing on that same line in column 2 of that table:

Line	Column 1	Column 2 (Additional Contribution Rate)
1	None or 1	0.20%
2	2	0.15%
3	3	0.10%
4	4	0.05%

(b) Subdivision (a) shall not apply if at the time of calculating the additional contribution rate it is apparent that the rate so determined, multiplied by the estimated taxable wages for the year would cause a surplus in the extended duration benefit account exceeding approximately seven-tenths of one percent (0.7%) of such taxable wages. In that event the director shall reduce the additional contribution rate to the extent that when multiplied by the estimated taxable wages the surplus in such account will not exceed approximately seven-tenths of one percent (0.7%) of such taxable wages.

Same

3803. Additional contributions to the Unemployment Fund shall accrue and become payable by every employer for each calendar year with respect to taxable wages for employer con-

tributions paid for employment. Additional contributions shall not be deducted in whole or in part from wages of employees. After January 1st of each year, the department shall assess the amount of additional contributions payable by each employer for the preceding calendar year. Additional contributions are due and payable on the date of mailing of the notice of assessment and shall become delinquent if not paid within 30 days of the due date. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment.

CHAPTER 4. RETRAINING BENEFITS

Benefits during period of retraining

3901. Any unemployed exhaustee who files a claim for extended duration benefits under this part may apply to the department for a determination of potential eligibility for extended duration benefits during a period of retraining.

Determination of potential eligibility

3902. A determination of potential eligibility for benefits under this chapter shall be issued to an exhaustee if the director finds that his basic skills may be effectively utilized in occupations for which there is a substantial demand in the labor market area.

Eligibility requirements

3903. Notwithstanding the provisions of subdivision (c) of Section 1253, an unemployed exhaustee who is able to work is eligible to receive benefits under this chapter with respect to any week during a period of retraining only if the director finds that: (a) He has been determined potentially eligible under Section 3902.

(b) He submits with each claim a written certification executed by a responsible person connected with the retraining program certifying that he was enrolled and satisfactorily progressing with the retraining course of instruction.

Unemployed exhaustee's eligibility

3904. An unemployed exhaustee otherwise eligible for benefits under this chapter shall not be disqualified for refusing suitable employment offered to him, or failing to apply for suitable employment when notified by a public employment office, or for leaving his most recent work, if the acceptance of or applying for suitable employment or continuing the most recent work would require him to terminate his retraining course of instruction.

Applicability

3905. For purposes of administering the provisions of this chapter all of the provisions of Chapters 1, 2 and 3 of this part not inconsistent with this chapter shall be applicable.

Failure to submit certification

3906. If, prior to satisfactory completion of a retraining course of instruction, an exhaustee fails to submit the certification required by Section 3903, his eligibility for benefits under this chapter shall terminate and he shall not qualify for extended duration benefits until the expiration of a new benefit year established under Part 1 of this division. The provisions of this section shall not be applicable for any week in which,

because of his physical or mental condition, the individual is unable to attend the retraining course of instruction.

3907. The director shall adopt authorized regulations for the administration of this chapter. Regulations adopted

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CHAPTER 2036

An act to create the Mariposa County Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the agency, providing for the levy and collection of taxes for the payment of general agency expenses and for co-operation and contracts with any entity, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. A county water agency is hereby created to be known as the Mariposa County Water Agency. Said agency shall consist of all the territory lying within the exterior boundaries of the County of Mariposa, and outside of the exterior boundaries of Yosemite National Park. Said agency shall be a "local agency" as defined by Section 54307 of the Government Code.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Mariposa County Water Agency.

(b) "County" is the County of Mariposa of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water; power generation and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way

and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Public agency" means the United States, the State or any district.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county and agency who is qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

SEC. 3. The Mariposa County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 3.1. The agency shall have perpetual succession.

SEC. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7, commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State of California in the manner prescribed by law. Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency

shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

SEC. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 4.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed to any public agency or private entity.

SEC. 4.2. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses,

watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 4.3. The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants; to prevent unlawful exportation of water from said agency; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

SEC. 4 4. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act.

SEC 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 4.6. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency.

SEC. 4.7. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits,

including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right-of-way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

SEC. 4.8. There is hereby granted to the agency the right-of-way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right-of-way and lands.

SEC. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new

improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6, commencing at Section 1201, of Part 1 of Division 1 of the Public Utilities Code.

SEC. 4.10. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

SEC. 4.11. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 4.12. The agency shall have power to enter into contracts with any private water company formed and existing to provide water service within the agency whenever such contract appears to the board to be in the public interest.

SEC. 4.13. The agency shall have power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein.

SEC. 5. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to any district, and the agency may fix and collect rates and charges for such purposes; provided, however, that no such sale, lease or transfer shall be made for use outside the agency unless the board determines that the water or works involved will not be needed for use within the agency.

SEC. 5.1. The agency may enter into contracts with any district for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such district or the furnishing or sale by the agency to such district or by such district to the agency of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, a water supply, water rights, or water storage facilities or any interests in any thereof for any purpose by the agency to any district or by any district to the agency.

(d) The operation of works and the delivery of water by the agency to any district or by any district to the agency.

Such contracts shall be executed in accordance with the laws governing such districts.

SEC. 5.2. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency to any district during the period in

which said district is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

SEC. 6. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 6.1. All money collected in pursuance of contract with the United States shall be paid into the county treasury to the credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under the contract.

SEC. 6.2. The agency may co-operate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person; in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to co-operate or act in conjunction and

contract with such districts, municipalities, and political subdivisions.

(b) Carry out the terms of such contracts.

SEC. 7. (a) The board of supervisors of the county shall be ex officio the board of directors of the agency, and shall be entitled to receive from the agency the sum of twenty dollars ($20) for each meeting attended, plus actual, necessary and reasonable traveling expenses. The basis for compensation of the directors, and the amount thereof, can be altered only by a four-fifths vote of the directors. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless a majority of all members concur therein.

(b) The board of directors may create by resolution an advisory body, to serve at the pleasure of the board, for the purpose of enabling the board to better fulfill the purposes of this act. The title, number of members, and powers and duties of said advisory body shall be as prescribed by the board. Members of said advisory body shall not be entitled to receive compensation, but may be paid actual, reasonable and necessary travel and other expenses incurred by them in attending meetings or while engaged in official business of the agency.

SEC. 7.1. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail of the County of Mariposa for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of which a director of the agency is a minority stockholder if the contract is for the general benefit of the corporation, nor to a contract between the agency and a director thereof for the purchase or use of water by the latter from the former upon the same terms as agency contracts with other individuals for the purchase or use of water.

SEC. 7.2. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the

agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 7.3. Nothing contained in Section 7.2 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6, commencing at Section 1950, of Division 4 of Title 1 of the Government Code.

SEC. 7.4. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 8. All officers of the county, and their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 8.1. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation, such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC. 9. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall

be presented in the general form and manner prescribed by law for the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the agency shall be commenced or maintained unless a claim has been filed as provided in this section and a complaint has been filed within one year after the cause of action arose.

SEC. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3, commencing at Section 4200, of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may have the work done by force account without advertising for bids. The district may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or

liabilities incurred pursuant to the provisions of this act authorizing the issuance of revenue bonds pursuant to Section 16, the execution of contracts with the United States and the State, nor the incurring of any indebtedness or liability authorized by a vote of the electors of any zone of the agency at an election held for such purpose pursuant to Section 15.

SEC. 14. The agency may levy taxes to accomplish the purposes of this act, but only to the extent specifically authorized by this act.

SEC. 14.1. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate for any lawful purpose of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency for such purposes, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied in any zone or participating zone pursuant to Section 15.

Such taxes shall be levied and collected with and not separately from taxes for county purposes, and the revenue derived from said agency taxes shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for said lawful purposes of the agency.

SEC. 14.2. The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

SEC. 15. (a) The board by resolution shall establish such zones within the agency as in the judgment of said board are necessary to equitably apportion the benefits of the agency to the lands within the respective zones. Such zones may be established within the agency without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. The lands comprising a zone need not be contiguous. All zones shall be established only with respect to projects for the benefit of such zones and proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in this section.

(b) The board may institute projects for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work of benefit to single zones or

two or more zones. In cases of projects for the benefit of two or more zones, such zones shall become, and shall be referred to as, participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone or participating zones and fixing a time and place for public hearing of said resolution. The resolution shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in two public places designated by the board, in such zone or in each of said participating zones. Publication shall be complete at least seven days before the date of the hearing. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the resolution and the map or maps of the proposed project may be seen by any interested person; said resolution and map or maps must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

(c) At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, or a portion thereof, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the electors of such zone or either participating zone be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned at the discretion of the board.

(d) The board shall have power, in any year:

(1) To levy taxes upon all taxable property in each or any of said zones according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes and shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation, exclusive of amounts necessary for interest in redemption of any bonds voted within such zone.

(2) Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said agency taxes shall be paid into the county treasury to the credit of the agency and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works located in any other zone, except in the case of projects for the benefit of participating zones or for projects authorized or established outside such zone or zones, but for the benefit thereof.

(e) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work in any zone or participating zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Mariposa County within five (5) days after its adoption. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(f) After the filing for record of the resolution specified in subdivision (e) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

(g) The board shall call such special bond election by resolution and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in the resolution referred to in subdivision (e) of this section. The resolution calling the bond election shall recite the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of the resolution referred to in subdivision (e) of this section. The resolution calling such special bond election shall also state the estimated cost of the proposed work, the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on said indebtedness. Said

resolution shall also fix the date on which such special election shall be held and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election said board shall in said resolution calling said bond election establish a special bond election precinct or precincts within the boundaries of each zone and participating zones and may form election precincts by consolidating the precincts established for general elections in the agency to a number not exceeding six general precincts for each such special bond election precinct. Said resolution shall also designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

(h) In all particulars not recited in said resolution calling said bond election, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

(i) The board shall cause a map to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed work and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

(j) Said resolution calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such resolution must be at least fourteen (14) days before said election, and if there be no such newspaper, then such resolution shall be posted in two public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

(k) Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds of the votes cast in the zone or in each of the participating zones are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings may be issued and sold as in this act provided.

(*l*) The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day and date and at a place to be fixed by said board and designated in

such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

(m) The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different dates from those of any other series. The maturity dates of each series shall comply with this section. The board may fix a date not more than two (2) years from the date of issuance for the earliest maturity of each issue or series of bonds. The final maturity date of each issue or series shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by such issue or series.

(n) The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six percent (6%) per annum, and shall be made payable annually or semiannually, and the bonds of each issue or series shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. One of such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

(o) Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the agency inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

(p) Any bonds issued under the provisions of this section, and the interest thereon, shall be paid by revenues derived from an annual tax upon all taxable property in the zone or participating zones sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. No

zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation in any of the several zones be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other zone. Such taxes shall be levied and collected in the respective zones or participating zones, together with and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury of said Mariposa County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. It is hereby declared that for the purposes of any tax levied pursuant to this subdivision (p), the property so taxed within a given zone is equally benefited.

SEC. 16. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941; provided, however, that, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy.

If the interest and principal of the revenue bonds and all charges to protect or secure them are paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues, and, subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the agency, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the agency, payment of in lieu taxes to the County of Mariposa upon works of the agency situate within the County of Mariposa, and the purchase or obtaining of additional water supplies.

SEC. 17. All revenue bonds issued by the agency may be certified as legal investments, pursuant to the District Securities Commission Law, Division 10 (commencing at Section 20000), of the Water Code, in the manner and to the extent provided in Sections 54433 and 54434 of the Government

Code; provided, however, that Sections 20003 and 20004 of the Water Code shall not be applicable to the agency.

SEC. 18. The agency at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of Mariposa to determine the validity of the bonds or of the levy or of the contract. The action is in rem jurisdiction of all parties interested and may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract.

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC 18.1. The agency may borrow money with repayment thereof to commence at a future date from revenues of the agency.

SEC. 19. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any district, now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water

and hydro-electric power generation. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Mariposa County Water Agency, the existence of more than one district having similar powers over similar territory in regard to hydro-electric power generation, flood control, reclamation and water conservation, storage, distribution, sale, use or development.

SEC. 20. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, or district in or to any water or the use thereof.

SEC. 21. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Mariposa, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 22. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4, commencing at Section 58950, of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

SEC. 23. The Legislature hereby finds that water problems in the county require countywide water conservation, flood control, hydro-electric power generation, and development of water resources; that all land within the county outside the exterior boundaries of Yosemite National Park will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the agency; that these problems are not general or statewide; that the county for many years has made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, public utility districts, and soil conservation districts

now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county outside of the exterior boundaries of Yosemite National Park; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 24. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 25. This act may be designated and referred to as "the Mariposa County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

SEC. 26. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will provide the means for an early and comprehensive solution to the water problems in the County of Mariposa. There now exists within the County of Mariposa an urgent need for conservation, development, control, and use of water, and it is therefore necessary that this act go into effect immediately.

CHAPTER 2037

An act to create the Guadalupe Valley Municipal Improvement District and to prescribe its boundaries, organization, powers, operation, management, financing, change of boundaries, and dissolution.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

Article 1. General Provisions

SECTION 1. The Guadalupe Valley Municipal Improvement District is hereby created to consist of the territory in the County of San Mateo, particularly described as follows:

Beginning at a point on the southwesterly line of the Bayshore Highway (formerly State Highway IV-SM-68 A) at its intersection with the northerly line of San Mateo County Highway Route 1. Division No. 1 hereinafter referred to as San Bruno Road. (said intersection being opposite engineer's station 94 + 32.65 of the official survey of said state highway); thence from said point of beginning along said northerly line of San Bruno Road on a curve to the left, whose radial point bears South 14° 34′ 56″ East 133.00 feet, an arc distance of 21.45 feet through a central angle of 9° 14′ 22″ thence South 66° 10′ 42″ West 100.21 feet; thence on a curve to the right of radius 167.00 feet, tangent to the preceding course, an arc distance of 98.42 feet; thence North 80° 03′ 08″ West tangent to the preceding curve 75.68 feet; thence on a curve to the left of radius 233.00 feet, tangent to the preceding course, an arc distance of 80.38 feet; thence South 80° 10′ 55″ West tangent to the preceding curve 67.55 feet; thence on a curve to the right of radius 292.00 feet, tangent to the preceding course, an arc distance of 257.03 feet; thence North 49° 23′ 23″ West tangent to the preceding curve 440.49 feet more or less to the northeasterly prolongation of the northwesterly line of Visitacion Avenue, as said Avenue is shown on the map entitled "Amended Map of Subdivisions Nos. 1, 2 and 3 of City of Visitacion, California" filed in the office of the Recorder of San Mateo County on October 14, 1908 in Book 6 of Maps at page 45, San Mateo County Records; thence southwesterly along the northwesterly line of Visitacion Avenue South 24° 48′ 57″ West 478.18 feet more or less to the northerly line of San Francisco Avenue as said Avenue is shown on said Amended Map of City of Visitacion; thence westerly along the northerly line of San Francisco Avenue North 89° 05′ 03″ West 623.62 feet of the easterly line of that certain parcel conveyed by deed by Crocker Estate Company to the Brisbane Elementary School District dated May 18, 1951 and recorded in Book 2077 at page 431 in the office of the Recorder of San Mateo County, California; thence along the boundary of said Brisbane Elementary School District parcel the following courses: North 0° 54′ 57″ East 156.89 feet more or less to the northwesterly corner of said school parcel, thence North 63° 08′ 03″ West 983.38 feet, thence on a curve to the left of radius 528 69 feet tangent to the preceding course, on an arc distance of 413.69 feet, thence South 72° 01′ 57″ West tangent to the preceding curve 273.27 feet, to the most northwesterly corner of said Brisbane Elementary School District parcel, thence South 9° 36′ 03″ East 532.56 feet to the southwesterly corner of said school parcel; thence leaving the boundary of said school parcel North 89° 05′ 03″ West along a line which is the westerly prolongation of the northerly line of San Francisco Avenue a distance of 1775.00 feet; thence North

49° 30′ 00″ West 4470.00 feet; thence North 15° 30′ 00″ East 950.00 feet; thence South 74° 30′ 00″ East 1500.00 feet; thence North 15° 30′ 00″ East 1100.00 feet; thence South 74° 30′ 00″ East 1100.00 feet; thence South 15° 30′ 00″ West 1100 feet; thence South 74° 30′ 00″ East 3400.00 feet, more or less to the centerline of that certain 50 foot wide easement conveyed by Crocker Estate Company to the City and County of San Francisco by deed of exchange of easements dated July 29, 1954 and recorded August 4, 1954 in Book 2628 at page 298 in the office of the Recorder of San Mateo County, California; thence northerly along the centerline of said 50 foot easement North 5° 11′ 03″ East 665.00 feet more or less to an angle point in said easement; thence North 20° 22′ 02″ West 740.00 feet more or less to the southwesterly prolongation of the northwesterly line of that certain parcel conveyed by Stauffer Chemical Company to Crocker Estate Company by deed dated September 18, 1956 and recorded October 9, 1956 in Volume 3108 at page 694 official records of San Mateo County; thence North 41° 31′ 56″ East 130.00 feet more or less to the most westerly corner of said Stauffer Chemical parcel; thence North 41° 31′ 56″ East 307.62 feet to the southwesterly line of Bayshore Highway; thence along the southwesterly line of Bayshore Highway South 20° 17′ 58″ East 154 09 feet; thence North 69° 06′ 58″ West 49.83 feet; thence South 20° 17′ 58″ East 310.80 feet; thence South 59° 27′ 58″ East 54.62 feet; thence North 34° 56′ 32″ East 3.66 feet to the southwesterly line of Bayshore Highway; thence southeasterly along the southwesterly line of Bayshore Highway South 20° 17′ 58″ East 1550.43 feet; thence on a curve to the left of radius 2562.50 feet, tangent to the preceding course an arc distance of 1088.28 feet; thence northwesterly along the southwesterly line of Bayshore Highway on a curve to the right of radius 2562.50 feet, an arc distance of 6.025 feet to the north line of Guadalupe Canal as said Guadalupe Canal is shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands, situate in the County of San Mateo, State of California, Prepared by Order of the Board of Tide Land Commissioners under the authority and in accordance with the provisions of an Act entitled 'An Act supplementary to, and amendatory of an Act, entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March Thirtieth, eighteen hundred and sixty-eight' approved April 1st, 1870"; thence easterly along the north line of Guadalupe Canal South 88° 42′ 58″ East 517.21 feet more or less to the southwesterly line of that certain parcel of land described in the quit claim deed from William H. Dinning, et ux to Southern Pacific Company recorded in Book 718 at page 486, official records of San Mateo County, California; thence southeasterly along said southwesterly line of said Dinning parcel South 32° 26′ 12″

East 722.34 feet more or less to the south line of Guadalupe Canal; thence westerly along the south line of Guadalupe Canal North 88° 42′ 58″ West 304.66 feet more or less to the southwesterly line of Bayshore Highway; thence southeasterly along the southwesterly line of Bayshore Highway South 44° 37′ 58″ East 517.76 feet more or less to the point of beginning.

Bearings used in the above description are based on the California State Coordinate System (Lambert Conformal Projection, Zone III, California).

SEC. 2. This act shall be known and may be cited as Guadalupe Valley Municipal Improvement District Act.

Article 2. Definitions

SEC. 10. The terms defined in this article have the meaning set forth unless the context requires a different meaning.

SEC. 11. "District" means the Guadalupe Valley Municipal Improvement District.

SEC. 12. "Board" means the board of directors of the district.

SEC. 13. "President" and "secretary" mean the president and secretary, respectively, of the district.

SEC. 14. "County" means the County of San Mateo.

SEC. 15. "Board of supervisors" means the board of supervisors of the county.

SEC. 16. "Charges" includes fees, tolls, rates and rentals.

SEC. 17. "Land" means land in the district and does not include improvements or personal or utility property.

SEC. 18. "Legal representative" means an officer or other person or persons appointed to serve as such by the board of directors of a corporation owner.

SEC. 19. "Owner" means the owner of land as shown on the last equalized county assessment roll.

SEC. 20. "Voter" means an owner, or the officer appointed therefor by the board of directors of a corporation owner, or the legal representative of the owner.

SEC. 21. "Officers of election" consist of an inspector and two judges. They shall be persons appointed by the board of directors and need not be voters.

SEC. 22. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City Council," "council" and "legislative body" mean board.

(b) "City," "municipality" and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district or

other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the tax collector of the county.

(f) "Treasurer" and "city treasurer" mean the county treasurer.

(g) "Auditor" and "city auditor" mean the county controller.

(h) "Budget law" means Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code.

Article 3. General Administrative Provisions

SEC. 26. The board is the governing body of the district and shall consist of three (3) members, one of whom shall be president. The officers of the district are the three members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create. An owner may nominate an officer or a legal representative for each office to be filled by election or appointment.

SEC. 27. The first district board shall be elected at an election conducted by the board of supervisors of the county immediately following the formation of the district. The first district board shall classify itself by lot so that one director will hold office for two years and two directors will hold office for four years following the district formation or until their successors have been elected or appointed and qualified.

SEC. 28. The directors shall be owners, or officers or legal representatives of owners.

SEC. 29. The term of each director, after the first board, shall be four years, or until the election or appointment, and qualification of his successor.

SEC. 30. All vacancies occurring in the office of director shall be filled by appointment by the remaining directors.

SEC. 31. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists, and until the election or appointment of his successor.

SEC. 32. Once each year, the board shall elect one of its members to serve as president, shall appoint a secretary and shall fill any other offices as it may from time to time create.

SEC. 33. The president shall be a member of the board and the secretary and other officers and employees may be members of the board.

SEC. 34. The board shall act only by ordinance, resolution, motion or contract. No question of interest shall affect the legality of any contract or the right of any officer to act.

SEC. 35. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 36. No ordinance, resolution, motion or contract shall be passed or become effective without the affirmative vote of at least the majority of the members of the board.

SEC. 37. Except where action is taken by the unanimous vote of all members present and voting, the ayes and noes shall be taken upon the passage of all ordinances, resolutions, motions or contracts and entered upon the minutes of the board.

SEC. 38. The enacting clause of all ordinances passed by the board shall be "Be it ordained by the Board of Directors of the Guadalupe Valley Municipal Improvement District, as follows:".

SEC. 39. All ordinances shall be signed by the president and attested by the secretary.

SEC 40. All legislative sessions of the board shall be public.

SEC. 41. The board, by ordinance, shall provide for the time and place of holding its regular meetings, the manner of calling special meetings, and shall establish rules for its proceedings.

SEC. 42. Each officer shall receive such compensation as the board shall, by ordinance, establish.

SEC. 43. All contracts, deeds, warrants, releases, receipts and documents shall be signed in the name of the district by the president and countersigned by the secretary.

SEC. 44. If allowed by the board a director may receive traveling and other expenses incurred by him when acting for the board.

SEC. 45. The finance officer shall serve at the pleasure of the board. He and the secretary shall receive such compensation as the board shall determine.

SEC 46 The county treasurer, county controller, and county tax collector shall be ex officio officers of the district.

SEC. 47 All county officers shall be liable under their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 48. In addition to the duties prescribed herein the officers of the district shall have such duties as are prescribed by the board.

Article 4. Elections

SEC. 55. A general district election shall be held on the fourth Tuesday in March in every other year commencing with the second year following the formation of the district.

SEC. 56. A special election may be called by the board to be held at any time.

SEC. 57. The hours during which the polls shall be opened at any general or special district election shall be as established by the board.

SEC. 58. Notices of election, excepting bond elections, shall be given by posting notices, signed by the secretary, in three public places in the district, not less than twenty (20) days before the day of election.

The notice shall contain:

(a) The time and place of holding the election;

(b) The names of the officers of election;

(c) The hours during which the polls will be open;

(d) A statement of the purpose of the election;

(e) The offices to be filled at such election; and

(f) Any proposition to be submitted to the voters.

SEC. 59. Nominations for the position of director shall be in writing, shall be signed by voters representing at least 10 percent of the assessed valuation of land in the district as shown by the last equalized assessment roll, shall be filed, for the first election following the formation of the district, with the county clerk, and, for all subsequent elections, with the secretary of the district, not more than 45 nor less than 25 days before the election.

SEC. 60. No voter shall sign any more nominations than there are offices to be filled.

SEC. 61. If on the twenty-fourth day prior to a general district election only one person has been nominated for each of the positions to be filled at that election, or no person has been nominated for any such office, or offices, an election shall not be held.

SEC. 62. In such case the notice of election shall, instead of calling an election, state that no election is to be held but that the board of supervisors shall appoint those nominated for positions of directors, or, if no person has been nominated, the board of supervisors shall appoint any qualified person to the position.

SEC. 63. If, pursuant to Section 62, a general district election is not held, the board of supervisors of the County of San Mateo, at a meeting held prior to the day fixed for the election, shall appoint to the positions of directors those persons nominated, or, if no persons are nominated, any qualified persons, who shall qualify and serve as if elected at a general district election.

SEC. 64. Each voter shall have one vote for each one dollar ($1) in assessed valuation of land owned by him as shown by the last equalized assessment roll.

SEC. 65. A majority of the votes cast shall be required to elect a director or approve a proposition.

SEC. 66. Following the close of the polls the officers of election shall canvass the ballots. The ballots and returns shall be sealed and delivered to the secretary or president.

SEC. 67. The board shall meet and canvass the returns and enter the returns on its minutes. The entry shall be conclusive evidence of the fact and regularity of all prior proceedings and of the facts stated in the entry.

SEC. 68. Except as provided in this act the election shall be conducted as nearly as practicable in accordance with the general laws for cities.

Article 5. Powers

SEC. 75. The district may use a seal, alterable at the pleasure of the board.

SEC. 76. The district may sue and be sued by its name.

SEC. 77. The district may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain and operate, street and highway lighting facilities; facilities for the collection, treatment and disposal of sewage, industrial wastes, storm waters, garbage and refuse; the production, storage, treatment and distribution of water for public and private purposes; works to provide for the drainage of roads, streets and public places, including, but not limited to curbs, gutters, sidewalks and grading and pavement of streets; and the reclamation of submerged or other land by fill or grading.

SEC. 78. The district may acquire, construct, maintain and operate facilities for providing fire protection to the district and its occupants or inhabitants, including buildings, engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department; and equip and operate a police department or other police protection to protect and safeguard life and property.

SEC. 79. The district may take, acquire, hold, use and dispose of property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes and powers.

SEC. 80. The district may exercise the right of eminent domain for the condemnation of private property for public use. The board has the same rights and powers with respect to the taking of property for the public uses of the district as are now or may hereafter be conferred by general law on the legislative body of a city. The provisions of Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure shall apply.

SEC. 80.5. Notwithstanding the provisions of Sections 79 and 80 of this act, the district shall not, through the exercise of eminent domain or otherwise, acquire property located outside the district boundaries without first obtaining the consent of the board of supervisors of the county in which the property to be acquired is located.

SEC. 81. The district may make and accept contracts, deeds, releases and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district.

SEC. 82. The district may co-operate and contract with the Federal Government of the United States and with the State of California, or with any county, municipal corporation, district, or other public corporation, or with any person, firm or corporation, for the joint acquisition, construction, or use or aid in the construction of any facilities which the district has the power to acquire or construct under this act or for the providing of any service within the powers of the district.

SEC. 83. The district may borrow money and provide for its repayment in the manner provided in Article 7 (commencing at Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 84. The district may guarantee the performance of any of its transactions.

SEC. 85. The district may incur bonded indebtedness and issue bonds in the manner herein provided.

SEC. 86. Bonds issued by the district shall be executed in the manner provided by the board.

SEC. 87. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before delivery of the bonds, his signature shall be as effective as if he had remained in office.

SEC. 88. Any bonds issued by the district organized under the provisions of this act are given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State.

SEC. 89. The district may refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district.

SEC. 90. The district may issue warrants on any moneys with the county treasurer in payment of district obligations. The warrants shall be registrable as provided for county warrants when not paid for want of funds. Demands allowed by the board shall be prepared, presented, and audited in the same manner as demands upon the funds of the county, but free of the limitation of any budget law.

SEC. 91. The district may cause special assessments to be levied and collected and issue bonds to represent unpaid assessments on the basis of benefit to the properties assessed for the purpose of financing the acquisition and construction of public improvements.

SEC. 92. The district may appoint, employ and fix the compensation of engineers, attorneys, assistants and other employees as it deems proper.

SEC. 93. The district may sell any effluent or other product resulting from the operation of any treatment or disposal plant or facility constructed or acquired by or for the district.

SEC. 94. The district may take out insurance in the form and in the amounts as the board may deem necessary for the adequate protection of the district's property, officers, employees and interests.

SEC. 95. The district may make and enforce all necessary and proper regulations, not in conflict with the laws of this State, for the removal of garbage and refuse and the supplying of sewage, light, water, storm water and fire and police protection service. A violation of a regulation of the district is a misdemeanor punishable as such. A regulation of the board shall be adopted by ordinance and shall be posted for one week in three public places in the district and shall take effect upon

expiration of the week of such posting. A subsequent finding of the board, entered in its minutes, that posting has been made is conclusive evidence that the posting has been properly made.

SEC. 96. The district may compel all residents and property owners in the district to connect their houses, habitations and structures requiring sewage or drainage disposal service with the sewer and storm drains of the district, and to use district garbage and refuse removal service and facilities.

SEC. 97. The district may prescribe, revise and collect charges for services and facilities furnished by it, for the regulation thereof and for revenue. Charges may be collected either singly or collectively, and the board may establish rules governing their levy and collection.

Article 6. General Obligation Bonds

SEC. 105. The district may issue bonds as provided in this article for any of the purposes stated in Sections 77 and 78.

SEC. 106. By resolution, when in its judgment it is advisable, the board may call an election and submit to the voters of the district the question of whether bonds shall be issued.

SEC. 107. The resolution calling the election may submit as one proposal the question of issuing bonds to make all the outlays or so many of them as may be selected, or the resolution may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

SEC. 108. Notice of bond elections shall be given by posting notices, signed by the secretary, in three public places in the district, not less than twenty (20) days before the day of election.

The notice shall contain:

(a) The time and place of holding the election;

(b) The names of the officers of election;

(c) The hours during which the polls will be open;

(d) A statement of the purpose for which the election is held; and

(e) The amount of the proposed bonds, the maximum rate of interest and number of years the bonds are to run.

SEC. 109. The vote shall be by ballot, without reference to the general law in regard to the form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the person voting at the election shall put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.

SEC. 110. Following the close of the polls the officers of election shall canvass the ballots. The ballots and returns shall be sealed and delivered to the secretary or president. The board shall meet and canvass the returns and enter the returns in its minutes.

The entry is conclusive evidence of the fact and regularity of all prior proceedings, and of the facts stated in the entry. No informality shall affect the validity of said bonds.

SEC. 111. Except as herein provided, the election shall be conducted as nearly as practicable in accordance with the general laws for cities.

SEC. 112. If, at the election, two-thirds of the votes cast are in favor of the issuance of bonds, the board may issue and dispose of the bonds.

SEC. 113. Bonds issued by the district under the provisions of this article shall be of such denomination as the board determines except that no bonds shall be of a denomination less than one hundred dollars ($100) or greater than one thousand dollars ($1,000).

SEC. 114. The bonds shall be payable in lawful money of the United States at the office of the treasurer or at such other place, depositary, paying agent or fiscal agent within or without the State of California as may be designated by the board, and bear interest at a rate not exceeding six percent (6%) per annum, payable semiannually in like lawful money, except the first year which may be for more or less than one year.

SEC. 115. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board. The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity, in which event they shall so state on their face.

SEC. 116. Each bond shall be signed by the president and countersigned by the secretary. The signature of the president on the bonds and of the secretary on the coupons may be printed, lithographed or engraved and such shall constitute due execution.

SEC. 117. The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.

SEC. 118. Before selling the bonds, or any part thereof, the legislative body shall give notice inviting sealed bids in such manner as the legislative body may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the legislative body determines that the bids received are not satisfactory as to price or responsibility of the bidders, the legislative body may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

SEC. 119. The term of bonds issued shall not exceed forty (40) years.

SEC. 120. The resolution providing for the issuance of the bonds, by its adoption, shall be conclusive evidence of the regularity of said bond proceedings.

SEC. 121. The board may, in its discretion, before or after issuance, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceedings in relation to irri-

gation bonds, provided for by the Irrigation District Law, Division 11 (commencing at Section 20500) of the Water Code, and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that law. The board may use the same procedure to validate the creation of the district and any annexations thereto.

SEC. 122. An issue of bonds is the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the voters of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds sold and delivered.

SEC. 123. The board may, in its discretion, divide the aggregate principal amount of an issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at the time or times as may be fixed by the board separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Article 7. Improvement District Bonds

SEC. 130. Bonds of a portion of the district may be authorized and proceedings therefor shall be had in the manner now or hereafter provided for the issuance of bonds for a portion of a county water district.

Article 8. Revenue Bonds

SEC. 135. The district may create revenue bond indebtedness for the acquisition and construction, or acquisition or construction of any improvements or property or facilities contained within its powers.

SEC. 136. Proceedings for the authorization, issuance, sale, security, and payment of revenue bonds shall be had, the board shall have the powers and duties, and the bondholders shall have the rights and remedies, all in substantial accordance with and with like legal effect as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code; provided, however, that qualified voters at the election therein provided shall be voters as defined in this act, and the method of voting shall be as herein provided. As used therein the word "resolution" shall mean ordinance, the words "local agency" shall mean district, and the words "legislative body" shall mean board.

Article 9. Assessment Bonds

SEC. 150. The Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code, the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, the Street Opening Act of 1903, Part 1 (commencing at Section 4000) of Division 6 of the Streets and Highways Code, and the Improvement Bond Act of 1915, Division 10 (commencing at Section 8500) of the Streets and Highways Code, as now or hereafter provided, are applicable to the district.

SEC. 151. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by the district under the acts enumerated in Section 150 and under Article 5.

SEC. 152. The provisions of any act to the contrary, it shall not be necessary to obtain the consent of the county to conduct assessment proceedings. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of the assessment and the diagram attached thereto shall be recorded in the office of the district engineer and in the office of the county surveyor or county engineer of the county.

Article 10. Taxation—County Roll

SEC. 160. The lien for taxes for the first fiscal year after the district is formed shall attach on the first Monday in March or on the date the district is created, whichever is later. It shall not be necessary to make or file a notice of the creation of this district.

SEC. 161. Annually, at least fifteen (15) days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required by law for county purposes, the board shall furnish to the board of supervisors a written statement of the following:

1. The amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

2. The amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district powers or to pay any existing obligations of the district.

SEC. 162 The board of supervisors shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real and personal property in the district, based upon the last equalized assessment roll of the county, sufficient to pay the amounts set forth in the statement of the board The aggregate taxes levied for any one fiscal year, other than those levied to pay the principal and interest on bonds, shall not exceed five dollars ($5) on each

one hundred dollars ($100) of the assessed valuation of taxable real and personal property in the district.

SEC. 163. If the board fails to furnish the written statement, the board of supervisors shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the proceeds of the next general tax levy shall become available, and shall levy and cause to be collected the amount.

SEC. 164. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected, shall be paid into the county treasury to the credit of the proper district fund, as provided in Article 11. The board shall control and order its expenditure.

SEC. 165. The principal and interest on district bonds shall be paid by the treasurer, if payable at his office, in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county, unless said bonds shall be made payable elsewhere.

SEC. 166. Compensation to the county for the performance of services described in this article shall be fixed by the parties.

Article 11. Funds

SEC. 175. In a fund called the "Guadalupe Valley Municipal Improvement District General Fund," the treasurer shall place and keep the money levied by the board for that fund.

SEC. 176. The proceeds of the sale of revenue bonds or general obligation bonds or proceeds of special assessments levied by the board shall be deposited with the treasurer and shall be placed in a fund to be called the "Guadalupe Valley Municipal Improvement District Construction Fund No. _____" (inserting number).

SEC. 177. The money in any construction fund shall be used for the purpose indicated in the resolution calling the election upon the question of the issuance of bonds, or for the purpose described in the resolution of intention in the assessment proceedings, or for repayment of money borrowed for the purpose of financing the improvement for which bonds were subsequently issued or the assessment levied.

SEC. 178. The bond moneys may also be used for interest and working capital for the period of construction and for twelve (12) months thereafter, and also to pay the costs of their authorization and issuance including fees for legal, engineering, fiscal, economic or other service.

SEC. 179. Any money in the construction fund determined by resolution of the board to be in excess of the amounts required for completion of the improvement authorized may, by the resolution so determining, be transferred to any other fund of the district and be used for any lawful purpose.

SEC. 180. In a fund called the "Guadalupe Valley Municipal Improvement District Bond Fund, _____" (inserting

series number), the treasurer shall keep money levied or collected for that fund.

SEC. 181. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of principal and interest of the bonds of the district, or for repayment of money borrowed for the purpose of paying the principal and interest of the bonds of the district, until said bonds are fully paid, at which time it may be transferred to any other fund.

SEC. 182. The budget law shall not apply to the district.

Article 12. Alternative Depositary of District Money

SEC. 190. The provisions of this article are alternative or supplemental to those providing for the use of the county treasury.

SEC. 191. The board may by resolution designate a bank as depositary of any or all of its funds. No question of interest shall affect such appointment. If the depositary is not designated for all of its funds, it shall designate what funds are to be deposited with the depositary. The county treasurer shall be the depositary for all funds not so designated.

SEC. 192. The charges of any depositary selected shall be a proper expense of the district.

SEC. 193. If the board appoints a depositary, it shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond. He may, but need not be a member of the board, or his office may be consolidated with that of the secretary.

SEC. 194. Bond principal and interest and salaries shall be paid when due All other claims and demands shall be approved in writing or in open meeting by a majority of the members of the board.

SEC. 195. Warrants shall be drawn by the finance officer and signed by the president and secretary, or one of them and one member of the board.

SEC. 196. The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

SEC. 197. The finance officer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

Article 13. Changes in Organization

SEC. 205. Territory may be included in the district in the manner now or hereafter provided for the inclusion of territory in a county water district. Land and improvements shall mean land.

SEC. 206. Territory may be excluded from the district in the manner now or hereafter provided for the exclusion of territory from a county water district. Land and improvements shall mean land.

SEC. 207. The district may be dissolved in the manner now or hereafter provided for the dissolution of county water districts, excepting Sections 32851.5 and 32858 of the Water Code and excepting that title to any property and moneys shall vest in the land owners of the district in the proportion that the assessed valuation of the land of each bears to the total assessed valuation of all land in the district that is on the county assessment roll at the time of such dissolution. Land and improvements shall mean land. Electors shall mean voters herein.

Article 14. Need for Special Act

SEC. 210. The purpose of this act is to form the Guadalupe Valley Municipal Improvement District in order that the area benefited may be provided with various municipal improvements; special facts and circumstances, applicable to the general area within which the district lies and not generally, make the accomplishment of this purpose impossible under existing general laws and therefore special legislation is necessary. The special facts are as follows:

(a) The area has no facilities for the treatment and disposal of sewage and is consequently contaminating the waters of the State.

(b) The area is without an adequate water supply, storage, and distribution system for public and private purposes.

(c) There is urgent need for the municipal improvements which the district is empowered to construct under this act, but other municipal powers which could be exercised by a city are not required, and would result in more government than the area needs or wants. There are no existing general laws under which the area could be provided with the facilities it needs short of incorporation as a city. Therefore, the only way in which the particular needs of the area can be provided is by special act.

(d) The land in the district is not owned by residents. The owners are the ones primarily concerned with the district and the ones who will be supporting the district and not future resident nonowners. The owners should therefore hold the voting power. Since no general law district with the necessary powers provides for voting by owners, special legislation is necessary.

(e) The area is of strategic importance during times of war or threatened war. It is strategically located between metropolitan San Francisco and the San Francisco International Airport, and immediately adjacent to the South San Francisco and Bayshore industrial complex. Influx of military men and their families during times of war or threatened war greatly increases the necessity of providing municipal facilities.

CHAPTER 2038

An act to amend Section 4 of Chapter 2092, Statutes of 1957, relating to barriers for salinity and flood control purposes.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 4 of Chapter 2092, Statutes of 1957, is amended to read:

Sec. 4. The department shall submit a report to the Legislature stating the result of its study and investigation not later than January 2, 1961.

CHAPTER 2039

An act to amend Section 8361 of the Water Code, relating to the Sacramento River Flood Control Project.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 8361 of the Water Code is amended to read:

8361. The department shall maintain and operate on behalf of the State the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of such maintenance and operation shall be defrayed by the State.

(a) The east levee of the Sutter Bypass north of Nelson Slough.

(b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No. 2035, Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.

(c) The collecting canals, sumps, pumps and structures of the drainage system of Project No. 6 east of the Sutter Bypass.

(d) The bypass channels of the Butte Slough Bypass, the Sutter Bypass, the Tisdale Bypass, the Yolo Bypass and the Sacramento Bypass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(e) The levees of the Sacramento Bypass.

(f) The channels and overflow channels of the Sacramento River and its tributaries within the Sacramento and San Joaquin Drainage District.

(g) The Knights Landing ridge cut flowage area.

(h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.

(i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.

(j) All weirs and relief structures.

(k) The west levee of the Yolo Bypass, extending from the west end of the Fremont Weir southerly to the Cache Creek Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo Bypass from Fremont Weir southerly two miles.

(*l*) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.

(m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek Settling Basin.

(n) The flowage area of Western Pacific Intercepting Canal extending northerly for a distance of five miles from Bear River.

(o) The levees of Tisdale Bypass from Tisdale Weir 4.5 miles easterly to Sutter Bypass.

CHAPTER 2040

An act to make an appropriation for acquisition of real property as additions to the Custom House Historical Monument in the City of Monterey.

In effect September 18, 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The unexpended balance of the sum of two hundred fifty thousand dollars ($250,000) heretofore made available for the acquisition of real property within the Del Monte Beach project in the City of Monterey out of the appropriation made by Item 400.1 of the Budget Act of 1956, and as set forth in the schedule in that item, is hereby reappropriated to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of real property as additions to the Custom House State Historical Monument in the City of Monterey. This appropriation shall be available for expenditure until June 30, 1961, payable from the State Beach and Park Fund.

CHAPTER 2041

An act to amend Sections 34014, 34026, 34801, 34802, 34803, 35907, and 36575 of, and to add Sections 36409, 36831, 36832 and 36833 to, the Water Code, relating to California water districts.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 34014 of the Water Code is amended to read:

34014. "Land" means the solid material of the earth whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, but there shall not be included in the meaning of land improvements thereon or rights and privileges appertaining to minerals, oil, gas, or other hydrocarbon substances underlying the surface thereof. "Land"

SEC. 2. Section 34026 of said code is amended to read:

34026. "Holder of title" shall mean the owner of record of the fee title to land. "Holder of title"

SEC. 3. Section 34801 of said code is amended to read:

34801. The board shall select and maintain an office for the district, at a fixed place which place need not be within the district. District office

SEC. 4. Section 34802 of said code is amended to read:

34802. The board shall hold regular meetings at such time and place as may be agreed upon by resolution. Meetings

SEC. 5. Section 34803 of said code is amended to read:

34803. The board shall hold special meetings as it deems advisable. Special meetings

SEC. 6. Section 35907 of said code is amended to read:

35907. Warrants are contracts in writing for the payment of money and an action based on warrants payable on demand shall be commenced within four years from the date of their issuance. Warrants

SEC. 7. Section 36409 is added to said code, to read:

36409. The provisions of this chapter shall constitute an addition to all other power of the district to borrow money, incur indebtedness, and issue warrants in connection therewith, and shall not be deemed a restriction or limitation on such other power. Addition to district's powers

SEC. 8. Section 36575 of said code is amended to read:

36575. In lieu of assessing the land, as aforesaid, the board may direct the assessor to, and the assessor shall thereupon adopt as the cash value of the land, and shall insert in the assessment book as such cash value the value of the land as the same appears on the assessment roll of the county in which the land is situated, except that any value of rights to minerals, oil, gas, or other hydrocarbon substances underlying the land which may be included in the assessed value of the land on Assessment. Use of cash value

the assessment roll of such county, shall be deducted by the assessor from such assessed value and the remainder of such assessed value shall be adopted as the cash value of the land, and inserted in the assessment book as such cash value.

SEC. 9. Section 36831 is added to said code, to read:

Cancellation or modification of assessment

36831. The board shall order the collector to cancel or modify, as may be proper, an assessment when it finds that any property has been either:

(a) Assessed in any year more than once.

(b) Assessed by reason of a clerical error for more than its full cash value.

(c) Computed for assessment on an excessive acreage.

(d) Assessed while not in the district.

SEC. 10. Section 36832 is added to said code, to read:

Refunds

36832. On order of the board any assessments, penalties or costs thereon, or portions thereof, shall be refunded by the treasurer if they were either:

(a) Paid more than once.

(b) Erroneously or illegally collected.

SEC. 11. Section 36833 is added to said code, to read:

Order for refund

36833. No order for a refund under Section 36832 shall be made except upon a claim both:

(a) Verified by the person who paid the assessment, penalties, or costs, or by his guardian, executor or administrator.

(b) Filed within three years after the making of the payment sought to be refunded.

CHAPTER 2042

An act making an appropriation from the State Highway Fund for allocations to counties and cities for the construction of grade protections.

In effect September 18, 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

Appropriation

SECTION 1. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the State Highway Fund for allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their shares of the cost of constructing grade crossing protection works (and as specified in Chapter 6.5 (commencing at Section 1230) of Part 1 of Division 1 of the Public Utilities Code as proposed by Assembly Bill No. 778 of the 1959 Regular Session), in augmentation of the appropriation made by Chapter 1739 of the Statutes of 1953.

Same

SEC. 2. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the State Highway

Fund for allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their shares of the cost of constructing grade crossing protection works, in augmentation of the appropriation made by Chapter 1739 of the Statutes of 1953.

Effect Assembly Bill No 778

SEC. 3. Section 1 of this act shall become operative only if Chapter 6.5 (commencing at Section 1230) of Part 1 of Division 1 of the Public Utilities Code as proposed by Assembly Bill No. 778 is enacted by the Legislature at its 1959 Regular Session, and in such event at the same time Chapter 6.5 takes effect, at which time Section 2 of this act is repealed.

CHAPTER 2043

An act to amend Section 11260 of the Water Code, relating to the Feather River Project.

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 11260 of the Water Code is amended to read:

11260. The units set forth in publication of the State Water Resources Board entitled "Report on Feasibility of Feather River Project and Sacramento-San Joaquin Delta Diversion Projects Proposed as Features of the California Water Plan," dated May, 1951, as modified in the publication of the Division of Water Resources entitled "Program for Financing and Constructing the Feather River Project as the Initial Unit of the California Water Plan," dated February, 1955, and including the upstream features set forth in Chapter VI of the 1955 report, except the features on the south fork of the Feather River, and as further modified by the recommendations contained in Bulletin No. 78 of the Department of Water Resources, entitled "Preliminary Summary Report on Investigation of Alternative Aqueduct Systems to Serve Southern California," dated February, 1959, and subject to such further modifications thereof as the Department of Water Resources may adopt, and such units or portions thereof may be constructed by the department and maintained and operated by it to such extent and for such period as the department may determine, as units of the Central Valley Project separate and apart from any or all other units thereof.

CHAPTER 2044

An act to add Section 11619 to the Business and Professions Code, relating to subdivision maps.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11619 is added to the Business and Professions Code, to read:

11619. When any area in a subdivision as to which a final map has been finally approved by a board of supervisors and recorded pursuant to this article is thereafter annexed to a city, the final map so approved and recorded and any agreements or contracts relating to such subdivision shall continue to govern such subdivision.

Any city ordinance shall not be retroactive so as to require a larger building site than the respective sizes of the lots as designated on the recorded subdivision map.

CHAPTER 2045

An act to amend the title of, and Sections 2, 3, 4, 10, 13, 14, 15, 16, 17, and 18 of, and to add Sections 3.1, 3.2, 3.3, 3.4, 16.1, 23.5, 36.1, 36.2, 36.3, 36.4, 36.5, 36.6, 36.7, 36.8, 36.9, 36.10, 36.11, 36.12, 36.13, 36.14, 36.15, 36.16, and 36.17 to the San Luis Obispo Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945).

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The title of the San Luis Obispo Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

An act to create a flood control district to be called San Luis Obispo County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the retention and reclaiming of drainage, storm, flood, and other waters and to save and conserve, purchase and sell such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and op-

eration of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

SEC. 2. Section 2 of said act is amended to read:

Sec. 2. A flood control district is hereby created to be called the San Luis Obispo County Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of San Luis Obispo lying within the exterior boundaries of said county except such islands of said county as lie in the Pacific Ocean. As used in this act "district" means the San Luis Obispo County Flood Control and Water Conservation District.

SEC. 3. Section 3 of said act is amended to read:

Sec. 3. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of the hearing shall be given for a period of not less than twenty (20) days. If there is a newspaper published in the district and of general circulation in the territory proposed to be formed into a zone, notice shall be given by publication pursuant to Section 6066 of the Government Code, the last publication of which shall be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places in the said territory designated by the board. Said notice shall designate a public place in any such zone where a copy of the map of the project may be seen by any interested person.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, to be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclu-

sion of said hearing, or said proceeding may be abandoned in the discretion of the board.

At the hearing, or at any time to which it may be adjourned, the board may sustain any or all of the objections filed and change or alter the boundaries of the proposed zone to conform to the needs of the zone, and to exclude any land that will not be benefited by the formation of the zone. Any owner of lands adjacent to the zone may, by written application filed with the board at or before the time of the hearing, in the discretion of the board have such lands included within the proposed zone. Except as in this act hereinafter set forth, other lands not included in the proposed zone by the original resolution may not be included in the zone.

In all matters in this section referred to, the last equalized assessment roll of the County of San Luis Obispo next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall con-

stitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 4. Section 3.1 is added to said act, to read:

Sec. 3.1. As an alternate procedure, zones may also be established in the following manner:

(a) The board shall adopt a resolution specifying its intention to establish a zone and fixing the time and place for public hearing on said resolution, which public hearing may be held at any place within the district. The resolution shall refer to a map or maps showing the location and outline of said zone and notice of said hearing shall be given as hereinafter provided; or

(b) A petition signed by ten percent (10%) or more of the landowners, as defined in Section 3 hereof, may be addressed to and filed with the board. The petition may be filed in sections. Each section shall comply with all the requirements for a petition, except that it need not contain all the signatures required for the petition. Before publication of the notice of hearing on the petition, a petitioner may withdraw his signature by filing with the clerk a signed statement of his intention to withdraw his signature from the petition.

The petition shall:

1. State the name for the zone.

2. Set forth the zone boundaries or describe the land situated in the zone and refer to a map or maps showing the outline and location of said zone.

3. Request that the zone be formed pursuant to this act.

4. Request that a time and place be fixed for a public hearing upon said petition.

Upon presentation and filing of the said petition, the board shall fix a time and place for a public hearing thereon. Such public hearing may be held at any place within the district.

If there is a newspaper of general circulation in the territory proposed to be formed into a zone, notice shall be given by publication in said newspaper once a week for two (2) consecutive weeks prior to the hearing, the last publication of which must be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places in the said territory. The said notice of hearing shall state the following:

(a) The name of the proposed zone.

(b) The boundaries of the proposed zone.

(c) That the resolution or petition may be inspected at the clerk's office.

(d) A public place in the proposed zone where a copy of a map of the proposed zone may be seen.

(e) The time and place for the public hearing.

(f) That protests will be considered at the hearing.

(g) That written requests for exclusion from or inclusion of land in the proposed zone will be heard and considered.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the creation of the proposed zone. Upon the conclusion of the hearing, the board may abandon the proposed zone or proceed with the same.

At the hearing, any owner of land in the proposed zone may present to the board a written request for the exclusion of all or part of such land, and any owner of land outside the proposed zone may present to the board a written request for inclusion of such land, and the board may include such land within the zone.

At the conclusion of the public hearing, the board may, by resolution, create and establish the zone, excluding any land which it finds will not be benefited, and including lands which it finds will be benefited, except that it may not include any land not included in the original resolution or petition unless the owner or owners of such land consent in writing to the inclusion thereof. The said resolution may specify the effective date of the creation of such zone or, in the absence of such specification, the zone will conclusively be deemed to have been created and established as of the date of the adoption of such resolution.

SEC. 5. Section 3.2 is added to said act, to read:

Sec. 3.2. Any parcel, parcels, or tract of land may be annexed to a zone if the land will be benefited, and any parcel, parcels, or tract of land within any zone may be excluded if not benefited. Proceedings for annexation or exclusion may be instituted by the board by resolution specifying its intention

to annex or exclude such parcel, parcels, or tract of land, describing the proposed land to be annexed or excluded and specifying a time and place for public hearing on said resolution, which public hearing may be held at any place within the district, and directing the clerk to give notice of such public hearing, as hereinafter provided. In the alternative, such proceedings may be instituted by the filing with the board of a petition signed by ten percent (10%) or more of the owners, as defined in Section 3, of the land to be annexed or excluded. The petition shall contain:

(a) The name of the zone affected by the annexation or exclusion.

(b) The reason for annexation or exclusion of the land.

(c) A description of the land to be annexed or excluded.

(d) The assent of the petitioners to the annexation or exclusion.

(e) A request that the described land be annexed to or excluded from the zone.

When the petition has been filed with the board, the board shall fix a time and place for a hearing thereon, which public hearing may be held at any place within the district, and cause a notice of such hearing to be given as hereinafter provided. The notice shall state:

(a) The date the petition was filed.

(b) The location and boundaries of the land described in the petition.

(c) The prayer of the petition.

(d) The time and place fixed for hearing on the petition.

(e) That all persons interested in or affected by such change in the zone boundaries may appear and show cause why the change should not be made. At the hearing, the board shall hear all relevant evidence for or against the petition.

Failure to show cause by any person interested in or affected by the change is deemed to be his assent to any change the board may make in the zone boundaries.

At the conclusion of the hearing, if it deems the annexation or exclusion of all or part of the land to be for the best interests of the zone, the board may by resolution annex or exclude all or part of the land described in the petition and shall, in such resolution, describe the zone boundaries as changed. If no effective date for such annexation or exclusion is specified in the resolution, then the effective date shall be deemed to be the date of the resolution.

The exclusion of any land or territory from a zone does not release such land or territory from any debts or obligations for which it was liable at the time of the exclusion.

In the case of annexation, the board may require that the owners of annexed land shall pay a sum not to exceed the amount of the taxes or assessments which the owners or their predecessors in interest would have been required to pay if the annexed land had been included in the zone when it was formed. Any territory annexed to a zone pursuant to this

section shall assume its proportionate share of any existing outstanding bonded indebtedness.

SEC. 6. Section 3.3 is added to said act, to read:

SEC. 3.3. Zones may be dissolved in the following manner:

(a) The board may adopt a resolution specifying its intention to dissolve a zone and fixing the time and place for a public hearing on said resolution, which public hearing may be held at any place within the district. The resolution shall name or describe the zone, and notice of said hearing shall be given as hereinafter provided; or

(b) A petition signed by ten percent (10%) or more of the landowners in said zone, as defined in Section 3 hereof, may be addressed to and filed with the board. The petition may be filed in sections. Each section shall comply with all the requirements for a petition, except that it need not contain all the signatures required for the petition. The petition shall:

1. State the name of the zone.
2. Request that the zone be dissolved pursuant to this act.
3. Request that a time and place be fixed for a public hearing upon said petition.

Upon presentation and filing of the said petition, the board shall fix a time and place for a public hearing thereon. Such public hearing may be held at any place within the district.

If there is a newspaper of general circulation in the said zone, notice shall be given by publication in said newspaper once a week for two (2) consecutive weeks prior to the hearing, the last publication of which must be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to the said hearing in five (5) public places in the said zone. The said notice of hearing shall state the following:

(a) The name of the zone.

(b) That a resolution has been passed by the board declaring its intention to dissolve the zone, or that a petition has been filed with the board requesting dissolution of the zone.

(c) That the resolution or petition may be inspected at the clerk's office.

(d) The time and place for the public hearing on the said resolution or petition.

(e) That protests will be considered at the hearing.

At the time and place fixed for the hearing or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the dissolution of the zone. After the conclusion of the hearing, the board may by resolution dissolve said zone. If no effective date for the dissolution is specified in the resolution, the dissolution shall be deemed effective as of the date of the resolution. If the zone is not so dissolved, it shall be deemed to be continued in uninterrupted existence.

The dissolution of a zone does not relieve the property in said zone from any debts, obligations or liabilities for which it was liable at the time of the dissolution.

A zone may not be dissolved pursuant to this section until one of the following conditions exists:

(a) All debts, obligations and liabilities are paid in full; or

(b) There is sufficient cash in the county treasury standing to the credit of such zone to pay all debts, obligations and liabilities in full as they become due.

Upon dissolution of a zone, the right, title and interest to any property or funds owned or controlled by, or held for the zone or for the benefit of the zone, whether in the county treasury or in any other place or manner, shall vest absolutely in the district and may be used for any district purposes.

SEC. 7. Section 3.4 is added to said act, to read:

Sec. 3.4. Any proposal for the establishment or change in boundaries of a zone shall be referred to the county boundary commission as provided in Chapter 3 (commencing at Section 58850) of Division 1 of Title 6 of the Government Code.

SEC. 8. Section 4 of said act is amended to read:

Sec. 4. The objects and purposes of this act are to provide for the control, disposition and distribution of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use, including the purchase and sale thereof, within the district.

SEC. 9. Section 10 of said act is amended to read:

Sec. 10. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans to control the flood and storm waters of the district, and the zones thereof, and the flood and storm waters of streams that have their sources outside of said district but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without the district, or to devise a plan or plans and specifications for the construction and installation of irrigation and domestic distribution systems for the disposition and distribution of any of said waters, or to save or conserve in any manner, any or all of such waters, and to protect the public highways, life and property within the district,

and the watercourses and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act; and such resolution may direct such engineer or engineers to make and file reports from time to time with the board, which shall show:

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement.

2. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

3. A map or maps which shall show the location and zones, as may be required, of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Such engineer or engineers shall from time to time and as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Such engineer or engineers, employed by the board, shall have power and authority, subject to the control and direction of said board, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

The board may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

SEC. 10. Section 13 of said act is amended to read:

Sec. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all

works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. To levy taxes or assessments upon all taxable property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 11. Section 14 of said act is amended to read:

SEC. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the

Office of the Recorder of San Luis Obispo County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon all the taxable property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring of bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor. The maximum term of the bonds to be issued shall not exceed forty (40) years. Said board shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six per cent (6%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 12. Section 15 of said act is amended to read:

Sec. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum (6%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 13. Section 16 of said act is amended to read:

Sec. 16. The board may issue and sell the bonds of such zones authorized as hereinbefore provided at less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of San Luis Obispo to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone, or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of San Luis Obispo.

SEC. 14. Section 16.1 is added to said act, to read:

Sec. 16.1. The district may sell the whole, or from time to time any part of the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication pursuant to Section 6061 of the Government Code of notice of sale, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The bonds may be registered with the treasurer in accordance with provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 15. Section 17 of said act is amended to read:

Sec. 17. Any bonds issued under the provisions of this act shall be a lien upon all property of the zone or zones of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall, in addition to other sources of revenue as in this act provided, be paid by revenue derived from an annual tax or assessment upon all taxable property within said zone or participating zones and all property in said zone or participating zones shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

Said bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of said treasurer to receive and register said bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor; that said receipts shall be personal to the respective holders and not transferable. That such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor.

SEC. 16. Section 18 of said act is amended to read:

Sec. 18. The board shall levy a tax or assessment each year upon all taxable property in the zone or zones of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said San Luis Obispo County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said San Luis Obispo County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 17. Section 23.5 is added to said act, to read:

Sec. 23.5. The board shall have full authority to cause to be inserted in specifications and contracts for any flood control or other work financed or paid for in whole or in part out of moneys obtained from the United States of America, or any department or agency thereof, as a loan, grant, or appropriation, such provisions or terms as may be prescribed by the United States of America, or such department or agency, as a condition upon which such federal funds are loaned, granted or appropriated.

SEC. 18. Section 36.1 is added to said act, to read:

Sec. 36.1. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights of way owned by the district, any work or improvement for supplying or distributing irrigation, domestic, or other water supply or for fire protection or any work or improvement for controlling flood and storm waters within

the district, or for providing, supplying, and transporting water for recreational purposes, any work or improvement in draining and protecting lands and other property within the district from the effects of water, and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any improvement district to be assessed therefor, which improvement district need not be composed of lands contiguous to each other.

SEC. 19. Section 36.2 is added to said act, to read:

Sec. 36.2. The work or improvement done pursuant to Section 36.1 shall be done and the cost thereof assessed and collected in accordance with the procedure and in pursuance of the provisions of the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code.

SEC. 20. Section 36.3 is added to said act, to read:

Sec. 36.3. The Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code, and the Street Opening Act of 1903, Part 1 (commencing at Section 4000) of Division 6 of the Streets and Highways Code, are also applicable to the district.

SEC. 21. Section 36.4 is added to said act, to read:

Sec. 36.4. The Improvement Bond Act of 1915, Division 10 (commencing at Section 8500) of the Streets and Highways Code, is also so applicable for use in conjunction with the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or with other improvement acts.

SEC. 22. Section 36.5 is added to said act, to read:

Sec. 36.5. Such acts or any of them may be used in the discretion of the board of directors in the construction of any work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder.

SEC. 23. Section 36.6 is added to said act, to read:

Sec. 36.6. As an additional notice, a certified copy of any assessment and the diagram attached thereto issued under any of said acts shall be recorded in the office of the county surveyor, if the improvement district or any part thereof is in unincorporated territory, and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory, and shall remain on official record in the office in which it may be filed. Such filing, however, shall not affect or qualify the district record thereof.

SEC. 24. Section 36.7 is added to said act, to read:

Sec. 36.7. The district may enter into an agreement with any municipality within the district whereby any work or improvement constructed pursuant to the provisions of the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, may be transferred to the municipality for operation and maintenance. The power

to make such an agreement is conditioned upon a finding by the board that the residents of the district would be better served by such municipal operation and maintenance.

SEC. 25. Section 36.8 is added to said act, to read:

Sec. 36.8. In the application of the acts referred to in all of the preceding Sections, 36.1, 36.2, 36.3, 36.4, 36.5, 36.6, and 36.7, the terms used in those acts shall have the following meanings:

(a) "City" refers to the San Luis Obispo County Flood Control and Water Conservation District.

(b) "City council" or "legislative body" refers to the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

(c) "Mayor" refers to the Chairman of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

(d) "Clerk" refers to the Secretary of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District.

(e) "Council chambers" refers to the place designated by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District for holding its regular meetings.

(f) "Treasurer" refers to the Treasurer of the San Luis Obispo County Flood Control and Water Conservation District.

(g) "Auditor" refers to the Auditor of the San Luis Obispo County Flood Control and Water Conservation District.

(h) "Tax collector" means county tax collector.

(i) "Superintendent of streets" or "street superintendent" and "city engineer" refer to the Engineer of the San Luis Obispo County Flood Control and Water Conservation District.

(j) "Right of way" refers to any parcel of land to which a right of way has been granted to the San Luis Obispo County Flood Control and Water Conservation District.

(k) All words relating to municipal officers and matters refer to the corresponding officers of the San Luis Obispo County Flood Control and Water Conservation District.

SEC. 26. Section 36.9 is added to said act, to read:

Sec. 36.9. The board may appoint an officer, other than the engineer, without compensation as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in any law referred to in Sections 36.1 to 36.7, inclusive.

SEC. 27. Section 36.10 is added to said act, to read:

Sec. 36.10. The board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in any law referred to in Sections 36.1, 36.2, 36.3, 36.4, 36.5, 36.6, and 36.7 shall be performed by the engineer

of work whose compensation and expenses shall constitute an incidental expense in the cost of the work.

SEC. 28. Section 36.11 is added to said act, to read:

Sec. 36.11. The board may provide that the work shall be done under the direction and to the satisfaction of the engineer of work, that the materials used shall comply with his specifications and be to his satisfaction, and that he shall submit an assessment to the board for confirmation.

SEC. 29. Section 36 12 is added to said act, to read:

Sec. 36.12. The contract shall be entered into by the engineer, and the assessment and warrant, when confirmed, shall be recorded in the office of the engineer.

SEC. 30. Section 36.13 is added to said act, to read:

Sec. 36.13. Improvement districts may be formed in the district in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts.

SEC 31. Section 36 14 is added to said act, to read:

Sec. 36.14 The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the district as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts.

SEC. 32. Section 36.15 is added to said act, to read:

Sec. 36.15. Assessments in an improvement district in the district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

SEC. 33. Section 36.16 is added to said act, to read:

Sec. 36 16. Division 4 of the Streets and Highways Code, which division is cited as the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, Division 5 (commencing at Section 2800) of the Streets and Highways Code, shall not be applicable to San Luis Obispo County Flood Control and Water Conservation District.

SEC. 34. Section 36.17 is added to said act, to read

Sec. 36.17. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving, or financing any one or more revenue producing enterprises for any one or more of the purposes for which the district has been formed. "Enterprise" as used in this section means a revenue producing system, plant, works, or under-

taking used for or useful in carrying out any one or more of the purposes of the district. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of this act.

CHAPTER 2046

An act to amend Sections 29011, and 29017 of, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to educational institutions and the issuance of diplomas and honorary diplomas evidencing the completion of courses of instruction beyond high school, and making an appropriation therefor.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 29011 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Duties

29011. (a) The Superintendent of Public Instruction and the Attorney General shall take cognizance of the fact that both have definite duties and responsibilities under the provisions of this article (commencing at Section 29001).

(b) The Superintendent of Public Instruction shall report any information concerning possible violations of this article (commencing at Section 29001) to the Attorney General.

(c) The Attorney General shall make such investigations as are necessary to determine whether or not there has been compliance with the provisions of this article (commencing at Section 29001).

SEC. 2. Section 29017 of said code is amended to read:

Same Attorney General

29017. The Attorney General is hereby authorized to take such actions as are necessary, including the obtaining of injunctive relief, to enforce the provisions of this article (commencing at Section 29001).

Appropriation

SEC. 3. The sum of eight thousand dollars ($8,000) or so much thereof as may be necessary is hereby appropriated to the Department of Justice, payable from the General Fund, for the support of the department in carrying out the provisions of this act.

CHAPTER 2047

An act to add Section 233 to the Water Code, relating to water projects.

In effect September 18, 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 233 is added to the Water Code, to read:

233. No plans or proposal for authorization of a project for construction or operation by the State shall be submitted to the Legislature by the Department of Water Resources unless the plans or proposal includes (1) the comments and recommendations, if any, of the Department of Fish and Game and (2) provision for any water or facilities necessary for public recreation and the preservation and enhancement of fish and wildlife resources that the Department of Water Resources determines to be justifiable in terms of statewide interest, and feasible, as a nonreimbursable cost of the project.

CHAPTER 2048

An act to add Section 1243 to, and amend Section 1257 of, the Water Code, relating to the use of water for recreation and the preservation and enhancement of fish and wildlife resources.

In effect September 18, 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1243 is added to the Water Code, to read:

Water for appropriation

1243. The use of water for recreation and the preservation and enhancement of fish and wildlife resources is a beneficial use of water. In determining the amount of water available for appropriation for other beneficial uses, the State Water Rights Board shall take into account, whenever it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources.

This section shall not be construed to affect riparian rights.

SEC. 2. Section 1257 of said code is amended to read:

Action on applications

1257. In acting upon applications to appropriate water, the State Water Right Board shall consider the relative benefit to be derived from all beneficial uses of the water concerned including, but not limited to, use for domestic, irrigation, municipal, industrial, preservation of fish and wildlife, recreational, mining and power purposes, and may subject such appropriations to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest, the water sought to be appropriated.

CHAPTER 2049

An act to add Chapter 3.5 (commencing at Section 31230) to Division 22 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to scholarships for the study of agriculture at the University of California and at the several state colleges, and making an appropriation.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 (commencing at Section 31230) is added to Division 22 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

CHAPTER 3.5. SCHOLARSHIPS FOR THE STUDY OF THE SCIENCE OF AGRICULTURE

State competitive scholarship program

31230. There is hereby created a state competitive scholarship program with scholarships to be provided by the State and used by award winners for undergraduate study at the California colleges accredited by the Western College Association.

Scholarships to high school graduates

31231. Scholarships shall be awarded to graduates of California high schools. No more than one scholarship shall be available to the graduates of one high school in any one year. To be eligible to compete for a scholarship, the high school graduate must meet the following qualifications:

(a) He must have applied for the scholarship to the superintendent of schools of the county in which the high school of his attendance is situated and indicated in his application his intention to enroll at an accredited California college to pursue a course of instruction with a major study devoted to the science of agriculture.

(b) His course of study in high school must have been directed toward preparation for work at the college level in the science of agriculture and he must have attained a scholastic average in all of his high school work placing him, scholastically, in the upper 20 percent of the graduating students of the high school engaged in preparation for collegiate work in the science of agriculture.

(c) He must meet the entrance requirements of the college which he has designated in his application as the institution in which he intends to enroll.

Agriculture scholarship

31232. If more than one graduate of a high school in any one school year is eligible to compete for an agriculture scholarship, eligibility shall be granted to the student with the highest scholastic average.

Eligibility, selection procedure

31233. Eligibility shall be determined during the second semester of the student's senior year by a committee comprised

of the principal of the high school from among whose graduates applications are being considered, a teacher of courses in the science of agriculture at that high school, and the agricultural commissioner of the county in which the high school is situated.

The committee, upon selecting a competing candidate, shall prepare a notice of nomination, designating the candidate and attesting that the provisions of this chapter were complied with in his selection. The notice shall outline in detail the basis upon which the determination of the candidate's scholastic average was arrived at.

The notice of nomination for each candidate shall be forwarded to the State Scholarship Commission not later than the first day of May. The commission shall prepare appropriate examinations emphasizing the content of high school agricultural curriculums, and shall undertake all procedures and arrangements necessary to assemble the candidates and to administer and grade the examinations.

Those candidates scoring the highest 100 scores on the examinations and whose need for financial aid has been established in accordance with State Scholarship Commission policy shall be awarded certificates of nomination for the scholarships provided by this chapter.

These certificates shall be forwarded by the scholarship winners to the registrar or comparable official of the college at which the award winner intends to enroll.

Free college tuition

31234. Any accredited college shall, following receipt of a certificate of nomination, permit the individual designated therein as award winner to matriculate free of tuition charges and other necessary fees which are imposed during a two-semester school year, to the extent of six hundred dollars ($600). The amounts of the tuition charges and other necessary fees shall be credited to the award winner as they fall due during the school year, but any item of such credit shall be given, except upon his initial matriculation, only if: (1) he was enrolled, during the last regular semester preceding the date upon which a tuition charge or other necessary fee would otherwise be payable by him, in the course of study prescribed by the university or the state college, for students intending to make the major study of their collegiate work in the science of agriculture, and (2) if he maintained during that period a scholastic average placing him, scholastically, among the upper one-third of the students of the university or state college who have attained an equivalent degree of progress through a regular collegiate curriculum.

Length of scholarship

31236. No person shall receive a scholarship payment for study beyond that necessary for completion of a four-year college course of study.

Program supervision

31237. The program for granting scholarships for the study of the science of agriculture shall be conducted under the general supervision of the State Scholarship Commission, which shall co-operate with local school authorities.

The commission shall prescribe the forms for all applications and certificates required in connection with the scholarships and shall take action necessary to make all such forms and certificates available to local school authorities.

SEC. 2. The sum of thirty thousand dollars ($30,000) is appropriated from the General Fund in the State Treasury to the State Scholarship Commission for the purpose of providing reimbursement to the University of California and the several state colleges for scholarship payments made under the provisions of Chapter 3.5 of Division 22 of the Education Code as enacted by the Legislature at its 1959 Regular Session, and for the purpose of enabling the State Scholarship Commission to carry out its administrative duties in connection with the scholarship program prescribed by that chapter. Appropriation

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CHAPTER 2050

An act providing for home studies in connection with the adoption of foreign-born children, and making an appropriation therefor.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. In augmentation of Item 250 of the Budget Act of 1959, there is hereby appropriated to the Department of Social Welfare the sum of ninety thousand dollars ($90,000), and in addition thereto such sums as are collected as fees by the Department of Social Welfare pursuant to this act, for the purpose of investigating homes of persons applying to adopt foreign-born children.

Funds appropriated by this act shall only be available during such times as the federal law makes special provision for specific immigration visas for the entry of foreign-born children to be adopted by citizens of the United States.

SEC. 2 During such times as this act remains in effect the State Department of Social Welfare shall establish a schedule of fees for partial repayment of the cost of services rendered by the department. Said fees shall not exceed the following amounts:

(1) Application for adoptive placement of foreign-born child $5
(2) Completion of home study 100
(3) Filing of final report to court on adoption petition 200

In any case in which the department finds the amount of the fee would work a hardship upon the prospective adoptive family the fee established by the department may be waived or reduced.

SEC. 3. This act shall become operative October 1, 1959.

CHAPTER 2051

An act to add Section 220.2 to the Labor Code, relating to contributions by state and local governments to employee pension plans.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 220.2 is added to the Labor Code, to read:

220.2. Contributions to vacation allowance, sick leave, and retirement funds on behalf of persons employed by the State or any county, political subdivision, incorporated city or town or other municipal corporations may be made in the same manner and on the same basis as made by private employers.

Payments made by the employing agency to any such fund on behalf of any employee shall be in lieu of benefits such as vacation allowance, sick leave, and retirement which are now or may hereafter be granted directly by the employing agency in accordance with law.

This section shall only apply to nonpermanent laborers, workmen, and mechanics employed on an hourly or per diem basis.

The employing agency is empowered to determine the equitable application of this section to insure that the employees receive benefits comparable to, but not in excess of those provided in comparable private employment.

The employing agency shall make payments only to plans which meet the following standards:

1. A plan office is located within the State of California.
2. Any fund connected with the plan is required to be audited at least annually by an independent, licensed certified public accountant.
3. Each trustee or administrator of the fund or plan authorized to receive, handle, deal with or draw upon the assets of the fund or plan is required to be bonded.

CHAPTER 2052

An act to add Section 188 to the Education Code, and Section 369 to the Education Code as proposed by Senate Bill No. 2, relating to establishment by the State Board of Education of a school library consultant service in the State Department of Education, and making an appropriation therefor.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 188 is added to the Education Code, to read:

188. The State Board of Education may, upon recommendation of the Director of Education, establish in the Department of Education a school library consultant service to assist and advise local school districts in the establishment, development, and improvement of school libraries in the elementary and secondary schools of the State. School library consultant service

SEC. 2. Section 369 is added to the Education Code as proposed by Senate Bill No. 2, to read:

369. The State Board of Education may, upon recommendation of the Director of Education, establish in the Department of Education a school library consultant service to assist and advise local school districts in the establishment, development, and improvement of school libraries in the elementary and secondary schools of the State. Same

SEC. 3. Section 2 of this act shall become operative only if the Education Code as proposed by Senate Bill No. 2 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as Senate Bill No. 2 takes effect; at which time Section 188 of the Education Code as added by Section 1 of this act is repealed. Effect Stats. 1959, Ch 2

SEC. 4. There is hereby appropriated out of the General Fund the sum of fifteen thousand dollars ($15,000) to the Department of Education in augmentation of Item 67 of the Budget Act of 1959. Appropriation

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CHAPTER 2053

An act to amend Section 1256 of, to add Part 1.5 (commencing at Section 10004) to Division 6 of, and to add Section 13056 to, the Water Code, relating to the California Water Plan.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1256 of the Water Code is amended to read:

1256. In determining public interest under Sections 1253 and 1255, the board shall give consideration to any general or co-ordinated plan looking toward the control, protection, development, utilization, and conservation of the water resources of the State, including The California Water Plan, prepared and published by the Department of Water Resources or any predecessor thereof and any modification thereto as may be adopted by the department or as may be adopted by the Legislature by concurrent resolution or by law. Determining public interest

SEC. 2. Part 1.5 (commencing at Section 10004) is added to Division 6 of said code, to read:

PART 1.5. THE CALIFORNIA WATER PLAN

"The California Water Plan"

10004. The plan for the orderly and co-ordinated control, protection, conservation, development, and utilization of the water resources of the State which is set forth and described in Bulletin No. 1 of the State Water Resources Board entitled "Water Resources of California," Bulletin No. 2 of the State Water Resources Board entitled, "Water Utilization and Requirements of California," and Bulletin No. 3 of the Department of Water Resources entitled, "The California Water Plan," with such amendments, supplements and additions as may be later necessary, shall be known as "The California Water Plan." The Department of Water Resources shall, from time to time, adopt such amendments, supplements and additions to the plan as it finds necessary and desirable, which amendments, supplements and additions shall become effective when reported to the Legislature at any session thereof. The Legislature may also adopt, from time to time, any amendments, supplements and additions to the plan that it finds necessary or desirable, which amendments, supplements or additions may be adopted by concurrent resolution or by law.

Declaration

10005. It is hereby declared that the people of the State have a primary interest in the orderly and co-ordinated control, protection, conservation, development, and utilization of the water resources of the State by all individuals and entities and that it is the policy of the State that The California Water Plan, with such amendments, supplements and additions thereto as may be necessary from time to time, is accepted as the guide for the orderly and co-ordinated control, protection, conservation, development, and utilization of the water resources of the State. This declaration does not constitute approval of specific projects or routes for transfer of water for construction by the State or for financial assistance by the State without further legislative action, nor shall this declaration be construed as a prohibition of the development of the water resources of the State by any entity.

Applicability

10006. The provisions of this part do not repeal or modify any of the provisions of Part 3 of this division.

Applications by Department of Finance

10007. Notwithstanding anything contained in this part, all applications heretofore filed by the Department of Finance or by the Department of Water Resources under Part 2 of Division 6 shall remain valid and shall retain and have the status and priority accorded to such applications as now or hereafter provided in said Part 2.

SEC. 3. Section 13056 is added to said code, to read:

Requirements for waste discharges

13056. In establishing requirements for waste discharges, a regional board shall take cognizance of The California Water Plan, including such amendments, supplements and additions thereto as may be necessary from time to time.

CHAPTER 2054

An act to add Article 2.6 (commencing at Section 265) to Chapter 2.5 of Division 1 of, and Section 11554.1 to, the Water Code, relating to contracts by the Department of Water Resources for construction of projects.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 2.6 is added to Chapter 2.5 of Division 1 of the Water Code, to read:

Article 2.6. Construction Contracts

Construction contracts and funds available

265. Notwithstanding any provisions of the State Contract Act, the department may award and enter into construction contracts which require expenditures in excess of funds presently available therefor, but the obligation of the department and the State in such contracts shall be expressly contingent upon sufficient funds being made available by future appropriations or by law.

SEC. 2. Section 11554.1 is added to said code, to read:

Same

11554.1. Notwithstanding any provisions of the State Contract Act, the department may award and enter into construction contracts which require expenditures in excess of funds presently available therefor, but the obligation of the department and the State in such contracts shall be expressly contingent upon sufficient funds being made available by future appropriations or by law.

CHAPTER 2055

An act authorizing the State Park Commission to accept the Murphy Home in Sunnyvale as a state historical monument and to provide for its preservation, development, and interpretation.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. The State Park Commission is hereby authorized to accept the Murphy Home in Sunnyvale as a state historical monument The State Park Commission, acting by and through the Division of Beaches and Parks, Department of Natural Resources, may upon acquisition of the property provide for such restoration, improvements, preservation, development and interpretation as may be necessary to carry out the purposes of this act, upon appropriation of the necessary funds.

CHAPTER 2056

An act to amend Section 12663 of the Water Code, relating to the plan of improvement for flood control and water conservation on Cache Creek.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12663 of the Water Code is amended to read:

Plan of flood control and water conservation

12663. The plan of improvement for flood control and water conservation on Cache Creek, including Clear Lake, in Yolo and Lake Counties, is hereby adopted and authorized generally in accordance with the recommendations relating thereto contained in the interim report of the Department of Water Resources entitled "Comparison of Alternative Wilson Valley and Guinda Projects on Cache Creek," dated April, 1958, at an estimated cost to the State of such sum as may be appropriated for state co-operation by the Legislature upon the recommendation and advice of the department.

Recommendations to Legislature

SEC. 2. Upon completion of its current investigation of Cache Creek, the department shall report thereon and make a recommendation to the Legislature concerning the amount of funds which should be appropriated for state co-operation in aid of the project described in Section 1 of this act

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CHAPTER 2057

An act to amend Sections 92.7 and 92.8 of, and to add Sections 92.2, and 92.3 to, the Agricultural Code, to amend Sections 19624 and 19626 of, and to add Sections 19624.1, 19624.2, and 19624.3 to, the Business and Professions Code, to amend Sections 19626, 19627, and 19630 of, the Business and Professions Code as proposed to be added by Assembly Bill No. 1755 of the 1959 Regular Session, and to add Sections 19626.1, 19626.2, and 19626.3 to Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code as proposed to be added by Assembly Bill No. 1755 of the 1959 Regular Session, relating to fairs and to the Fair and Exposition Fund.

In effect September 18, 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 92.2 is added to the Agricultural Code, to read:

Funds apportioned to counties and associations

92.2. During the 1959-60 Fiscal Year, the funds apportioned by the Department of Finance under the provisions of

Section 92 of this code and other applicable provisions of law, shall be paid to the several counties and district agricultural associations from the revenue deposited in the Fair and Exposition Fund during the 1958-59 Fiscal Year and appropriated for encouragement of county, district or combined county and district agricultural fairs under the provisions of subdivision (b) of Section 19624 of the Business and Professions Code.

SEC. 2. Section 92.3 is added to said code, to read:

Monthly apportionment

92.3. During the 1960-61 Fiscal Year and each fiscal year thereafter, the funds apportioned by the Department of Finance under the provisions of Section 92 of this code and other applicable provisions of law shall be paid monthly to the several counties and district agricultural associations from the revenue deposited in the Fair and Exposition Fund and appropriated for encouragement of county, district or combined county and district agricultural fairs under the provisions of subdivision (b) of Section 19624 of the Business and Professions Code during the fiscal year in which the apportionment is made. The department shall apportion monthly to the several counties and district agricultural associations the funds available for such apportionment in such amounts as the department shall determine; provided, however, that the aggregate of the monthly apportionments to each of the several counties and district agricultural associations shall not exceed the maximum apportionment provided by law.

The amount of the premiums used in determining such apportionments shall be the amount of premiums paid by each of the several counties and district agricultural associations in the calendar year preceding the fiscal year in which the apportionment is made.

SEC 3. Section 92.7 of said code is amended to read:

Fairs Allocation and Classification Committee

92.7. There is hereby created the Fairs Allocation and Classification Committee which shall consist of seven Members of the Senate and seven Members of the Assembly.

To the extent that it is feasible, appointments shall be so made that there is one Member of the Senate and one Member of the Assembly on the committee from each of the following areas:

Area 1. Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, and Sierra Counties.

Area 2. Butte, Yuba, Sutter, Glenn, Colusa, Yolo, Sacramento, and Solano Counties.

Area 3. Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, and Marin Counties.

Area 4. El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Nevada, and Placer Counties.

Area 5. San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties.

Area 6. San Francisco, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties.

Area 7. Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, San Bernardino, Inyo, Mono, Alpine, and Riverside Counties.

The first meeting of the committee shall be at the call of that Member of the Senate on the committee who is senior in point of service in the Senate. If two or more Members of the Senate on the committee have equal seniority, the one whose name would appear first if the surnames of such members were arranged in alphabetical order shall be deemed to be the senior. The committee shall, at its first meeting and thereafter from time to time, elect its chairman and vice chairman. The committee may meet at any time, whether or not the Legislature is in session, and shall continue in existence until otherwise provided by law.

The committee shall have authority to investigate, study, and analyze any or all facts and matters relating to the operation and financing of fairs which are subject to Section 92.6, and the effect and operation of the laws relating thereto.

The committee shall report to the Legislature at the commencement of each regular session and may report thereto at any time, including in such reports its recommendations, if any, as to necessary or desirable legislative action. The provisions of the Joint Rules of the Senate and Assembly, as they may exist from time to time, which relate to joint investigating committees shall apply to the committee created by this section.

SEC. 4. Section 92.8 of said code is amended to read:

Statements of operation

92.8. The Department of Finance shall review the statements of operation filed by the several fairs pursuant to Section 92.6. It shall consider such reports, statistics and other information as to the conduct, operation, management of, and other matters relating to all fairs which are subject to Section 92.6.

The Department of Finance shall, from time to time, classify such fairs. In making such classifications it shall take into consideration all of the following:

(a) The type and class of agricultural, including livestock, industrial and natural resources exhibited and the amount of premiums paid in accordance with the approved premium list of such fair.

(b) Whether the fair is regional in nature, offers a special feature for agriculture, livestock or industry, or is a sectional fair limiting exhibits to the region in which the fair is held, and such other characteristics and factors as the Department of Finance deems necessary.

(c) The ratio of attendance at the fair to the population of the area served by it.

(d) The efficiency of management, including operational procedures, revenue from sources other than the State, quality of exhibits and community interest in such fair.

(e) The extent and nature of interim utilization of fair property as promoted by the fair management.

(f) The need of the fair for money from state sources.

SEC. 5. Section 19624 of the Business and Professions Code is amended to read:

19624. The first balance of the fund is hereby annually appropriated as follows:

First balance of the fund

(a) Five percent, but not to exceed one hundred eighty thousand dollars ($180,000), for payment to and use of those certain fruit fairs defined in Section 94 of the Agricultural Code, but not to district agricultural associations, district or county fairs, for the purpose of conducting and carrying on annually citrus fruit fairs and expositions to promote and encourage the citrus fruit industry of this State.

Of said 5 percent, one hundred fifty thousand dollars ($150,000) thereof is appropriated and allocated annually to those certain citrus fruit fairs and expositions defined in Section 94 of the Agricultural Code held in counties having a population in excess of 160,000 as shown by the last federal census, according to population, and if there be but one of such fairs held in counties having a population in excess of 160,000 then the whole of said one hundred fifty thousand dollars ($150,000) is appropriated and allocated to and for the use of such citrus fruit fair. The balance of said 5 percent is appropriated and allocated to the citrus fruit fairs defined in Section 94 of the Agricultural Code (if any there be), held in counties having a population of less than 160,000 and to those other citrus fruit fairs and expositions in such counties having a population of less than 160,000 which have been conducted and carried on annually for not less than 20 years by nonprofit associations or corporations for the purpose of promoting and encouraging the citrus fruit industry of California; each such citrus fruit fair held in counties having a population of less than 160,000 shall receive thirty thousand dollars ($30,000) each year, except that no appropriation shall be made under this subdivision to any citrus fruit fair or citrus fruit fair and exposition which did not receive such an appropriation prior to 1959.

(b) Forty percent, but not more than four million six hundred eighty thousand dollars ($4,680,000), for the encouragement of county, district, or combined county and district agricultural fairs (exclusive of the California State Fair and Exposition, the Los Angeles County Fair, 1-A District Agricultural Association, the Sixth District Agricultural Association, the 48th District Agricultural Association, and citrus fruit fairs) to be apportioned by and expended under the supervision of the Department of Finance in the manner and for the purpose prescribed by Section 92 of the Agricultural Code and other applicable provisions of law, including this subdivision.

The Department of Finance shall apportion the money appropriated by this subdivision to the several eligible county, district, or combined county and district agricultural fairs on the basis of the need of each such fair for financial assistance

from the State during the year for which the apportionment is to be made. No such fair shall receive such an apportionment in excess of such need as established by the department. In determining such need, the department shall take into consideration, as to each such fair, all relevant factors, including, but not limited to, the following:

(1) The approved budget of the fair.

(2) The statements of operations of the fair filed pursuant to Section 92.6 of the Agricultural Code.

(3) The amount of money available to the fair from its own resources or from sources other than the State.

(4) The propriety and amount of any reserve funds established, or sought to be established, by the fair.

(5) The maximum amount of revenue from all sources which might reasonably be expected to become available to the fair during such year, and the times within such year at which it will become available.

(6) The classification of the fair.

No such county, district or combined county and district agricultural fair shall receive an apportionment of more than sixty-five thousand dollars ($65,000) in any one year. No such fair shall be eligible for an apportionment pursuant to this subdivision unless it has filed, for each year subsequent to 1958, a statement of its operations during such year as provided in Section 92.6 of the Agricultural Code, irrespective of whether or not an apportionment for any such year or years is sought or made; and all such fairs shall be deemed to be subject to said Section 92.6 for all purposes.

If in any year the sum appropriated to county, district or combined county and district agricultural fairs under this section is less than two hundred twelve thousand one hundred seventy-two dollars and seventy-nine cents ($212,172.79), then during that year the apportionment to all fairs shall be made in the manner and upon the basis prescribed by Section 13 of Chapter 769 of the Statutes of 1933 and by Section 92 of the Agricultural Code.

SEC. 6. Section 19624.1 is added to said code, to read:

First $500,000 deposited

19624.1. Notwithstanding the provisions of Section 19624, the first five hundred thousand dollars ($500,000) of the revenue deposited in the Fair and Exposition Fund and appropriated for encouragement of county, district or combined district and county agricultural fairs under the provisions of subdivision (b) of Section 19624 during the 1959-60 Fiscal Year, or so much thereof, as may be needed, may be allocated by the Department of Finance during the 1959-60 Fiscal Year to supplement the amount apportioned to any county or district agricultural association during the 1959-60 Fiscal Year under the provisions of Section 92 of the Agricultural Code and subdivision (b) of Section 19624 of this code. Such supplementary allocations shall be in such amounts as deemed necessary by the Department of Finance but the amount so allocated to any one county or district agricultural association

shall not exceed thirty thousand dollars ($30,000). The funds so allocated shall be paid to the various counties and district agricultural associations and may be expended under the supervision of the Department of Finance in the manner and for the purposes prescribed by Section 92 of the Agricultural Code and other applicable provisions of law. The funds so allocated shall not be deemed a separate appropriation under the provisions of Section 92 of the Agricultural Code.

The balance of the revenue deposited in the Fair and Exposition Fund and appropriated for encouragement of county, district or combined county and district agricultural fairs during the 1959-60 Fiscal Year shall be transferred to the second balance of the fund by the State Controller at the end of each calendar month.

SEC. 7. Section 19624.2 is added to said code, to read:

Citrus fruit fair appropriations

19624.2. During the 1960-61 Fiscal Year and each fiscal year thereafter the funds appropriated and allocated for payment to and use of citrus fruit fairs under the provisions of subdivision (a) of Section 19624 shall be payable from the revenue deposited in the Fair and Exposition Fund and appropriated for said purpose during the fiscal year in which the funds are to be allocated and paid to the several citrus fruit fairs and expositions. The Department of Finance shall allocate monthly to the several citrus fruit fairs and expositions, the funds available for such allocation in such amounts as the department shall determine; provided, however, that the aggregate of the monthly allocations to each of the several citrus fruit fairs and expositions shall equal the allocation provided by law.

SEC. 8. Section 19624.3 is added to said code, to read:

Same

19624.3. The revenue deposited in the Fair and Exposition Fund and appropriated for allocation and payment to and use of citrus fruit fairs under the provisions of subdivision (a) of Section 19624 during the 1959-60 Fiscal Year shall be transferred to the second balance of the fund by the State Controller at the end of each calendar month.

SEC. 9. Section 19626 of said code is amended to read:

Appropriation

19626. There is hereby appropriated annually from the second balance of the fund, for expenditure without regard to fiscal years, the sum of two million two hundred fifty thousand dollars ($2,250,000), or so much thereof as may be approved by the State Public Works Board and allocated by the Director of Finance in his discretion, for permanent improvements for fair purposes upon the property of any county or district agricultural association fair which is subject to the provisions of Section 92.6 of the Agricultural Code, or of any citrus fruit fair and exposition as defined in Section 94 of the Agricultural Code or other citrus fruit fair and exposition qualified to receive an allocation under subdivision (a) of Section 19624, or for the purchase of equipment for fair purposes of such fairs, or the acquisition or purchase of real

property, including costs of appraisal and incidental costs, to be used as sites for such permanent improvements.

Any unappropriated money in the fund shall be transferred to the General Fund by the State Controller at the end of each calendar month. Any money in the fund required to satisfy allocations made under subdivision (c) of this section prior to the effective date of this amendment shall not be deemed to be unappropriated money.

SEC. 10. Section 19626 of the Business and Professions Code as proposed to be added by Assembly Bill No. 1755 of the 1959 Regular Session is amended to read:

First balance of fund

19626. The first balance of the fund is hereby annually appropriated as follows:

(a) Five percent, but not to exceed one hundred eighty thousand dollars ($180,000), for payment to and the use of the citrus fruit fairs defined in Section 94 of the Agricultural Code, excluding any district or county fairs, for the purpose of conducting and carrying on annual citrus fruit fairs and expositions to promote and encourage the citrus fruit industry of this State.

(b) One hundred fifty thousand dollars ($150,000) of such 5 percent is allocated annually to the citrus fruit fairs defined in Section 94 of the Agricultural Code held in counties with a population in excess of 160,000, as shown by the last federal population census. If there is but one such fair in such counties, all of such one hundred fifty thousand dollars ($150,000) is allocated to and for the use of such fair.

(c) The balance of the 5 percent is allocated to the citrus fruit fairs defined in Section 94 of the Agricultural Code in counties with a population of less than 160,000, and to those other citrus fruit fairs and expositions in such counties with a population of less than 160,000 which have been conducted and carried on annually for not less than 20 years by nonprofit associations or corporations for the purpose of promoting and encouraging the citrus fruit industry of California.

Each citrus fruit fair held in a county with a population of less than 160,000 shall receive thirty thousand dollars ($30,000) each year.

(d) No appropriation shall be made under this section to any citrus fruit fair or citrus fruit fair and exposition which did not receive such an appropriation prior to 1959.

SEC. 11. Section 19626.1 is added to Chapter 4 (commencing at Section 19400) of Division 8 of the Business and Professions Code as proposed to added by Assembly Bill No. 1755 of the 1959 Regular Session, to read:

Fund's first $500,000 deposited

19626.1. Notwithstanding the provisions of Section 19627, the first five hundred thousand dollars ($500,000) of the revenue deposited in the Fair and Exposition Fund and appropriated for encouragement of county, district or combined district and county agricultural fairs under the provisions of Section 19627 during the 1959-60 Fiscal Year, or so much thereof, as may be needed, may be allocated by the Department of Finance

during the 1959-60 Fiscal Year to supplement the amount apportioned to any county or district agricultural association during the 1959-60 Fiscal Year under the provisions of Section 92 of the Agricultural Code and Section 19627 of this code. Such supplementary allocations shall be in such amounts as deemed necessary by the Department of Finance but the amount so allocated to any one county or district agricultural association shall not exceed thirty thousand dollars ($30,000). The funds so allocated shall be paid to the various counties and district agricultural associations and may be expended under the supervision of the Department of Finance in the manner and for the purposes prescribed by Section 92 of the Agricultural Code and other applicable provisions of law. The funds so allocated shall not be deemed a separate appropriation under the provisions of Section 92 of the Agricultural Code.

The balance of the revenue deposited in the Fair and Exposition Fund and appropriated for encouragement of county, district or combined county and district agricultural fairs during the 1959-60 Fiscal Year shall be transferred to the second balance of the fund by the State Controller at the end of each calendar month.

SEC. 12. Section 19626.2 is added to Chapter 4 (commencing at Section 19400) of Division 8 of the Business and Professions Code as proposed to be added by Assembly Bill No. 1755 of the 1959 Regular Session, to read:

Citrus fruit fair appropriations

19626.2. During the 1960-61 Fiscal Year and each fiscal year thereafter the funds appropriated and allocated for payment to and use of citrus fruit fairs under the provisions of Section 19626 shall be payable from the revenue deposited in the Fair and Exposition Fund and appropriated for said purpose during the fiscal year in which the funds are to be allocated and paid to the several citrus fruit fairs and expositions. The Department of Finance shall allocate monthly to the several citrus fruit fairs and expositions, the funds available for such allocation in such amounts as the department shall determine; provided, however, that the aggregate of the monthly allocations to each of the several citrus fruit fairs and expositions shall equal the allocation provided by law.

SEC. 13. Section 19626.3 is added to Chapter 4 (commencing at Section 19400) of Division 8 of the Business and Professions Code as proposed to be added by Assembly Bill No. 1755 of the 1959 Regular Session, to read:

Same

19626.3. The revenue deposited in the Fair and Exposition Fund and appropriated for allocation and payment to and use of citrus fruit fairs under the provisions of Section 19626 during the 1959-60 Fiscal Year shall be transferred to the second balance of the fund by the State Controller at the end of each calendar month.

SEC. 14. Section 19627 of the Business and Professions Code as proposed to be added by Assembly Bill No. 1755 of the 1959 Regular Session is amended to read:

Appropriation Fairs

19627. Forty percent, but not more than four million six hundred eighty thousand dollars ($4,680,000), of the first balance of the fund is hereby annually appropriated for the encouragement of county, district, or combined county and district fairs (exclusive of the California State Fair and Exposition, the Los Angeles County Fair, 1-A District Agricultural Association, the Sixth District Agricultural Association, the 48th District Agricultural Association, and citrus fruit fairs), to be apportioned by and expended under the supervision of the Department of Finance in the manner and for the purpose prescribed by Section 92 of the Agricultural Code and other applicable provisions of law including this section.

The Department of Finance shall apportion the money appropriated by this section to the several eligible county, district, or combined county and district agricultural fairs on the basis of the need of each such fair for financial assistance from the State during the year for which the apportionment is to be made. No such fair shall receive such an apportionment in excess of such need as established by the department. In determining such need, the department shall take into consideration, as to each such fair, all relevant factors, including, but not limited to, the following:

(1) The approved budget of the fair.

(2) The statements of operations of the fair filed pursuant to Section 92.6 of the Agricultural Code.

(3) The amount of money available to the fair from its own resources or from sources other than the State.

(4) The propriety and amount of any reserve funds established, or sought to be established, by the fair.

(5) The maximum amount of revenue from all sources which might reasonably be expected to become available to the fair during such year, and the times within such year at which it will become available.

(6) The classification of the fair.

No such county, district or combined county and district agricultural fair shall receive an apportionment of more than sixty-five thousand dollars ($65,000) in any one year. No such fair shall be eligible for an apportionment pursuant to this section unless it has filed, for each year subsequent to 1958, a statement of its operations during such year as provided in Section 92.6 of the Agricultural Code, irrespective of whether or not an apportionment for any such year or years is sought or made; and all such fairs shall be deemed to be subject to said Section 92.6 for all purposes.

If in any year the sum appropriated to county, district or combined county and district agricultural fairs under this section is less than two hundred twelve thousand one hundred seventy-two dollars and seventy-nine cents ($212,172.79), then during that year the apportionment to all fairs shall be made in the manner and upon the basis prescribed by Section 13 of Chapter 769 of the Statutes of 1933 and by Section 92 of the Agricultural Code.

SEC. 15. Section 19630 of the Business and Professions Code as proposed to be added by Assembly Bill No. 1755 of the 1959 Regular Session is amended to read:

19630. There is hereby appropriated annually from the second balance of the fund, for expenditure without regard to fiscal years, the sum of two million two hundred fifty thousand dollars ($2,250,000) or so much thereof as may be approved by the State Public Works Board and allocated by the Director of Finance in his discretion for any of the following: Appropriation Second balance of fund

(a) Permanent improvements for fair purposes upon the property of any county or district agricultural association fair which is subject to the provisions of Section 92.6 of the Agricultural Code, or of any citrus fruit fair defined in Section 94 of the Agricultural Code, or other citrus fruit fair and exposition qualified to receive an allocation under Section 19626.

(b) The purchase of equipment for fair purposes of such fairs, citrus fruit fairs and citrus fruit fairs and expositions.

(c) The acquisition or purchase of real property, including costs of appraisal and incidental costs, to be used as sites for the permanent improvements specified in subdivision (a).

Any unappropriated money in the fund shall be transferred to the General Fund by the State Controller upon the certification of the Director of Finance at the end of each calendar month. Any money in the fund required to satisfy allocations made under subdivision (c) of Section 19626 prior to the effective date of this amendment shall not be deemed to be unappropriated money.

SEC. 16. Sections 10 to 15, inclusive, of this act shall become operative only if Assembly Bill No. 1755 is enacted by the Legislature at its 1959 Regular Session and in such case, at the same time as Assembly Bill No. 1755 takes effect; at which time Sections 5 to 9, inclusive, of this act are repealed. Effect. Stats 1959, Ch 1828

CHAPTER 2058

An act to add Section 7241 to the Education Code and Section 20211 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the support of junior colleges, and making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 7241 is added to the Education Code, to read:

7241. The special tax required by Section 7232 to be levied shall not be levied upon taxable property in any territory included in a newly formed junior college district, during Special tax limitations

the first fiscal year for which the district is effective for all purposes, or in a unified district during the first fiscal year in which a junior college is operated by the district or in any territory annexed to a junior college district, during the first fiscal year for which the annexation is effective for all purposes, if the rate of junior college district tax levied upon taxable property in such territory during such year for all junior college purposes exclusive of bond interest and redemption, equals or exceeds the rate of tax which would be levied on taxable property in such territory under Section 7232 if this section were not in existence. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the amount which would be raised if the tax prescribed by Section 7232 were levied in such territory during such year. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the junior college tuition fund, and the amount shall be apportioned under this article (commencing at Section 7231) in the same manner as if it were the proceeds of the tax levied under Section 7232.

If the rate of the junior college district tax levied upon taxable property in such territory during such year for all junior college purposes, exclusive of bond interest and redemption, is less than the rate of tax which would be levied on taxable property in such territory in such year under Section 7232 if this section were not in existence, the board of supervisors at the time of levying the tax prescribed by Section 7232, shall levy in such territory, in lieu of the special tax prescribed by Section 7232, a special tax at a rate equal to the difference between the rate of tax levied under Section 7232 and the rate of district tax levied in the territory for all junior college purposes, exclusive of bond interest and redemption. When collected the tax shall be paid into the county treasury and placed in the junior college tuition fund. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the difference between the amount which would have been raised in such territory in such year if a special tax had been levied in such territory pursuant to Section 7232, and the amount which actually was or will be raised in such year from the levy of the special tax required by this paragraph. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon

the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the junior college tuition fund and the amount shall be apportioned under this article (commencing at Section 7231) in the same manner as if it were the proceeds of the tax levied under Section 7232.

There is hereby appropriated from the General Fund each year, commencing with the 1959-1960 Fiscal Year, to the Superintendent of Public Instruction, the total of the amounts reported to him by each county superintendent of schools pursuant to this section, to be expended pursuant to this section.

SEC. 2. Section 20211 is added to the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

Same

20211. The special tax required by Section 20202 to be levied shall not be levied upon taxable property in any territory included in a newly formed junior college district, during the first fiscal year for which the district is effective for all purposes, or in a unified district during the first fiscal year in which a junior college is operated by the district or in any territory annexed to a junior college district, during the first fiscal year for which the annexation is effective for all purposes, if the rate of junior college district tax levied upon taxable property in such territory during such year for all junior college purposes exclusive of bond interest and redemption, equals or exceeds the rate of tax which would be levied on taxable property in such territory under Section 20202 if this section were not in existence. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the amount which would be raised if the tax prescribed by Section 20202 were levied in such territory during such year. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the junior college tuition fund, and the amount shall be apportioned under this article (commencing at Section 20201) in the same manner as if it were the proceeds of the tax levied under Section 20202.

If the rate of the junior college district tax levied upon taxable property in such territory during such year for all junior college purposes, exclusive of bond interest and redemption, is less than the rate of tax which would be levied on taxable property in such territory in such year under Section 20202 if this section were not in existence, the board of supervisors

at the time of levying the tax prescribed by Section 20202, shall levy in such territory, in lieu of the special tax prescribed by Section 20202, a special tax at a rate equal to the difference between the rate of tax levied under Section 20202 and the rate of district tax levied in the territory for all junior college purposes, exclusive of bond interest and redemption. When collected the tax shall be paid into the county treasury and placed in the junior college tuition fund. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the difference between the amount which would have been raised in such territory in such year if a special tax had been levied in such territory pursuant to Section 20202, and the amount which actually was or will be raised in such year from the levy of the special tax required by this paragraph. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the junior college tuition fund and the amount shall be apportioned under this article (commencing at Section 20201) in the same manner as if it were the proceeds of the tax levied under Section 20202.

There is hereby appropriated from the General Fund each year, commencing with the 1959-1960 Fiscal Year, to the Superintendent of Public Instruction, the total of the amounts reported to him by each county superintendent of schools pursuant to this section, to be expended pursuant to this section.

Effect Stats 1959, Ch. 2

SEC. 3. Section 2 of this act becomes operative at the same time as the Education Code as enacted by the Legislature at its 1959 Regular Session takes effect, at which time Section 7241 added to the Education Code by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The county superintendent of schools is required to certify to the board of supervisors and to the county auditor, not later than the twentieth day of July, the total of the amount which must be raised by a county without a county junior college, to pay the local share of the cost of educating junior college pupils residing in the county and not in a junior college district. The special tax required must be included in the tax levy made for the year by the board of supervisors.

One or more junior college districts have recently been formed, and in order for them to be able to avail themselves of the advantages provided by this act, it is essential that the act take effect immediately, rather than on the ninety-first day following the adjournment of the 1959 Regular Session, in order that the new procedures may be effective prior to the date on which the special county tax procedures must otherwise become operative.

CHAPTER 2059

An act to amend Section 3077 of the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3077 of the Business and Professions Code is amended to read:

3077. As used in this section "office" means any office or other place for the practice of optometry.

(a) No person, singly or in combination with others, may have an office unless he is registered to practice optometry under this chapter.

(b) An optometrist, or two or more optometrists jointly, may have one office without obtaining a further license from the board.

(c) On and after October 1, 1959, no optometrist, and no two or more optometrists jointly, may have more than one office unless he or they comply with the provisions of this chapter as to an additional office. Such additional office, for the purposes of this chapter, constitutes a branch office.

(d) Any optometrist who has, or any two or more optometrists, jointly, who have, a branch office prior to January 1, 1957, and who desire to continue such branch office on or after that date shall notify the board in writing of such desire in a manner prescribed by the board.

(e) On and after January 1, 1957, any optometrist, or any two or more optometrists, jointly, who desire to open a branch office shall notify the board in writing in a manner prescribed by the board.

(f) On and after January 1, 1957, no branch office may be opened or operated without a branch office license. Branch office licenses shall be valid for the calendar year in or for which they are issued and shall be renewable on January 1st of each year thereafter. Branch office licenses shall be issued or renewed only upon the payment of the fee therefor prescribed by this chapter.

On or after October 1, 1959, no more than one branch office license shall be issued to any optometrist or to any two or more optometrists, jointly.

(g) Any failure to comply with the provisions of this chapter relating to branch offices or branch office licenses as to any branch office shall work the suspension of the certificate of registration of each optometrist who, individually or with others, has such branch office. A certificate of registration so suspended shall not be restored except upon compliance with such provisions and the payment of the fee prescribed by this chapter for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices.

(h) The holder or holders of a branch office license shall pay the annual renewal fee therefor in the amount required by this chapter between the first day of January and the first day of February of each year. The failure to pay such fee in advance on or before February 1st of each year during the time it is in force shall ipso facto work the suspension of such branch office license. Such license shall not be restored except upon written application and the payment of the penalty prescribed by this chapter, and, in addition, all delinquent branch office fees.

(i) Nothing in this chapter shall limit or authorize the board to limit the number of branch offices which are in operation on October 1, 1959 and which conform to the provisions of this chapter, nor prevent an optometrist from acquiring any branch office or offices of his parent. The sale after October 1, 1959 of any branch office shall terminate the privilege of operating such branch office and no new branch office license shall be issued in place of the license issued for such branch office, unless the branch office is the only one operated by the optometrist or two or more optometrists jointly.

Nothing in this chapter shall prevent an optometrist from owning, maintaining or operating more than one branch office if he is in personal attendance at each of his offices fifty percent (50%) of the time during which such office is open for the practice of optometry.

(j) The board shall have the power to adopt, amend, and repeal rules and regulations to carry out the provisions of this section.

CHAPTER 2060

An act to add Sections 13837, 13838, 14256, 14258, 14259, and 14260 to, and to amend Section 14216 of, the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to the providing of survivor allowances in the State Teachers' Retirement System.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 13837 is added to the Education Code, as enacted by the Legislature at its 1959 Regular Session, to read:

13837. "Survivor allowance" means the allowance provided for in Section 14256. "Survivor allowance"

SEC. 2. Section 13838 is added to said code, to read:

13838. "Disability," "disabled" or "incapacitated" means, with respect to qualification for a survivor allowance, inability to engage in any substantial gainful occupation by reason of any physical or mental impairment which is determined on the basis of competent medical opinion secured by the Retirement Board, to be of permanent or extended and uncertain duration. "Disability," etc.

SEC. 3. Section 14216 of said code is amended to read:

14216. The State shall contribute annually to the Teachers' Retirement Fund an amount, determined actuarially, which shall equal the sum of: State contributions

(a) An amount equal to so much of the benefits to be paid from the Permanent Fund during that year as is not provided by the Permanent Fund contributions based on service after July 1, 1944, of the members receiving such benefits, plus interest at a rate or rates declared annually by the Retirement Board, and by the contributions of employing agencies during that year.

(b) An amount equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year, as is not provided by the accumulated annuity contributions of the members receiving such benefits, and by the contributions of employing agencies during that year.

(c) An amount equal to so much of the survivor benefits to be paid from the Permanent Fund as are in excess of the accumulated contributions and interest in that fund which are not required for the future payment of annuities, refunds and death benefits.

SEC. 4. Section 14256 is added to said code, to read:

14256. If the member at the time of death which occurs after September 30, 1959, was entitled to be credited with one or more years of service, and, if there has been a break in the member's employment of more than one year, one-half year of such service having been rendered after the end of the last such break, and on account of whose death the benefit provided by Section 14251 is payable (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age or are incapacitated because of a disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or if none, then (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this paragraph, if any, or if none, then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 14251, and of the beneficiary designated by the Persons eligible

member under that section, the following applicable survivor allowance, under the conditions stated and from contributions of the State:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) per month if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such children and payments made to the spouse and such other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, or if there are such children not in the care of the surviving spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this paragraph while the surviving spouse is receiving an allowance under paragraph (1) of this section, or while an allowance is being paid under subparagraph (c), paragraph (2) of this section The allowance paid under this paragraph shall be seventy dollars ($70) per month while an allowance is being paid under subparagraph (b), paragraph (2) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or

die or marry prior thereto, or cease to be disabled after reaching such age, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

SEC. 5. Section 14258 is added to said code, to read:

Survivor allowance deductions

14258. From survivor allowances under Section 14256, there shall be deducted the portion of any survivor allowance provided under a local retirement system, including for this purpose, the portion of any survivor allowance payable under the old-age survivors, and disability insurance provided by the Federal Social Security Act, and which is provided from contributions of the district operating such local system, (a) which is in addition to the portion of such survivor allowance under the local system which is provided by the member's accumulated contributions, and (b) which also is in addition to any allowance under any option under the local system elected by the member, according to which his allowance is reduced, and an allowance actuarially equivalent to such reduction is provided for his beneficiary.

Survivor allowances under Section 14256 shall be paid from accumulated contributions and interest in the Permanent Fund which are not required for the future payment of annuities, refunds and death benefits. Such allowances shall begin to accrue on the day next following the date of death of the member, or upon the attainment of minimum qualification age, as the case may be, and payments to a surviving spouse or surviving parent, shall continue only until death or remarriage, and to or on account of children, with respect to each child, only until the attainment of age 18 or prior death or marriage or cessation of disability after attainment of such age.

SEC. 6. Section 14259 is added to said code, to read:

Allowance withheld

14259. If, during any fiscal year, a surviving spouse or parent to and on account of whom a survivor allowance is payable, earns at least two thousand four hundred dollars ($2,400), or at least two hundred dollars ($200) multiplied by the months, if less than twelve (12), of a fiscal year during which such allowance is payable, the allowance thereafter during that year, shall be withheld and not paid the same as if never payable, for any month during which such person thereafter during that year, earns at least two hundred dollars ($200).

SEC. 7. Section 14260 is added to said code, to read:

Election Retirement allowance

14260. Any person whose retirement was effective prior to October 1, 1959, and who did not elect Option 2 or Option 3 as provided in Section 14363, shall have the right, to be exercised within six (6) months after the date upon which notice of such right is mailed by this system to his latest address on file in the office of this system, to elect to receive the actuarial equivalent of his retirement allowance in the amount then

being paid, in a reduced allowance payable during his life, and an allowance to a beneficiary as provided in said Option 2 or Option 3; provided, that only a surviving spouse who was married to the retired person at least one year prior to retirement, or such person's child who is under age 18 and who, if adopted, was adopted at least one year prior to retirement, or such person's dependent parent might be designated as such a beneficiary. Such actuarial equivalent and allowances shall be calculated on the basis of ages and current mortality tables and interest rate as of the effective date of the election, which shall be the first day of the second month after receipt of the election in the system's office. No adjustment shall be made in the computation on account of retirement allowance payments made prior to the effective date of the election.

CHAPTER 2061

An act to add Chapter 7 (commencing with Section 12700) to Part 2 of Division 3 of Title 2 of the Government Code, relating to succession of the Offices of Lieutenant Governor, Secretary of State, Attorney General, Treasurer and Controller in the event of war or enemy-caused disaster.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing at Section 12700) is added to Part 2 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 7. SUCCESSION TO CONSTITUTIONAL OFFICES IN THE EVENT OF WAR OR ENEMY-CAUSED DISASTER

Definitions

12700. As used in this chapter "disaster" means a war or enemy-caused calamity, such as an attack by nuclear weapons, which renders unavailable the Lieutenant Governor, or the Attorney General, or the Secretary of State, or the Treasurer, or the Controller. "Unavailable" means that any such officer is either killed, missing or so seriously injured as to be unable to perform his duties.

List of qualified candidates filed

12701. As soon as practicable after the effective date of this chapter, and thereafter as soon as practicable after his election and qualification to office, each of the constitutional officers named in Section 12700 shall appoint and designate by filing with the Secretary of State the names of at least three and not more than seven citizens qualified to become candidates to the office as their respective successors in the event that such officer is unavailable as a result of disaster. Any such appointee may be replaced by the appointing officer at any time and for any reason. The appointees of the Attorney General may in-

clude persons holding the Office of Assistant Attorney General. The appointees of the Controller, Secretary of State, and Treasurer may include persons holding office as their deputies or assistants.

In making appointments each constitutional officer shall give consideration to the places of residence and employment of his appointees and shall appoint from different parts of the State so that for each office for which appointments are made there shall be the greatest probability of survival in the event of a disaster of some or all of the appointees.

The names of the persons designated pursuant to this section shall be submitted to, and be subject to confirmation by, the Senate as soon as possible after such designation is made.

Each person appointed as provided in this section shall take the oath of office and shall deliver to the Secretary of State within 30 days after his appointment a written declaration under oath that he accepts the appointment and that he will faithfully perform the obligations imposed upon him thereby.

Constitutional officers' incapacity

12702. If any constitutional officer who has appointed successors as provided in this chapter becomes unavailable because of a disaster, the powers and duties of his office shall devolve upon one of his appointees in the order which he specified in making the appointments and such person shall declare that he is undertaking the duties of the office and take and subscribe the oath therefor; provided, however, that any appointee so designated may declare that he is undertaking the office and take the prescribed oath if no person prior in such order of succession enters upon the office within seven days after the incumbent thereof becomes unavailable.

Order of successors

12703. The Attorney General, Secretary of State, Treasurer and Controller shall, in addition to the appointments required to be made by Section 12701, designate the order in which persons holding office as their deputies or assistants, and not appointed under Section 12701, shall serve as their respective successors in the event that such officer and the successors appointed by him under Section 12701 are unavailable as a result of disaster. If any such officer and the successors appointed by him under Section 12701 are unavailable as a result of disaster, the powers and duties of his office shall devolve upon one of such deputies or assistants in the order designated and such person shall declare that he is undertaking the duties of the office and take and subscribe the oath therefor; provided, however, that any such deputy or assistant may declare that he is undertaking the office and take the prescribed oath if none prior in order of succession enters upon the office within seven days after the incumbent thereof becomes unavailable.

Titles of officers

12704. Any such person shall, while holding the office, be known as Acting Lieutenant Governor, Acting Attorney General, Acting Secretary of State, Acting Treasurer, and Acting Controller, as the case may be, and shall perform the duties of the office and receive the salary and perquisites thereof while

so serving, but shall not be deemed to hold that office within the meaning of Section 16 of Article V of the Constitution relating to succession to the governorship. Each such acting constitutional officer shall continue to serve as such until the disabled officer resumes his office, or a person prior in the order of succession declares that he is undertaking the office and takes the oath therefor, or until the office is filled at the next election that is held for that office and a person is elected and qualifies for the particular constitutional office.

CHAPTER 2062

An act to add Article 5 (commencing with Section 12050) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, relating to succession to the Office of Governor in the event of war or enemy-caused disaster.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 12050) is added to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 5. Succession to the Office of Governor in the Event of War or Enemy-caused Disaster

"Disaster"

12050. As used in this article "disaster" means a war or enemy-caused calamity occurring in the State of California, such as an attack by nuclear weapons, as a result of which the incumbent Governor is either killed, missing or so seriously injured as to be unable to perform his duties.

List of qualified candidates filed

12051. As soon as practicable after the effective date of this article, and thereafter as soon as practicable after his election and qualification to office, the Governor shall appoint and designate by filing with the Secretary of State the names of at least four and not more than seven citizens qualified to become candidates for the office to succeed, in the order specified, to the Office of Governor in the event of disaster. Any such appointee may be replaced by the Governor at any time and for any reason.

In making appointments the Governor shall give consideration to places of residence and employment of the appointees and shall appoint from different parts of the State so that there shall be the greatest probability of survival in a disaster.

The names of the persons designated pursuant to this section shall be submitted to, and shall be subject to confirmation by, the Senate as soon as possible after such designation is made.

Each person appointed as provided in this section shall take the oath of office and shall deliver to the Secretary of State within 30 days after his appointment a written declaration under oath that he accepts the appointment and that he will faithfully perform the obligations imposed upon him thereby and shall thereupon be designated Disaster Acting Governor.

Governor's office filled

12052. In the event that the Office of Governor is not filled within 24 hours after disaster as provided in Section 16 of Article V of the Constitution, one of the Disaster Acting Governors, in the order specified, shall fill said office and shall declare that he is undertaking the duties thereof and take and subscribe the oath therefor and continue to serve therein until the incumbent Governor is able to perform his duties or until his successor is chosen and qualifies or until a person prior in the order of succession declares that he is undertaking the office and takes the oath therefor. Any Disaster Acting Governor may declare that he is undertaking the Office of Governor and take the prescribed oath if no person prior in the order of succession fills said office within 24 hours after disaster.

Same. Duties and salaries

12053. Each Disaster Acting Governor shall, while filling the Office of Governor, have the powers, perform all the duties, and receive the salary and perquisites of said office.

CHAPTER 2063

An act to add Section 108 to the Water Code, relating to development of the water resources of the State.

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 108 is added to the Water Code, to read:

108. It is hereby declared to be the established policy of this State that in the development and completion of any general or co-ordinated plan prepared and published by the Department of Water Resources or any predecessor thereof or successor thereto, all uses, including needs of the area in which the water originates, of water shall be given consideration.

Whenever the Legislature authorizes the construction or acquisition by the State of any project which will develop water for use outside the watershed in which it originates, the Legislature shall at the same time consider the authorization and the construction or acquisition of such other works as may be necessary to develop water to satisfy such of the reasonable ultimate requirements of such watershed as may be needed at the time the export project is authorized or as will be needed within a reasonable time thereafter. The authorization with

respect to such additional works may provide for state acquisition or construction, in whole or in part, of any such additional works, or financial assistance to other entities in connection with the acquisition or construction of such works, or a combination thereof.

CHAPTER 2064

An act to amend Section 11500 of the Water Code, relating to the powers of the Department of Water Resources.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11500 of the Water Code is amended to read:

11500. Notwithstanding anything in this part to the contrary or in conflict herewith the department may do any or all of the following:

(a) Enter into contracts with the United States for the construction, maintenance, or operation of all or any part of the project or for the financing thereof.

(b) Enter into contracts for the acquisition by the department of the works and properties of the project or any part thereof and for the repayment by the department of the cost thereof to the United States.

(c) Conform to such requirements, not otherwise inconsistent with the law of this State, as may be prescribed by the United States under congressional legislation now in effect or which may hereafter be adopted or under rules and regulations duly adopted thereunder.

(d) Transfer land owned or acquired for the construction of the project, or any part thereof to the United States pursuant to a contract with the department for such construction in conjunction with the construction of a federally authorized project utilizing the facilities with the state authorized project.

(e) Otherwise co-operate with the United States to the end that the people of the State may receive the benefits to be derived from the construction, maintenance, and operation of the project.

CHAPTER 2065

An act to amend Section 415 of the Streets and Highways Code, relating to state highway routes.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 415 of the Streets and Highways Code is amended to read:

415. Route 115 is from:

(a) The intersection of Route 5 and Route 239 near Moorpark Avenue to Route 68 near Story Road.

(b) Route 68 near San Jose to Patterson via the vicinity of Mount Hamilton.

CHAPTER 2066

An act to add Sections 20004.5, 20004.6, 20014.6, 20031.5, 20031.6, 20124.5, 20202.5, 20230.5, 20497, 20498, 20601.5, 20989, 21251.14, 21293.5, 21364.7, 22152.5, 22153, 22213, and 22550.5 to; to add Chapter 6.5 (commencing at Section 20780) to Part 3, Division 5, Title 2 of; to add Article 6 (commencing at Section 21380) to Chapter 9, Part 3, Division 5, Title 2 of; to amend Sections 20127, 20132, 22009.1, 22013, 22210 of; and to repeal Part 3.5 (commencing at Section 21600) of Division 5, Title 2 of; the Government Code, relating to State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 20004.5 is added to the Government Code, to read:

20004.5. "Federal system" means the old age, survivors, and disability insurance provisions of the Social Security Act. "Federal system"

SEC. 2. Section 20004.6 is added to said code, to read:

20004.6. "Federal-state agreement" means the agreement or any modification thereof now, heretofore, or hereafter executed by the board pursuant to Section 218 of Title II of the Social Security Act. "Federal-state agreement"

SEC. 3. Section 20014.6 is added to said code, to read:

20014.6. The provisions of this part applicable to state miscellaneous members shall apply to warden and forestry members who become members or re-enter membership after the system is divided pursuant to Section 22152, or who elect in such division to be included in the federal system, or who elect at that time not to be included in the federal system but to be subject to this section. Any warden or forestry member who becomes subject under this section to provisions applicable to state miscellaneous members shall be deemed to have been subject to such provisions with respect to all of his warden and forestry service. Any change in the contribution rate of such member resulting from application of such provisions shall apply only with respect to compensation for services rendered after the date of execution of the modification to the federal-state agreement including state members in the federal system. Applicability. Warden or forestry member

Notwithstanding any provision of this section to the contrary, all warden and forestry members shall continue subject

to all provisions of this part providing for industrial death benefits, for continued allowances under Section 21263, and for retirement for industrial disability for warden and forestry members.

SEC. 4. Section 20031.5 is added to said code, to read:

"Employee federal contributions"

20031.5. "Employee federal contributions" means those contributions required of employees under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the federal-state agreement, at the rate of taxes imposed on employees by Section 2101 of the Internal Revenue Code for the respective calendar years set forth therein.

SEC. 5. Section 20031.6 is added to said code, to read:

Same

20031.6. "Employer federal contributions" means those contributions required of employers under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the federal-state agreement, at the rate of taxes imposed on employers by Section 3111 of the Internal Revenue Code for the respective calendar years set forth therein.

SEC. 6. Section 20124.5 is added to said code, to read:

Evidence of entitlement

20124.5. The board may require a member to provide evidence of his entitlement to benefits under the federal system.

SEC 7. Section 20497 is added to said code, to read:

Contract

20497. Any contract entered into under this part between the board and a public agency may be amended to, and any new contract may, provide a modification of benefits and adjustment of employee contribution rates under this part as may be agreed to by the board; provided, that the federal-state agreement is or, in case of a new contract, has been, modified to include in the federal system employees of the agency in positions covered by this system.

Amendments to a contract under this section shall be made in the manner prescribed in this part for approval of contracts except that an election among employees shall not be required.

This section shall not apply to contracts under Chapter 4.5 or contracts subject to Section 20493.

SEC. 8. Section 20498 is added to said code, to read:

Effective date of coverage

20498. If the effective date of coverage under the federal system of members who are employees of a contracting agency under the State Employees' Retirement System is prior to the time employee federal contributions are first deducted from the salaries and wages of such employees and a reduced benefit is provided with respect to service from and after said effective date of coverage, retroactive employee and employer contributions may be paid on the contracting agency's election in the manner provided in this section.

Employee and employer federal contributions for such retroactive period shall be paid from the State Employees' Retirement Fund and charged to the account of the employer. There shall be transferred to the employer account from the member's accumulated contributions an amount equal to employee

federal contributions charged to the account of the employer for such member. The amount so transferred shall not exceed the difference between the total normal contributions of the member and the normal contributions which would have been credited to his account had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the effective date of coverage.

The amount by which such retroactive employee contributions for a member charged to the account of the employer exceeds the amount transferred from the employee account shall constitute an indebtedness of the member to the employer and a lien on any salary or wages payable to such employee or on his account. If said contract is or has been amended to provide for the payment of retroactive employee and employer contributions in the manner provided in this section, it may be further amended to provide that the amount by which (1) the total normal contributions of each member for the period subsequent to the effective date of coverage under the federal system less the total normal contributions which would have been credited to the account of such member had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the aforesaid date of coverage exceeds (2) the employee federal contributions for such member for the period after said date of coverage shall be paid to such member.

This section shall apply to the county superintendent of schools as a contracting agency without election except that the provision for payment of contributions to the members shall not apply.

SEC. 9. Section 20601.5 is added to said code, to read:

Normal rate of contribution

20601.5. The normal rate of contribution, as otherwise established pursuant to this article, for a member whose services are included in coverage of the federal system shall be reduced by one-third, as applied to that part of compensation, for such services rendered after date of execution of the modification of the federal-state agreement including such services in the federal system, which does not exceed the monthly equivalent of the maximum annual amount subject to contributions under the federal system at the time services for which the compensation is paid are rendered.

This section shall apply to state miscellaneous members. It shall also apply to local miscellaneous members who are included in the system under Chapter 4 5 or who are employees of a school district subject to Section 20493 other than one whose employees who are members are covered under the federal system when this section becomes effective. It shall apply to local miscellaneous members who are employees of any other contracting agency which elects to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees becoming members under such contract are or cur-

rently will be included in the federal system. Contract amendments under this section shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

SEC. 10. Chapter 6.5 (commencing at Section 20780) is added to Part 3, Division 5, Title 2 of said code, to read:

CHAPTER 6.5. FEDERAL CONTRIBUTIONS

Liability for contributions

20780. Every state member covered by the federal-state agreement providing coverage under the federal system for such member shall be liable for employee federal contributions.

Contributions withheld

20781. Employee federal contributions shall be withheld by the state department or agency that disburses funds in payment of salaries and wages to such members. Such department or agency shall transmit to the board all such employee federal contributions and employer federal contributions, together with all wage, contribution and other reports required to fulfill the obligations of the State under the federal system. Such agencies and departments are hereby authorized to correct errors and to make any and all adjustments with respect to all covered employees and to the funds from which salary and wage payments and contributions are made as may be required to fulfill the obligations of the State under the federal system or in compliance with any of the provisions of this part.

Transfer of contributions

20782. From the General Fund in the State Treasury there shall be transferred from time to time, to the Old Age and Survivors Insurance Revolving Fund the amount of employer federal contributions with respect to salaries and wages paid after July 1, 1962 for those state members covered by the agreement whose compensation is paid from either:

(a) The General Fund.

(b) Funds of or funds appropriated to the university.

(c) The Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the State under restrictions preventing its use for the payment of employer federal contributions.

(d) The Senate Contingent Fund or the Assembly Contingent Fund.

Same

20783. From each other fund in the State Treasury there shall be transferred from time to time to the Old Age and Survivors Insurance Revolving Fund the amount of employer federal contributions with respect to salaries and wages paid after July 1, 1962, for those state employees covered by the agreement whose compensation is paid from that fund and in respect to which compensation the employer's federal contribution is not required to be made from the General Fund.

Certification to Controller and transfer

20784. The board shall certify to the Controller from time to time the total amount of employer federal contributions required to meet the obligations of the State under the federal system with respect to wages paid to state and university employees and payable from the general and each

other fund in the State Treasury, and the Controller shall thereupon transfer such employer federal contributions from each such fund, respectively to the Old Age and Survivors Insurance Revolving Fund.

Appropriation

20785. There is hereby appropriated the amount necessary from the funds designated, to provide, (a) the payments required by this chapter to be made by the State to the Old Age and Survivors Insurance Revolving Fund, which payments are declared to be continuing obligations of the State, and (b) the amounts payable pursuant to Sections 20786, 20787 and 20788.

Contributions: State and university employees

20786. Employee federal contributions required of state and university employees with respect to salaries and wages paid for services rendered after the effective date of coverage of such employees under the federal system and prior to the time employee federal contributions are first deducted from the salaries and wages of such employees, shall be paid from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund. Such employee federal contributions shall be charged in the accounts of the state system to the State's accumulated contributions for current service and shall be regarded as a loan to each such employee and shall be a lien on any salaries or wages payable to the employee and on any amounts payable by the state system to the employee or on his account. Said loan shall be repaid by the employee as follows:

(a) Such employee federal contributions with respect to employees who were members of the state system during the period extending from the effective date of coverage under the federal system until the time employee federal contributions are first deducted from the salaries and wages of such employees shall be deducted from the member's accumulated contributions made with respect to services performed during said period and which are to his credit in the state system, to the extent that such contributions are in excess of what they would have been had the contributions to the state system during said period been made as provided in Section 20601.5, disregarding interest.

(b) Such employee federal contributions as are not deductible from member's accumulated contributions in the state system as provided in subdivision (a) of this section shall be repaid by the employee by one cash payment to the state system or by payroll deductions during current employment or any subsequent employment of such employee extending over a period determined by the board and subject to minimum payments as determined by the board. The agency making such payroll deductions shall remit to the board monthly all amounts so withheld and shall file with the board appropriate information relating thereto. All such repayments shall be remitted by the board to the State Employees' Retirement Fund and shall be credited in the accounts of the state system to the account to which the loan was charged.

For the purposes of this section, upon termination of an employee's service and pending a determination of the amount to be repaid, the amount of retroactive employee federal contributions to be repaid by an employee may be estimated and such estimated amount shall be withheld from any refund of accumulated retirement contributions or salaries and wages payable to such employee.

Board certification and transfer

20787. The board shall certify to the State Controller the total amount of employee federal contributions required for retroactive coverage under the federal system and the Controller shall thereupon transfer such amount from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund.

Transfer of funds

20788. Employer federal contributions required with respect to salaries and wages paid before July 1, 1962 for services rendered after the effective date of coverage of state and university employees, shall be paid from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund and shall be charged in the accounts of the state system to the State's accumulated contributions for current service.

The board shall certify to the State Controller, from time to time, the total amount of employer federal contributions required with respect to such salaries and wages and the Controller shall thereupon transfer such amount from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund.

SEC. 11. Section 20989 is added to said code, to read:

Compulsory retirement provisions

20989. During the effective period of this section, the compulsory retirement provisions of this article relating to local miscellaneous members shall be inoperative as to such members under Chapter 4.5 (commencing at Section 20580).

This section shall remain in effect until the first day of the second month following that in which the modification to the federal-state agreement including such members in the federal system is executed, or, in the event coverage procedures are concluded without inclusion of such members in the federal system, upon such conclusion.

SEC. 12. Section 21251.14 is added to said code, to read:

Fraction of final compensation

21251.14. The fraction of final compensation, for purposes of calculating the current service pension under Section 21251.1 based on service in any period after the effective date of coverage of a member under the federal system, shall be reduced from 1/60 to 1/90 as applied to that part of the member's final compensation which does not exceed the monthly equivalent of the maximum annual amount subject to contribution under the federal system during such period. Any change in such maximum amount shall affect allowances based on service after the date of such change only.

This section shall apply to state miscellaneous members. It shall also apply to local miscellaneous members who are included in the system under Chapter 4.5 (commencing at Sec-

tion 20580) or who are employees of a school district subject to Section 20493 other than one whose employees who are members are covered under the federal system when this section becomes effective. It shall apply to local miscellaneous members who are employees of any other contracting agency electing to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees becoming members under such contract are, or currently will be included in the federal system. Contract amendments under this section shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

SEC. 13. Part 3.5 (commencing at Section 21600), Division 5, Title 2, of the Government Code is repealed. Repeal

SEC. 14. Section 22009.1 of said code is amended to read:

22009.1. "Retirement system" includes: "Retirement system"

(a) A pension, annuity, retirement or similar fund or system established by a public agency and covering only positions of that agency.

(b) The State Employees' Retirement System with respect only to employees of the State and employees of the University of California in positions covered by that system.

(c) The State Employees' Retirement System with respect to employees of all school districts in positions covered under each contract entered into by a county superintendent of schools and the system.

(d) The State Teachers' Retirement System with respect to all employees in positions covered by that system except employees of a public agency having any employees in positions covered by such system who are also in positions covered by a local retirement system for the retirement of teachers, or for membership in which public school teachers are eligible, operated by city, city and county, county or other public agency or combination of public agencies of the State.

(e) The Legislators' Retirement System with respect to all employees in positions covered by that system.

(f) The Judges' Retirement System with respect to all employees in positions covered by that system.

(g) The Pension and Retiring Annuities System of the University of California only with respect to all employees in positions covered by that system.

(h) The San Francisco City and County Employees' Retirement System with respect to all employees in positions covered by that system.

(i) Any other retirement system with respect only to employees of any two or more of the public agencies having employees in positions covered by such system, as designated by the board and with regard to which the board authorizes conduct of a referendum.

(j) Except as otherwise provided in subdivisions (b) through (i) above, any retirement system with respect to employees of each of the public agencies having employees in positions covered by the system.

(k) Each division or part of a retirement system as defined in subdivisions (a), (b), (c), (g), (h), (i), and (j) of this section, which is divided pursuant to this chapter into two parts:

(1) The part composed of the positions of members of such system who desire coverage under the federal system.

(2) The part composed of the positions of members of such system who do not desire coverage under the federal system.

SEC. 15. Section 22013 of said code is amended to read:

"Policeman"

22013. "Policeman" as used in this part includes members of the California Highway Patrol, sheriffs, undersheriffs, deputy sheriffs, marshals and deputy marshals, and any other employee of a public agency other than the State or University of California in a position designated as a policeman's position by the board; provided, any such position named herein or as may be designated by the board, is not contrary to any definition, ruling or regulation issued by the federal agency relating to the term "policeman" for the purposes of Section 218(d)(5)(A) of the Social Security Act.

SEC. 16. Section 22152.5 is added to said code, to read:

Division of retirement system

22152.5. Subject to the conditions herein prescribed, the board shall divide the retirement system defined in subdivision (b) of Section 22009.1. The procedure for division shall be in accordance with this article except that the division shall not be concluded unless a majority of the members eligible to vote cast ballots in an election held for that purpose and a majority of those members voting vote in favor of the division. The dates for the election and the division shall be set by the board so as to permit modification of the agreement to include services of members in positions covered by such system no later than December 31, 1959.

SEC. 17. Section 22153 is added to said code, to read:

Division of each retirement system

22153. Subject to the conditions provided herein, the board shall divide each of the retirement systems as defined in subdivision (c) of Section 22009.1. The procedure for the division shall be in accordance with this article except that a single election shall be held among all eligible members of all of said retirement systems, and none of said systems shall be divided unless a majority of all members of all said systems eligible to vote cast ballots in the election and a majority of such members voting vote in favor of the division. The dates for the election and said division shall be set by the board so as to permit modification of the agreement to include services of members in positions covered by such systems no later than December 31, 1959.

SEC. 18. Section 22210 of said code is amended to read:

Modification of the agreement

22210. Notwithstanding any other provisions of this part, the board shall execute a modification of the agreement in

conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include services in positions covered by the retirement system as defined in Section 22009.1(k)(1) established by division of the retirement system defined in Section 22009.1(b) of this part upon completion of the division as directed in Section 22152.5. The modification shall be executed no later than December 31, 1959, and shall include all eligible members, with coverage as of January 1, 1956.

SEC. 19. Section 22213 is added to said code, to read:

Same

22213. Notwithstanding any other provision of this part, the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include the services of members in positions covered by each of the retirement systems as defined in Section 22009.1(k)(1) established by divisions of the retirement systems defined in Section 22009.1(c) upon completion of said divisions as directed by Section 22153. The modification shall be executed no later than December 31, 1959, and shall include all eligible members, with coverage effective January 1, 1956.

SEC. 20. Section 21293.5 is added to said code, to read:

Industrial disability allowances

21293.5. The disability retirement allowance of a state member who retires for industrial disability and who is credited with service as a member of the system, compensation for which was also subject to contribution under the federal system, shall be reduced by the amount of any retirement or disability benefit he is entitled to receive under the federal system. The reduction shall apply only during such time as he is entitled to receive the benefit under the federal system and shall not exceed the amount of the allowance derived from contributions of the State.

SEC. 21. Section 21364.7 is added to said code, to read:

Special death benefit

21364.7. The special death benefit or the continued allowance under Section 21263 payable if the deceased was a state member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system. The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the State.

SEC. 22. Section 20230 5 is added to said code, to read:

Records and accounts

20230.5. The records and accounts required under the provisions of Section 20230 shall not include the contributions made by the State or contracting agencies with respect to the survivor allowances provided for in Article 6 of Chapter 9 of this part. The board shall keep such additional records and accounts with respect to such contributions as will show at any time the accumulated contributions of the State and of contracting agencies held to meet the obligation of the State

and of the contracting agencies, respectively, on account of survivor allowances.

SEC. 23. Article 6 (commencing with Section 21380) is added to Chapter 9 of Part 3 of Division 5 of Title 2 of said code, to read:

Article 6. Survivors Allowances

"Survivor allowance"

21380. "Survivor allowance" means the allowance provided for in Section 21382.

"Disability," etc.

21381. "Disability," "disabled" or "incapacitated" means, with respect to qualification for a survivor allowance, inability to engage in any substantial gainful occupation by reason of any physical or mental impairment which is determined on the basis of competent medical opinion secured by the Retirement Board, to be of permanent or extended and uncertain duration.

Death benefits: Limitations

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs under other circumstances than those described in subdivision (e) of Section 21360, (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, the following applicable survivor allowance, under the conditions stated and from contributions of the State:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years, and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2)(c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while an allowance is being paid under subdivision (2)(b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

Monthly allowance

21383. When the survivor is entitled to receive a monthly allowance under Section 21365.5 or as a special death benefit provided by Article 5 of this chapter and at the same time is entitled to receive a survivor allowance of lesser amount, such other monthly allowance shall be reduced by the amount of the survivor allowance paid. If the survivor allowance is the greater, it shall be paid in lieu of such other allowance.

Applicability

21384. This article shall be effective as to state members and local miscellaneous members who are included in the system under Chapter 4.5 (commencing at Section 20580) on January 1, 1960, and shall apply only to such members whose services are not included in the federal system. On the date fixed by the board, pursuant to Sections 21252 and 21253 of this part for division of the system with respect to such members, each member in employment on that date to whom this

article otherwise may apply shall be given an opportunity to elect to be subject to this article.

Not applicable

21385. This article shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this article by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this article takes effect, by express provision in such contract making the contracting agency subject to the provisions of this article.

This article shall not in any event apply to employees of a contracting agency whose services are included in the federal system. Members who are employees of a contracting agency when such agency becomes subject to this article and whose services are not included in the federal system shall have the right to elect to be subject to it. Employees of such contracting agency becoming members thereafter shall be subject to this article without election.

Rate of contribution

21386. The rate of contribution of a member subject to this article shall include, in addition to his normal rate, two dollars ($2) per month or fraction thereof, or ninety-three cents ($0.93) for each biweekly payroll period or fraction thereof, where salaries are paid on such basis. Such contributions shall not become a part of a member's accumulated contributions or be treated or administered as normal contributions and shall not be refundable to a member under any circumstances. Such contributions shall be available only for payment of survivors' allowances under this article.

SEC. 24. Section 20127 of said code is amended to read:

Data kept

20127. The board shall keep in convenient form such data as is necessary for the actuarial valuation of this system. As of June 30, 1950, and thereafter at the ends of periods not to exceed four years, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of members and persons receiving benefits and an actuarial valuation of the assets and liabilities of this system. From time to time it shall determine the rate of interest being earned on the Retirement Fund after deducting from earnings amounts applied to costs of administration of the system.

SEC. 25. Section 20132 of said code is amended to read:

Credits to fiscal year

20132. At the end of each fiscal year the board may credit to all contributions held in the Retirement Fund at June 30th of the then current fiscal year, such interest in excess of the current rate as it deems proper in the light of the earnings on the Retirement Fund during that fiscal year, but not more than the difference between such earnings and the interest credited at the current rate to contributions during that year plus the amount of earnings applied to costs of administration of the system In the calculation of benefits under any mortality table adopted by the board, only the current

rate of interest shall be used regardless of any additional interest allowed on contributions under this section.

SEC. 26. Section 20202.5 is added to said code, to read:

20202.5. Costs of administration of the system shall be paid from interest income from the Retirement Fund beginning with the Fiscal Year 1959-60; provided, that the amount of income so applied in any fiscal year may not exceed ten hundredths (0.10) of 1 percent of the investments of the Retirement Fund at book value as of the close of the preceding fiscal year. Costs of administration

SEC. 27. Section 22550.5 is added to said code, to read:

22550.5. A school district whose employees in positions covered under a retirement system as defined in Section 22009.1(c) are included in the agreement, shall be subject to all obligations and liabilities imposed on a public agency under this article. The county superintendent of schools shall submit on behalf of the district and for employees in his office included in his contract with the system, all wage, contribution, and other reports required under this article and shall collect and forward to the State amounts due in the manner provided in Section 20585 of this code for payment of contributions under the State Employees' Retirement System. Employees affected

SEC. 28. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In 1958 Congress adopted amendments to the Social Security Act providing new procedures for coverage of public agencies in the Old Age and Survivors Insurance Program. In order that the public agencies of the State may take advantage of these procedures at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 2067

An act to add Sections 20004.5, 20004.6, 20031.5, 20031.6, 20124.5, 20230.5, 20497, 20498, 20601.5, 20989, 21251.14, 22153, 22213, and 22550.5 to, to add Article 6 (commencing at Section 21380) to Chapter 9, Part 3, Division 5, Title 2 of, to amend Section 22009.1 of, and to repeal Part 3.5 (commencing at Section 21600) of Division 5, Title 2, of the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 20004.5 is added to the Government Code, to read:

"Federal system"

20004.5. "Federal system" means the old age, survivors, and disability insurance provisions of the Social Security Act.

SEC. 2. Section 20004.6 is added to said code, to read:

"Federal-state agreement"

20004.6. "Federal-state agreement" means the agreement or any modification thereof now, heretofore, or hereafter executed by the board pursuant to Section 218 of Title II of the Social Security Act.

SEC. 3. Section 20031.5 is added to said code, to read:

"Employee federal contributions"

20031.5. "Employee federal contributions" means those contributions required of employees under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the federal-state agreement, at the rate of taxes imposed on employees by Section 2101 of the Internal Revenue Code for the respective calendar years set forth therein.

SEC. 4. Section 20031.6 is added to said code, to read:

"Employer federal contributions"

20031.6. "Employer federal contributions" means those contributions required of employers under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the federal-state agreement, at the rate of taxes imposed on employers by Section 3111 of the Internal Revenue Code for the respective calendar years set forth therein.

SEC. 5. Section 20124.5 is added to said code, to read:

Evidence of entitlement

20124.5. The board may require a member to provide evidence of his entitlement to benefits under the federal system.

SEC. 5.5. Section 20230.5 is added to said code, to read:

Records and accounts

20230.5. The records and accounts required under the provisions of Section 20230 shall not include the contributions made by the contracting agencies with respect to the survivor allowances provided for in Article 6 (commencing with Section 21380) of Chapter 9 of this part. The board shall keep such additional records and accounts with respect to such contributions as will show at any time the accumulated contributions of the contracting agencies held to meet the obligation of the contracting agencies on account of survivor allowances.

SEC. 6. Section 20497 is added to said code, to read:

Contracts

20497. Any contract entered into under this part between the board and a public agency may be amended to, and any new contract may, provide a modification of benefits and adjustment of employee contribution rates under this part as may be agreed to by the board; provided, that the federal-state agreement is or, in case of a new contract, has been, modified to include in the federal system employees of the agency in positions covered by this system.

Amendments to a contract under this section shall be made in the manner prescribed in this part for approval of contracts except that an election among employees shall not be required.

This section shall not apply to contracts under Chapter 4.5 (commencing at Section 20580) or contracts subject to Section 20493.

SEC. 7. Section 20498 is added to said code, to read:

Effective date of coverage and retroactivity

20498. If the effective date of coverage under the federal system of members who are employees of a contracting agency under the State Employees' Retirement System is prior to the time employee federal contributions are first deducted from the salaries and wages of such employees and a reduced benefit is provided with respect to service from and after said effective date of coverage, retroactive employee and employer contributions may be paid on the contracting agency's election in the manner provided in this section.

Employee and employer federal contributions for such retroactive period shall be paid from the State Employees' Retirement Fund and charged to the account of the employer. There shall be transferred to the employer account from the member's accumulated contributions an amount equal to employee federal contributions charged to the account of the employer for such member. The amount so transferred shall not exceed the difference between the total normal contributions of the member and the normal contributions which would have been credited to his account had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the effective date of coverage.

The amount by which such retroactive employee contributions for a member charged to the account of the employer exceeds the amount transferred from the employee account shall constitute an indebtedness of the member to the employer and a lien on any salary or wages payable to such employee or on his account. If said contract is or has been amended to provide for the payment of retroactive employee and employer contributions in the manner provided in this section, it may be further amended to provide that the amount by which (1) the total normal contributions of each member for the period subsequent to the effective date of coverage under the federal system less the total normal contributions which would have been credited to the account of such member had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the aforesaid date of coverage exceed (2) the employee federal contributions for such member for the period after said date of coverage shall be paid to such member.

This section shall apply to the county superintendent of schools as a contracting agency without election except that the provision for payment of contributions to the members shall not apply.

SEC. 8. Section 20601.5 is added to said code, to read:

Normal rate of contribution and applicability

20601.5. The normal rate of contribution as otherwise established pursuant to this article for a member whose services are included in coverage of the federal system shall be reduced by one-third as applied to that part of compensation, for such services rendered after the date of execution of the modification of the federal-state agreement including such services in the federal system, which does not exceed

the monthly equivalent of the maximum annual amount subject to contribution under the federal system at the time the services for which the compensation is paid are rendered.

This section shall apply to local miscellaneous members who are included in the system under Chapter 4.5 (commencing at Section 20580) or of a school district subject to Section 20493 other than one covered under the federal system when this section becomes effective. It shall apply to local miscellaneous members who are employees of any other contracting agency which elects to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees becoming members under such contract are or currently will be included in the federal system. Contract amendments under this section shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

SEC. 9. Section 20989 is added to said code, to read:

Compulsory retirement

20989. During the effective period of this section, the compulsory retirement provisions of this article relating to local miscellaneous members shall be inoperative as to such members under Chapter 4.5 (commencing at Section 20580).

This section shall remain in effect until the first day of the second month following that in which the modification to the federal-state agreement including such members in the federal system is executed, or, in the event coverage procedures are concluded without inclusion of such members in the federal system, upon such conclusion.

SEC. 10. Section 21251.14 is added to said code, to read:

Fraction of final compensation

21251.14. The fraction of final compensation, for purposes of calculating the current service pension under Section 21251.1 based on service in any period after the effective date of coverage of a member under the federal system, shall be reduced from 1/60 to 1/90 as applied to that part of the member's final compensation which does not exceed the monthly equivalent of the maximum annual amount subject to contribution under the federal system during such period. Any change in such maximum amount shall affect allowances based on service after the date of such change only.

This section shall apply to local miscellaneous members who are included in the system under Chapter 4.5 (commencing at Section 20580) or of a school district subject to Section 20493 other than one covered under the federal system when this section becomes effective. It shall apply to local miscellaneous members who are employees of any other contracting agency electing to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees becoming members under such contract are, or currently will be included in the federal system. Contract amendments under this section

shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

SEC. 10.5. Article 6 (commencing with Section 21380) is added to Chapter 9 of Part 3 of Division 5 of Title 2 of said code, to read:

Article 6. Survivors Allowances

"Survivor allowance"

21380. "Survivor allowance" means the allowance provided for in Section 21382.

"Disability," etc.

21381. "Disability," "disabled" or "incapacitated" means, with respect to qualification for a survivor allowance, inability to engage in any substantial gainful occupation by reason of any physical or mental impairment which is determined on the basis of competent medical opinion secured by the Retirement Board, to be of permanent or extended and uncertain duration.

Death benefits: Limitations

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs after September 30, 1959, and under other circumstances than those described in subdivision (e) of Section 21360, (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, the following applicable survivor allowance, under the conditions stated and from contributions of the State:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be

divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years, and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2)(c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while an allowance is being paid under subdivision (2)(b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section except that this section shall apply, without election, to local miscellaneous members who are included under Chapter 4.5 (commencing at Section 20580) or who are employees of a school district subject to Section 20493.

This section shall not apply to any member whose service is included in the federal system, nor shall it apply to state miscellaneous members.

Special death benefits

21383. When the survivor is entitled to receive a monthly allowance under Section 21365.5 or as a special death benefit provided by Article 5 (commencing at Section 21360) of this chapter and at the same time is entitled to receive a survivor allowance of lesser amount, such other monthly allowance shall be reduced by the amount of the survivor allowance paid. If the survivor allowance is the greater, it shall be paid in lieu of such other allowance.

Repeal

SEC. 11. Part 3.5 (commencing at Section 21600), Division 5, Title 2, of the Government Code is repealed.

SEC. 12. Section 22009.1 of said code is amended to read:

"Retirement system"

22009.1. "Retirement system" includes:

(a) A pension, annuity, retirement or similar fund or system established by a public agency and covering only positions of that agency.

(b) The State Employees' Retirement System with respect only to employees of the State and employees of the University of California in positions covered by that system.

(c) The State Employees' Retirement System with respect to employees of all school districts in positions covered under each contract entered into by a county superintendent of schools and the system.

(d) The State Teachers' Retirement System with respect to all employees in positions covered by that system except employees of a public agency having any employees in positions covered by such system who are also in positions covered by a local retirement system for the retirement of teachers, or for membership in which public school teachers are eligible, operated by city, city and county, county or other public agency or combination of public agencies of the State.

(e) The Legislators' Retirement System with respect to all employees in positions covered by that system.

(f) The Judges' Retirement System with respect to all employees in positions covered by that system.

(g) The Pension and Retiring Annuities System of the University of California only with respect to all employees in positions covered by that system.

(h) The San Francisco City and County Employees' Retirement System with respect to all employees in positions covered by that system.

(i) Any other retirement system with respect only to employees of any two or more of the public agencies having employees in positions covered by such system, as designated by the board and with regard to which the board authorizes conduct of a referendum.

(j) Except as otherwise provided in subdivisions (b) through (i) above, any retirement system with respect to employees of each of the public agencies having employees in positions covered by the system.

(k) Each division or part of a retirement system as defined in subdivisions (a), (c), (g), (h), (i), and (j) of this section, which is divided pursuant to this chapter into two parts:

(1) The part composed of the positions of members of such system who desire coverage under the federal system.

(2) The part composed of the positions of members of such system who do not desire coverage under the federal system.

SEC. 13. Section 22153 is added to said code, to read:

Division of retirement system

22153. The county superintendent of schools in each county shall divide the retirement system defined in subdivision (c) of Section 22009.1. The division shall be conducted in accordance with this article except that the election among the members shall not be required.

The division shall be conducted at a time to be determined by the board so as to permit modification of the agreement to include members of such system no later than December 31, 1959.

SEC. 13.5. Section 22153 of the Government Code, as added by Section 13 of this act, shall supersede Section 22153 of the Government Code as added by Assembly Bill No. 2062 of the 1959 Regular Session.

SEC. 14. Section 22213 is added to said code, to read:

Execution of modification of agreement

22213. Notwithstanding any other provisions of this part, the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include the services of members in positions covered by the retirement system as defined in paragraph (1) of subdivision (k) of Section 22009.1 established by division of the retirement system defined in subdivision (c) of Section 22009.1 upon completion of the division as directed in Section 22153. Said modification shall be executed no later than December 31, 1959, and shall include all such members not mandatorily excluded under the agreement with coverage effective January 1, 1956.

SEC. 15. Section 22550.5 is added to said code, to read:

Applicability

22550.5. A school district whose employees in positions covered under a retirement system as defined in subdivision (c) of Section 22009.1 are included in the agreement, shall be subject to all obligations and liabilities imposed on a public agency under this article. The county superintendent of schools shall submit on behalf of the district and for employees in his office included in his contract with the system, all wage, contribution, and other reports required under this article and shall collect and forward to the State amounts due in the manner provided in Section 20585 of this code for payment of contributions under the State Employees' Retirement System.

Not applicable

SEC. 15.5. Sections 1 to 12, inclusive, and Sections 14 and 15 of this act shall not be operative if Assembly Bill No. 2062 is enacted at the 1959 Regular Session of the Legislature.

Urgency

SEC. 16. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In 1958, Congress adopted amendments to the Social Security Act providing new procedures for coverage of public agencies in the Old-Age and Survivors Insurance Program. In order that the public agencies of the State may take advantage of these procedures at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 2068

An act to add Sections 20499, 20601.5 and 21251.14 to the Government Code, relating to retirement of public employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 20499 is added to the Government Code, to read:

20499. Any school district which is a contracting agency and which has not elected to be subject to Section 20493 of this part, except school districts in which the average daily attendance of all districts combined is in excess of 400,000, and which are governed by the same governing board, and the employees of such district, shall, on the effective date of this section, become subject to said Section 20493 without contract amendment. Such district and its employees shall also be subject to any provision of this part which is applicable to a district which elected to be subject to said Section 20493. Applicability

SEC. 2. Section 20601.5 is added to said code, to read:

20601.5. The normal rate of contribution otherwise established pursuant to this article for a member whose services are included in coverage of the federal system shall be reduced by one-third as applied to that part of compensation, for such services rendered after the date of execution of the modification of the federal-state agreement including such services in the federal system, which does not exceed the monthly equivalent of the maximum annual amount subject to contribution under the federal system at the time the services for which the compensation is paid are rendered. Normal rate of contribution and applicability

This section shall apply to local miscellaneous members who are included in the system under Chapter 4.5 (commencing at Section 20580), and to a school district subject to Section 20493, and the employees of such school district, other than such a district whose employees, before the effective date of this section, were subject to Section 21251.1 and were included in the federal system without modification of the benefit formula specified in Section 21251.1. It shall apply to local mis-

cellaneous members who are employees of any other contracting agency which elects to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees become members under such contract are or currently will be included in the federal system. Contract amendments under this section shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

SEC. 3. Section 21251.14 is added to said code, to read:

Fraction of final compensation and applicability

21251.14. The fraction of final compensation, for purposes of calculating the current service pension under Section 21251.1 based on service in any period after the effective date of coverage of a member under the federal system, shall be reduced from 1/60 to 1/90 as applied to that part of the member's final compensation which does not exceed the monthly equivalent of the maximum annual amount subject to contribution under the federal system during such period. Any change in such maximum amount shall affect allowances based on service after the date of such change only.

This section shall apply to local miscellaneous members who are included in the system under Chapter 4.5 (commencing at Section 20580), and to a school district subject to Section 20493, and the employees of such school district, other than such a district whose employees, before the effective date of this section, were subject to Section 21251.1 and were included in the federal system without modification of the benefit formula specified in Section 21251.1. It shall apply to local miscellaneous members who are employees of any other contracting agency electing to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees becoming members under such contract are, or currently will be, included in the federal system. Contract amendments under this section shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

SEC. 4. Section 20601.5 is added to said code, to read:

Normal rate of contribution

20601.5. The normal rate of contribution otherwise established pursuant to this article for a member whose services are included in coverage of the federal system shall be reduced by one-third as applied to that part of compensation, for such services rendered after the date of execution of the modification of the federal-state agreement including such services in the federal system, which does not exceed the monthly equivalent of the maximum annual amount subject to contribution under the federal system at the time the services for which the compensation is paid are rendered.

This section shall apply to state miscellaneous members. It shall also apply to local miscellaneous members who are in-

cluded in the system under Chapter 4.5 (commencing at Section 20580), and to a school district subject to Section 20493, and the employees of such school district, other than such a district whose employees, before the effective date of this section, were subject to Section 21251.1 and were included in the federal system without modification of the benefit formula specified in Section 21251.1. It shall apply to local miscellaneous members who are employees of any other contracting agency which elects to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees become members under such contract are or currently will be included in the federal system. Contract amendments under this section shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

SEC. 5. Section 21251.14 is added to said code, to read:

Fraction of final compensation and applicability

21251.14. The fraction of final compensation, for purposes of calculating the current service pension under Section 21251.1 based on service in any period after the effective date of coverage of a member under the federal system, shall be reduced from 1/60 to 1/90 as applied to that part of the member's final compensation which does not exceed the monthly equivalent of the maximum annual amount subject to contribution under the federal system during such period. Any change in such maximum amount shall affect allowances based on service after the date of such change only.

This section shall apply to state miscellaneous members. It shall also apply to local miscellaneous members who are included in the system under Chapter 4.5 (commencing at Section 20580), and to a school district subject to Section 20493, and the employees of such school district, other than such a district whose employees, before the effective date of this section, were subject to Section 21251.1 and were included in the federal system without modification of the benefit formula specified in Section 21251.1. It shall apply to local miscellaneous members who are employees of any other contracting agency electing to be subject hereto by amendment to its contract made at the time it includes its employees who are members of the system in the federal system or by appropriate contract provision in case of a new contract if employees becoming members under such contract are, or currently will be, included in the federal system. Contract amendments under this section shall be made in the manner provided for approval of new contracts except that an election among employees shall not be required.

Effect. Stats 1959, Ch 2066

SEC. 6. Sections 4 and 5 of this act shall become operative only if Assembly Bill No. 2062 is enacted at the 1959 Regular Session of the Legislature, in which case Sections 20601.5 and 21251.14 as added by Sections 4 and 5 of this act shall supersede Sections 20601.5 and 21251 14 as added by Assembly Bill No. 2062. Sections 2 and 3 of this act shall become operative

only if Senate Bill No. 1328 is enacted at the 1959 Regular Session of the Legislature, in which case Sections 20601.5 and 21251.14 as added by Sections 2 and 3 of this act shall supersede Sections 20601.5 and 21251.14 as added by Senate Bill No. 1328.

Urgency

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the benefits of the federal system of Old-Age, Survivors and Disability Insurance, if such benefits are made available to employees of school districts by legislation enacted at the 1959 Regular Session of the Legislature, may be effectively co-ordinated with the benefits provided under the State Employees' Retirement System for such employees, it is necessary that this act take effect immediately.

CHAPTER 2069

An act to add Sections 20990, 22154, and 22214 to the Government Code, relating to participation in the Federal Old Age, Survivors and Disability Insurance program by employees of school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 20990 is added to the Government Code, to read:

Compulsory retirement applicability

20990. During the effective period of this section, the compulsory retirement provisions of this article relating to local miscellaneous members shall be inoperative as to such members who are employees of a school district which has elected to be subject to Section 20493 of this code other than one whose employees who are members were included in the federal system before the effective date of this section.

This section shall remain in effect until the first day of the second month following that in which the modification to the federal-state agreement including such members in the federal system is executed.

SEC. 2. Section 22154 is added to said code, to read:

School district contracting agencies

22154. The governing body of each school district which is a contracting agency under the State Employees' Retirement System and which is subject to Section 20493 of this code and whose employees who are members are not already covered under the federal system, except school districts in which the average daily attendance of all districts combined is in excess of 400,000, and which are governed by the same

governing board, shall, immediately following the effective date of this section, conduct a division of the State Employees' Retirement System with respect to its employees in positions covered by its contract with the board. The division shall be conducted in accordance with this article except that the election among the members shall not be required and shall be conducted at a time to be determined by the board so as to permit modification of the agreement to include members of the system created by such division no later than December 31, 1959.

SEC. 3. Section 22214 is added to said code, to read:

Execution of modification of agreement

22214. The board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto to include the services of members in positions covered by each retirement system, as defined in Section 22009(k)(1) established by division of the State Employees' Retirement System with respect to employees of each school district which has elected to be subject to Section 20493 of this code upon application of such district, as directed in Section 22154. Said modification shall be executed no later than December 31, 1959, and shall include all members of such system not mandatorily excluded under the agreement, with coverage effective January 1, 1956. The governing body of each such district shall, prior to the execution of the modification, enter into an agreement with the board in accordance with Section 22203.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the Social Security Act, public employees brought into coverage before January 1, 1960, may become eligible immediately for benefits under Federal Old Age, Survivors and Disability Insurance. In order that school district employees may take advantage of this provision, it is necessary that this act take effect immediately.

CHAPTER 2070

An act to add Article 6.5 (commencing at Section 53800) to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, relative to the issuance of building certificates by local public agencies.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 is added to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 6.5. Building Certificates

Definitions

53800. The following terms whenever used in this article have the meanings given in this section except where the context clearly indicates otherwise:

(a) "Local agency" means any county, city, or city and county.

(b) "Board" means the legislative body of the local agency.

(c) "Investing agency" means the State Employees' Retirement System, as defined by Section 20004.

(d) "Construction" includes the extension, enlargement, repair, renovation, restoration, improvement, and equipping of any public building.

(e) "Public building" includes any structure, building, facility, or work which a local agency is authorized to construct and automobile parking lots, landscaping, and other facilities, including equipment, incidental to the use of any building, and also includes the site thereof, and any easements or rights-of-way appurtenant thereto or necessary for its full use.

(f) "Acquire" includes purchase, condemnation, lease, and gift.

(g) "Cost of a public building" includes, but is not limited to, the cost of all real estate, properties, rights, and easements acquired, the cost of construction of public buildings and equipment of them, all financing charges, interest prior to, during and for a period of six months after construction, engineering, architects' and legal expenses, including the cost of plans, specifications, and surveys, estimates of cost and revenues, administrative expenses, and such other expenses as are necessary or incident to the financing of public buildings, or to determine the feasibility or practicability of any public buildings, and the condemnation of property necessary for use of, or in connection with, any public building.

(h) "Property" includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this part.

Issuance of certificates

53801. The board may issue certificates to the investing agency pursuant to this article to obtain funds to pay the cost of public buildings, secure the payment of certificates and interest thereon by pledging all or part of its revenues, rentals, and receipts, and provide for the security of the certificates and the rights of the holders thereof. The board may also obtain insurance against loss by fire or other hazards on public buildings, both during and after construction and obtain insurance against loss of revenues from any cause whatsoever, for the protection of the certificate holders.

Non-negotiability

53802. Certificates issued pursuant to this article are not negotiable instruments but are transferable between local agencies and state agencies having jurisdiction over special or trust funds at a price mutually agreed upon by the agencies.

Local agency's taxing power

53803. The board has no power at any time or in any manner to pledge the credit or taxing power of the local agency.

53804. The preparation of plans and specifications of any public building constructed pursuant to this article shall be the responsibility of the board. Plans and specifications

53805. The local agency shall be responsible for the maintenance and repair of all public buildings constructed, acquired or operated by the board. Maintenance and repair

53806. The certificates shall be authorized by resolutions of the board, and shall bear such dates, mature at such time or times not exceeding 25 years from their respective dates, bear interest at such rate or rates agreed upon between the board and the investing agency, not exceeding 6 percent per year, payable semiannually, be in such denominations and in such form, be payable in such medium of payment and at such place or places, and subject to such terms of redemption at such prices not exceeding 106 percent of the principal amount as the resolutions provide. Authorization of certificates

53807. The certificates shall be sold by the board at their face value to the investing agency. Such certificates are a legal investment by the investing agency notwithstanding any provision of law limiting the investment which may be made by the investing agency. Payment of the purchase price of certificates may be made in accordance with mutual agreement between the investing agency and the board, which agreement may provide for such payment in installments as work upon the public building or buildings progresses and funds necessary therefor are required. Sale of certificates

53808. Any resolutions authorizing the issue of certificates may contain provisions which are part of the contract with the investing agency as to: Resolutions of authorization

(a) Pledging all or any of the revenues, rentals, or receipts of the local agency from specific properties.

(b) The construction or acquisition of any public building and the duties of the board with reference thereto.

(c) The terms and provisions of the certificates.

(d) Limitations on the purposes to which the proceeds of the certificates, then or thereafter to be issued may be applied.

(e) The rate of rentals and other charges for use of the public buildings of, or for the services rendered by, the board, including limitations upon the power of the board to modify any leases or other agreements pursuant to which any rentals or other charges are payable.

(f) The setting aside of reserves or sinking funds and the regulation and disposition of them.

(g) Limitations on the issuance of additional certificates.

(h) Any other agreements with the certificate holders.

53809. The board may provide, by resolution, for the issuance of refunding certificates for the purpose of refunding any certificates of the board issued pursuant to this article and then outstanding, either by voluntary exchange with the holders of the outstanding certificates, or to provide funds to redeem and retire the outstanding certificates, with accrued interest and any redemption value payable on any call date. Resolutions

The issuance of the refunding certificates, the maturities and other details of the certificates, the rights of the certificate holders, and the duties of the board in respect to the certificates, are governed by the provisions of this article insofar as they are applicable. Refunding certificates may be issued by the board to refund certificates originally issued or to refund certificates of the board previously issued for refunding purposes.

Treasurer as trustee

53810. The treasurer of the local agency shall act as trustee for the board and the holders of the certificates issued under this article and the board may authorize the trustee to act on behalf of the holders of the certificates, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the certificates such rights and remedies as may be available to the holders.

The board shall, by resolution, prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale, and delivery of the certificates, and the payment of principal and interest thereof, the redemption of the certificates, and the management, exclusive of the investment or reinvestment thereof, of any sinking fund or other funds provided as security for the certificates.

Rights and remedies

53811. The rights and remedies conferred by this article upon or granted to certificate holders are in addition to and not in limitation of any rights and remedies lawfully granted to such certificate holders by the resolutions providing for the issuance of certificates.

If the board defaults in the payment of principal or interest on any of the certificates after such principal or interest becomes due, whether at maturity or upon call for redemption, and if such default continues for a period of 60 days, or if the board fails or refuses to comply with the provisions of this article or defaults in any agreement made with the certificate holders, the holders of 25 percent in aggregate principal amount of the certificates then outstanding by instruments filed in the office of the recorder of the county in which the local agency is situated, and acknowledged in the same manner as a deed to be recorded except as this right is limited under the provisions of any deed of trust, indenture, or other agreement, may appoint a trustee to represent the certificate holders for the purposes provided in this article. The trustee or any trustee under any deed of trust, indenture or other agreements may, and upon written request of the holders of 25 percent in principal amount of the certificates then outstanding, or such other percentage as is specified in the deed of trust, indenture or other agreement, shall in his name:

(a) By proper proceedings and actions enforce all rights of the certificate holder, including the right to require the board to collect rates, rentals and other charges adequate to carry out any agreement as to the revenues or the pledge of revenues or receipts of the board, to lease public buildings and require the board to carry out any other agreements with or for the

benefit of the certificate holders, and to perform its duties under this article.

(b) Bring suit upon the certificates.

(c) By an action require the board to account as if it were the trustee of an express trust for the certificate holders.

(d) By an action enjoin any acts or things which may be unlawful or in violation of the certificate holders' rights.

(e) By notice in writing to the board declare certificates due and payable, and if all defaults are made good then with the consent of the holders of 25 percent of the principal amount of the certificates then outstanding or such other percentage as is specified in any deed of trust, indenture, or other agreement, annul the declaration that certificates are due and payable.

Trustee and receiver

53812. A trustee, appointed pursuant to Section 53811, or acting under a deed of trust, indenture, or other agreement, whether or not all certificates have been declared due and payable, may have a receiver appointed. The receiver may, to the same extent that the board itself could do, enter and take possession of the public buildings of the board, or any parts thereof, the revenues, rentals, or receipts from which are applicable to the payment of the certificates in default, and operate and maintain the public buildings and collect and receive all rentals and revenues thereof arising therefrom in the same manner as the board might do. The receiver shall deposit money in a separate account and apply it in such manner as the court directs. In any action or proceeding by the trustees, the fees, counsel fees, and expenses of the trustees, and of the receiver, and all costs and disbursements allowed by the court, are a first charge on any revenues and receipts derived from the public buildings of the board, the revenues or receipts from which are or may be applicable to the payment of the certificates in default. The trustee shall have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth in this article or incident to the general representation of the certificate holders in the protection and enforcement of their rights; provided, however, that nothing in this section or any other section in this article shall authorize any trustee appointed pursuant to Section 53811, for the purpose of operating and maintaining any public buildings of the board, to sell, assign, mortgage, or otherwise dispose of, any of the assets of whatever kind and character belonging to the board.

Additional rights and remedies

53813. In addition to all other rights and all other remedies the holder of certificates of the board may by an action at law enforce his rights against the board, including the right to require the board to collect fees, rentals, and other charges adequate to carry out any agreement as to fees, rentals, or other charges or income, revenue and receipts and require the board to carry out any of its covenants and agreements with the certificate holders and perform its duties under this article.

Money received by board

53814. All money received by the board from whatever source derived, shall be transmitted by the board at least once in every calendar month to the county treasurer, and shall be deposited in the county treasury to the credit of the public buildings construction fund, which fund shall be created for the purpose hereinafter provided. There shall be maintained within the fund three separate accounts for each series of certificates covering all the public buildings authorized, under this article:

(a) A construction account.

(b) A revenue account.

(c) A sinking fund account.

There shall be deposited to the credit of the respective series in the construction account the proceeds from the sale of each series of certificates authorized under the provisions of this article. The money in each such account shall be expended, for the purposes authorized by this article, or as provided in the resolution, for the acquisition and construction of the public buildings, and in addition, for the payment of all costs and expenses of, and incident to, the issuance and sale of certificates and the payment of interest due or to become due on the certificates during the period of actual construction, and for such further period as may be specified in the resolution for the issuance of the certificates, not exceeding six months after the period of construction.

There shall be deposited to the credit of the respective series in the revenue account all revenues, rentals, or receipts received from the operation of each series of public buildings acquired, constructed, or operated by the board under the provisions of this article, and all other money received by the board from whatever source derived, the disposition of which is not otherwise provided by this article.

The money in each revenue account shall be expended for the payment of the costs of operation and maintenance of the public buildings authorized by this article, including administrative expenses of the board, and for such other purposes as may be provided in the resolution, subject to any restrictions provided by law or by the resolution.

All money in each revenue account, shall be set aside at regular intervals as provided in the resolution in separate sinking fund accounts for each series of certificates, which are pledged to and charged with the payment of:

(a) The interest upon such certificates as the interest falls due.

(b) The principal of the certificates as it falls due.

(c) Any redemption value upon certificates.

The use and disposition of the sinking fund account is subject to the regulations provided in the resolution. Each separate sinking fund account is an account for the benefit of each of the respective series of the certificates issued, without distinction or priority of one over another, except as to series. Subject to the provisions of the resolution, any money in the

sinking fund account of each series in excess of the amount equal to one year's interest on all certificates of that series then outstanding may be applied to the purchase or redemption of certificates of such series. All certificates purchased or redeemed shall be canceled and shall not be issued again.

CHAPTER 2071

An act relating to the transfer and repayment of certain state funds with respect to the loan made to the Golden Gate Bridge and Highway District by Chapter 1505 of the Statutes of 1945, and in this connection amending Section 2 of Chapter 1505 of the Statutes of 1945.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Upon the effective date of this act, or as soon thereafter as money is available for such purpose, the State Controller shall transfer the sum of five million dollars ($5,000,000) from the Motor Vehicle Transportation Tax Fund to the General Fund.

SEC. 2. Section 2 of Chapter 1505 of the Statutes of 1945 is amended to read:

Sec. 2. Upon the execution of a binding contract, executed on behalf of the State of California by the Director of Finance and approved by the Attorney General, whereby the Golden Gate Bridge and Highway District agrees to repay to the State of California the sum herein specified, together with interest thereon at such rate as may be provided in said contract not in excess of 2 percent per annum, out of the first toll revenues of the district collected after the bonded indebtedness of the district has been retired, the State Treasurer shall transfer to the State Highway Fund the sum of five million dollars ($5,000,000), which sum is hereby appropriated out of any money in the Bond Sinking Fund of 1943 in the State Treasury to be expended by the Department of Public Works for the purposes of this act.

When the sum hereby appropriated is repaid to the State of California as provided in this section, such sum shall be deposited in the State Highway Fund and the interest paid thereon shall be paid into the General Fund for the portion thereof earned prior to the transfer or transfers provided for in Section 1 of Assembly Bill No. 2185 of the 1959 Regular Session containing the amendment of this section, and into the State Highway Fund as to the balance.

SEC. 3. No part of this act, including the amendment of Section 2 of Chapter 1505 of the Statutes of 1945, shall become operative for any purpose unless and until federal legislation is enacted providing for apportionments of federal aid funds

for the National System of Interstate and Defense Highways for the fiscal years ending June 30, 1961 and June 30, 1962, in not less than the amounts provided for in the Federal-Aid Highway Act of 1956.

CHAPTER 2072

An act to amend Section 6026 of the Water Code, relating to the regulation of dams.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6026 of the Water Code is amended to read:

6026. No city or county has authority, by ordinance enacted by the legislative body thereof or adopted by the people under the initiative power, or otherwise, to regulate, supervise, or provide for the regulation or supervision of any dams or reservoirs in this State, or the construction, maintenance, or operation thereof, nor to limit the size of any dam or reservoir or the amount of water which may be stored therein. The term "dam" as used in this section and Section 6025 shall have the meaning ascribed to it by Section 6002, as limited by the provisions of Sections 6003 and 6004, and the term "reservoir" as used in this section and in Section 6025 shall mean the reservoir which contains the water impounded by such a dam and its appurtenant works. This part shall not prevent a city or county from adopting ordinances regulating, supervising, or providing for the regulation or supervision of dams and reservoirs that (a) are not within the State's jurisdiction, or (b) are not subject to regulation by another public agency or body.

CHAPTER 2073

An act to amend Section 3042 of, to add Section 2553.3 to, and to add Chapter 5.4 (commencing with Section 2540) to Division 2 of, the Business and Professions Code, relating to prescription lenses.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 3042 of the Business and Professions Code is amended to read:

Not applicable

3042. The provisions of this chapter do not prevent a duly licensed physician and surgeon from treating or fitting glasses

to the human eye, or from doing any act within the practice of optometry, or a duly licensed physician and surgeon or optometrist from filling prescriptions or orders, nor do they prevent the replacing, duplicating or repairing of ophthalmic lenses or the frames or fittings thereof by persons qualified to write or fill prescriptions or orders under the provisions of this chapter, nor prevent the doing of the merely mechanical work upon such lenses or upon the frames or fittings thereof by an optical mechanic, nor prevent a technician acting under the responsibility and direction of a physician and surgeon or an optometrist from using any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

It is unlawful for any person to dispense, replace or duplicate an ophthalmic lens or ophthalmic lenses without a prescription or order from a duly licensed physician and surgeon or optometrist.

SEC. 2. Chapter 5.4 (commencing with Section 2540) is added to Division 2 of said code, to read:

CHAPTER 5.4. PRESCRIPTION LENSES

2540. No person other than a physician and surgeon or optometrist may measure the powers or range of human vision or determine the accommodative and refractive status of the human eye or the scope of its functions in general or prescribe ophthalmic or contact lenses. Eye treatment

2541. A prescription lens is any device ordered by a physician and surgeon or optometrist, that alters or changes the visual powers of the human eye, including, but not limited to, ophthalmic and contact lenses. Prescription lens

2542. Only a physician and surgeon or optometrist in connection with the fitting of a contact lens or lenses, may utilize the service of a registered dispensing optician acting on the advice, direction and responsibility of such physician and surgeon or optometrist. Registered dispensing optician

2543. No one other than a physician and surgeon, optometrist or registered dispensing optician as provided in this division may dispense, sell or furnish prescription lenses. Prescription lenses

2544. A technician in the office of a physician and surgeon or optometrist acting under the direct responsibility and supervision of the physician and surgeon or optometrist may fit prescription lenses. Technician

SEC. 3. Section 2553 3 is added to said code, to read:

2553.3. Any person who on the effective date of this section has had at least five full years of actual experience in this State immediately preceding such effective date in fitting contact lenses upon prescriptions by licentiates authorized to issue such prescriptions and who was engaged, as owner or as a principal, in such business during said five year period, shall be granted a certificate by the Board of Medical Examiners, subject to all the provisions of this chapter other than Section Grant of certificate

2552, to engage in the business of a registered dispensing optician in this State, upon the filing, prior to January 1, 1960, of affidavits as provided in this section and upon the payment of the prescribed fees.

The affidavits referred to in this section shall be sworn affidavits, in a form prescribed by the board, of three physicians and surgeons licensed by the Board of Medical Examiners who specialize in the treatment of eyes, stating and certifying according to their own knowledge, that the person has the required experience, is of good moral character, and is fully competent and qualified to accurately fill prescriptions for contact lenses and to fit contact lenses.

CHAPTER 2074

An act to amend Section 17082 of the Business and Professions Code, relating to unfair trade practices.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 17082 of the Business and Professions Code is amended to read:

17082. In any action under this chapter, it is not necessary to allege or prove actual damages or the threat thereof, or actual injury or the threat thereof, to the plaintiff. But, in addition to injunctive relief, any plaintiff in any such action shall be entitled to recover three times the amount of the actual damages, if any, sustained by the plaintiff, as well as three times the actual damages, if any, sustained by any person who has assigned to the plaintiff his claim for damages resulting from a violation of this chapter.

In any action under this chapter in which judgment is entered against the defendant the plaintiff shall be awarded a reasonable attorney's fee together with the costs of suit.

The amendments to this section adopted at the 1959 Regular Session of the Legislature do not apply to any action commenced prior to September 18, 1959.

CHAPTER 2075

An act to amend Section 24207 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to state colleges.

In effect September 18, 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 24207 of the Education Code as enacted by the Legislature at its 1959 Regular Session, is amended to read:

24207. The employment of any employee of a state college, excepting those employees who on October 1, 1949, were and now are members of the State Teachers' Retirement System, shall terminate on the first day of the calendar month next succeeding that in which he attains age 70, except as follows:

(a) Any person who is employed in a teaching capacity on a semester or school-year basis may elect to continue in active service until the end of the semester or school year during which he attains age 70.

(b) A state college president may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

(c) Any person who is an academic teaching and administrative employee, as defined in Section 24301(1)(e), may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70. However, an academic teaching employee who reaches the age of 70 years, if mentally and physically sound, may be employed from year to year without tenure, for the good of the service, at the discretion of a state college president.

CHAPTER 2076

An act to add Section 31053 to the Water Code, relating to county water districts.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 31053 is added to the Water Code, to read:

31053. No publicly owned utility shall commence to provide any service for, on, or to any land within a county water district which is subject to the lien of a general obligation bonded indebtedness incurred by the district for the purpose of providing a service similar to that which the utility proposes to provide.

However, a publicly owned utility may commence to provide service, otherwise prohibited, upon either of the following conditions:

(a) If the board of directors of such a county water district shall by resolution permit such service; or

(b) In any portion of such a county water district proposed to be served by the publicly owned utility in which the total number of registered voters residing therein exceeds 200, and in which at least two-thirds of the voters shall have voted at a special county water district election to permit such service. The election shall be called and held as an initiative measure pursuant to Section 30830.

CHAPTER 2077

An act to repeal Section 73076, to amend Sections 73086, 73092, 73084.1, 73084.2, 73084.3, 73084.4, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73088, 73089 and 73090 of, and to add Sections 73076, 73093, 73094 and 73095 to, the Government Code, relating to municipal courts in Alameda County.

In effect September 18, 1959

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 73076 of the Government Code is hereby repealed.

SEC. 2. Section 73086 of said code is amended to read:

Clerks' higher compensation

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk I and deputy clerk II specified in this article shall receive correspondingly higher compensation up to but not exceeding ten percent (10) of the maximum amounts specified in this article, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III, deputy clerk IV, chief deputy clerk, division chief and clerk specified in this article shall receive correspondingly higher compensation up to but not exceeding ten percent (10) of the maximum amounts specified in this article, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 3. Section 73092 of said code is amended to read:

Qualifications

73092. Whenever the business of the court requires, the appointing officer may request the Civil Service Commission to study the duties of positions in any of the grades of deputy clerk and on the basis of its findings, to certify eligibles with appropriate qualifications in typing, stenography, account keeping, telephone switchboard and other mechanical equipment operation.

SEC. 4. Section 73076 is added to said code, to read:

Salary schedule

73076. The following salary schedule shall apply to all persons employed by municipal courts in Alameda County:

Salary Schedule

Schedule Number	Step 1	Step 2	Step 3	Step 4	Step 5
21a	536	565	595	626	660
22	255	268	281	295	310
23	268	281	295	310	325
24	281	295	310	325	341
25	295	310	325	341	358
26	310	325	341	358	376
27	325	341	358	376	395
28	341	358	376	395	415
29	358	376	395	415	436
30	376	395	415	436	458
31	395	415	436	458	481
32	415	436	458	481	505
33	436	458	481	505	530
34	458	481	505	530	556
35	481	505	530	556	584
36	505	530	556	584	613
37	530	556	584	613	644
38	556	584	613	644	676
39	584	613	644	676	710
40	613	644	676	710	745
41	644	676	710	745	782
42	676	710	745	782	821
43	710	745	782	821	862
44	745	782	821	862	905
45	782	821	862	905	950
46	821	862	905	950	998
47	862	905	950	998	1048
48	905	950	998	1048	1100
49	950	998	1048	1100	1155
50	998	1048	1100	1155	1213

SEC. 5. Section 73093 is added to said code, to read:

Mileage allowances

73093. Notwithstanding any other provision of this code, the clerk and deputy clerks provided for by this article shall be entitled to receive the same mileage allowances for use of their private automobile while on official business of the court as that provided for other employees of the County of Alameda.

SEC. 6. Section 73094 is added to said code, to read:

Clerks' privileges

73094. The clerk and deputy clerks shall be entitled to the same vacation, sickness and other leaves of absences, reinstatement privileges, longevity compensation, and similar privileges and benefits as are now or may hereafter be provided for other employees of the County of Alameda, State of California, including the right to participate in any group accident, health or life insurance plan or service adopted by the Board of Supervisors of the County of Alameda, State of California, and such privileges and benefits may be retrospectively applied.

SEC. 7. Section 73095 is added to said code, to read:

Cash difference and average funds

73095. Cash difference and overage funds may be provided for clerks of municipal courts in Alameda County, to be established and controlled, in the amount, and in the manner provided for the establishment and control of such funds for the county treasurer and tax collector by provisions of this code.

SEC. 8. Section 73084.1 of said code is amended to read:

Salaries: Clerk of municipal court

73084.1. The clerk of the municipal court for the Oakland Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 45 of the salary schedule.

SEC. 9. Section 73084.2 of said code is amended to read:

Same

73084.2. The clerk of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 21a of the salary schedule.

SEC. 10. Section 73084.3 of said code is amended to read:

Same

73084.3. The clerk of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 41 of the salary schedule.

SEC. 11. Section 73084.4 of said code is amended to read:

Same

73084.4. The clerk of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 41 of the salary schedule.

SEC. 12. Section 73085.1 of said code is amended to read:

Salary Deputy clerks and division chiefs

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number 39 of the salary schedule.

SEC. 13. Section 73085.2 of said code is amended to read:

Same Deputy clerks and chief deputies

73085.2. Deputy clerks, chief deputies, shall receive a monthly salary at the rate specified in schedule number 36 of the salary schedule.

SEC. 14. Section 73085.3 of said code is amended to read:

Same Deputy clerks grade IV

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 34 of the salary schedule.

SEC. 15. Section 73085.4 of said code is amended to read:

Same Deputy clerks grade III

73085.4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 32 of the salary schedule.

SEC. 16. Section 73085.5 of said code is amended to read:

Same: Deputy clerks grade II

73085.5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 28 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 17. Section 73085.6 of said code is amended to read:

Same Deputy clerks grade I

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 25 of the salary schedule.

SEC. 18. Section 73088 of said code is amended to read:

Clerk's appointees

73088. The clerk of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.
(b) Three deputy clerks grade IV.
(c) Five deputy clerks grade III.
(d) Four deputy clerks grade II.
(e) One deputy clerk grade I.

SEC. 19. Section 73089 of said code is amended to read:

73089. The clerk of the Oakland-Piedmont Judicial District may appoint the following deputy clerks: Same

(a) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division.
(b) Fifteen deputy clerks grade IV.
(c) Eleven deputy clerks grade III.
(d) Twenty-seven deputy clerks grade II; provided, that not to exceed nine (9) such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of one increment.
(e) Fourteen deputy clerks grade I.

SEC. 20. Section 73090 of said code is amended to read:

73090. The clerk of the municipal court for the San Leandro-Hayward Judicial District may appoint the following deputy clerks: Same

(a) One chief deputy clerk.
(b) Three deputy clerks grade IV.
(c) Two deputy clerks grade III.
(d) Nine deputy clerks grade II.

CHAPTER 2078

An act to amend Section 16750 of the Business and Professions Code, relating to restraints of trade.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 16750 of the Business and Professions Code is amended to read:

16750. Any person who is injured in his business or property by reason of anything forbidden or declared unlawful by this chapter, may sue therefor in any court having jurisdiction in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover three times the damages sustained by him, and shall be awarded a reasonable attorneys fee together with the costs of suit.

The amendments to this section adopted at the 1959 Regular Session of the Legislature do not apply to any action commenced prior to September 18, 1959.

CHAPTER 2079

An act to amend Sections 16752 and 16753 of the Business and Professions Code, relating to restraints of trade.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 16752 of the Business and Professions Code is amended to read:

Violation of chapter

16752. Upon a violation of this chapter by any corporation or association the Attorney General or the district attorney of the proper county may institute proper proceedings in a court of competent jurisdiction for the forfeiture of charter rights, franchises or privileges and powers exercised by such corporation or association, and for the dissolution of the corporation or association.

SEC. 2. Section 16753 of said code is amended to read:

Foreign corporation or association

16753. Every foreign corporation or association, exercising any of the powers, franchises or functions of a corporation in this State, which violates this chapter, is subject to revocation of those powers, franchises or functions and upon such revocation is prohibited from doing any business in this State. The Attorney General may enforce this provision by bringing proper proceedings by injunction or otherwise. Upon receipt of a certified copy of the judgment and decree of any court of competent jurisdiction finding any foreign corporation or association guilty of violating this chapter and ordering a revocation of its powers, franchises or functions of a corporation in this State, the Secretary of State shall revoke the license of any such corporation or association heretofore authorized to do business in this State.

CHAPTER 2080

An act to amend Section 42271 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to expenditures of the Department of Motor Vehicles and the Department of the California Highway Patrol.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 42271 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

42271. (a) Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of

Motor Vehicles shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The department may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred fifty thousand dollars ($150,000), the sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

(b) Such moneys in the Motor Vehicle Fund as are appropriated in the Budget Act or any other appropriation act for the support of or expenditure by the Department of the California Highway Patrol shall be expended by the department in carrying out the provisions of this code and in enforcing any other laws relating to vehicles or the use of highways. The Department of California Highway Patrol may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars ($100,000), the sums so drawn to be used as a Revolving Fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the State Controller.

CHAPTER 2081

An act to amend Section 5202 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor July 17, 1959 Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5202 of the Business and Professions Code is amended to read:

5202. "Advertising structure" refers to a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes.

"Advertising structure" does not include:

(a) Official notices issued by any court or public body or officer;

(b) Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;

(c) Directional, warning or information structures required by or authorized by law or by Federal, State or county authority.

(d) A structure erected near a city or county, which contains the name of such city or county and the names of, or any other information regarding, civic, fraternal or religious organizations located therein.

CHAPTER 2082

An act to amend Section 981.1 of the Military and Veterans Code, relating to educational assistance to veterans.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 981.1 of the Military and Veterans Code is amended to read:

981.1. Any veteran who desires to continue his education may apply for admission to the institute and if, in the opinion of the department, the educational needs and desires of the veteran can be satisfactorily met, the department shall assume state wardship and supervision over the education of such veteran. The department may provide for such education in educational institutions in this State, or in other states, or in other countries, when necessary or desirable for postgraduate or professional college courses. The department may provide educational counsel for students and assist them in securing admission to suitable institutions of learning in either public or private school field. The department may assist any eligible veteran who may apply for a short intensive postgraduate or training or refresher course in any professional field where the purposes of such course are to prepare the veteran for a state examination which he must pass as a prerequisite to practice his profession in the State of California or where said course or courses will acquaint the veteran in professional techniques developed in private practice during the time that he was in the service.

CHAPTER 2083

An act making an appropriation in augmentation of the appropriation for the support of the Department of Justice, for investigation and prosecution of alleged illegal trade practices, to take effect immediately.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The sum of ninety thousand dollars ($90,000), or so much thereof as may be necessary, is hereby appropriated

from the General Fund in the State Treasury in augmentation of the appropriation for support of the Department of Justice for expenditure for investigation of alleged illegal trade practices and the prosecution thereof and matters pertinent thereto.

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 2084

An act to add Chapter 5.5 (commencing at Section 54280) to Part 1 of Division 2 of Title 5 of the Government Code, relating to conversion of sea water.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing at Section 54280) is added to Part 1 of Division 2 of Title 5 of the Government Code, to read:

CHAPTER 5.5. WATER RESEARCH AND DEVELOPMENT

54280. As used in this chapter:

(a) "Local agency" means county, city, or any public district empowered to distribute water or engage in flood control.

(b) "United States" includes any department, board, agency, or officer thereof.

(c) "State" means the State of California or any department, agency, or officer thereof.

54281. For the purpose of carrying out the objective of Public Law 85-883, September 2, 1958, 72 Stat. 1706 (42 U.S.C. 1958a-1958g), which contemplates the construction, operation, and maintenance of a sea water conversion demonstration plant upon the West Coast of the United States, or any other act of Congress relating to sea water conversion plants which requires or contemplates local participation, any local agency acting directly, or by entering into a contract or contracts with the State, the United States, or any other local agency or agencies, or with any combination of them, may acquire, construct, operate, and maintain any sea water conversion demonstration plant as defined in Public Law 85-883 and all works and facilities necessary therefor. A local agency may also acquire water, sea water, and energy necessary therefor, may sell or buy or lease any such plant, or the products of any such plant, acquired or constructed under this chapter or under any act of Congress, may acquire and operate and maintain any sea water conversion plant or demonstration plant, and may make available to the State or the United States upon such terms as are mutually agreeable any funds or real or personal property of the local agency.

CHAPTER 2085

An act to amend Sections 11610, 11612, 11614, 11619, 11621, and 11622 of, and to repeal Section 11620 of the Health and Safety Code, relating to the forfeiture of vehicles for the unlawful transportation, depositing, concealment, and possession of narcotics.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11610 of the Health and Safety Code is amended to read:

Forfeiture of vehicle

11610. The interest of any registered owner of a vehicle used to unlawfully transport or facilitate the unlawful transportation of any narcotic, or in which any narcotic is unlawfully kept, deposited, or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof or which is used to facilitate the unlawful possession of any narcotic by an occupant thereof, shall be forfeited to the State.

SEC. 2. Section 11612 of said code is amended to read:

Investigation of interests

11612. Within fifteen (15) days after such seizure, the Chief of the Division of Narcotic Enforcement shall cause an investigation to be made as to any claimant to the vehicle whose right, title, interest or lien is of record in the Department of Motor Vehicles. If he finds that any person, other than the registered owner, is the legal owner thereof he shall forthwith send a notice of such seizure to such legal owner at his address appearing on the records of the Department of Motor Vehicles. Notice of seizure and intended forfeiture proceedings shall be filed with the county clerk and shall be served on all owners whose interest will be affected thereby.

SEC. 3. Section 11614 of said code is amended to read:

Verified answer

11614. Within 20 days after the mailing or publication of the notice, any owner of any right, title, or interest in, or lien upon, a seized vehicle may file a verified answer to the fact of the use of the vehicle alleged in the notice of seizure and of the intended forfeiture proceeding; and any legal owner, holding a bona fide lien, mortgage or conditional sales contract may file a verified answer to the facts set forth in the notice and setting forth, if such be the fact, that his lien, mortgage, or conditional sales contract was acquired without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610.

SEC. 4. Section 11619 of said code is amended to read:

Hearing

11619. At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle,

and any legal owner holding a bona fide lien, mortgage or conditional sales contract may show that he acquired his interest without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610.

SEC. 5. Section 11620 of said code is repealed. Repeal

SEC. 6. Section 11621 of said code is amended to read:

11621. No lien acquired pursuant to Chapter 6.5 (commencing with Sec. 3067) of Title 14 of Part 4 of Division 3 of the Civil Code shall be affected by a forfeiture decreed hereunder. Lien

SEC. 7. Section 11622 of said code is amended to read:

11622. If the court finds that the vehicle was not used for any purposes referred to in Section 11610 and that no narcotic was unlawfully possessed by any occupant thereof, the court shall order the vehicle released to the person entitled thereto. If the court does not so find but does find that the legal owner holding a bona fide lien, mortgage, or conditional sales contract acquired his interest without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610 and if the amount due him is equal to, or in excess of, the appraised value of the vehicle, the court shall order the vehicle released to such legal owner. If the amount thereunder is less than the appraised value of the vehicle, the legal owner may pay to the Department of Finance the amount of the registered owner's equity, said equity to be the sum difference between appraised value and the legal owner's outstanding lien, mortgage or conditional sales contract. Upon such payment the State shall relinquish all claims to the vehicle. If the legal owner elects not to make such payment to the Department of Finance, the vehicle shall be deemed forfeited to the Department of Finance and the ownership certificate shall be forwarded. Appraised value is to be determined as of the date judgment is entered on a wholesale basis and shall be an agreed value between the legal owner and the Department of Finance, or if such cannot agree then by the inheritance tax appraiser for the county in which the action is brought. Release of seized vehicle

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CHAPTER 2086

An act to amend Section 28146 of the Government Code, relating to compensation for public services in counties.

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 28146 of the Government Code is amended to read:

28146. In a county of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums:

(a) The auditor, three thousand five hundred twenty dollars ($3,520) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year, and he shall not engage in the private practice of the law.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year for all services performed by him, as supervisor and member of the board of equalization; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a county-wide basis, the salary of each supervisor shall be six thousand dollars ($6,000) a year, unless otherwise provided by the charter.

Each supervisor shall receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, for preliminary examinations and for coroner's inquests, and for transcribing notes in justice courts preliminary examinations, a monthly salary of two hundred seventy-five dollars ($275) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid seven dollars ($7) a day for each day's attendance, and ten cents ($0.10) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror The auditor shall draw his warrants for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid six dollars ($6) a day for each day's actual attendance, and ten cents ($0.10) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of

miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 2087

An act to add Section 674.5 to the Code of Civil Procedure, relating to judgment liens.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 674.5 is added to the Code of Civil Procedure, to read:

674.5. A certified copy of any judgment or order of the superior court of this State for alimony or child support, when recorded with the recorder of any county, shall from such recording become a lien upon all real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterwards and before the lien expires, acquire, for the respective amounts and installments as they mature (but shall not become a lien for any sum or sums prior to the date they severally become due and payable) which lien shall have, to the extent herein provided and for the period of 10 years from such recording, the same force, effect and priority as the lien created by recordation of an abstract of a money judgment pursuant to Section 674.

The certificate of the judgment debtor, certified by him under penalty of perjury, that all amounts and installments which have matured under said judgment prior to the date of such certificate have been fully paid and satisfied shall, when acknowledged and recorded, be prima facie evidence of such payment and satisfaction and conclusive in favor of any person dealing in good faith and for a valuable consideration with the judgment debtor or his successors in interest.

Whenever a certified copy of any judgment or order of the superior court for alimony or child support has been recorded with the recorder of any county, the expiration or satisfaction thereof made in the manner of an acknowledgment of a conveyance of real property may be recorded.

CHAPTER 2088

An act to create the Sutter County Water Agency, to develop and promote the beneficial use and regulation of the water resources of Sutter County, prescribing the agency's powers and duties, providing for its organization, operation and

management and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for the issuance of bonds payable solely from revenues, providing for the levy and collection of taxes for the payment of general agency expenses, and for co-operation and contracts with any entity.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. A district hereinafter called an agency is hereby created for the purpose of accomplishing a function of statewide importance. Said agency shall be known as the Sutter County Water Agency and shall include all territory lying within the exterior boundaries of the County of Sutter.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Sutter County Water Agency.

(b) "County" or "principal county" is the County of Sutter of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" as used hereafter means any of the following lying within or partially within, or contiguous to the agency: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, levee districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in

whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" means a resident of the agency who is qualified under the laws of the State of California to vote at a general election.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

SEC. 3. The Sutter County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 3.1. The agency shall have perpetual succession.

SEC. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 3.4. The agency shall have the power of eminent domain to acquire within the agency by condemnation in the manner and to the extent prescribed in Section 14 of Article I of the Constitution of the State of California and Title 7 commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interests therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property, nor property owned by private irrigation companies, held or used for the development, storage or distribution of water for public use, unless provision is made to furnish substitute facilities for the use of such public agency or private irrigation company; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State of California in the manner prescribed by law. Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual

cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, lease, or otherwise, with or without the privilege of purchasing, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

SEC. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

SEC. 3.7. The agency shall have power to enter into contracts with any private company formed and existing exclusively to provide water service within Sutter County whenever such contract appears to the board to be in the public interest.

SEC. 3.8. The agency shall have power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 4.2. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and flood waters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the

watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 4.3. The agency shall have the power to store water in surface or underground reservoirs within the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situate therein or involving the wasteful use of water therein, or to prevent the interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants, or to prevent unlawful exportation of water from said agency, or to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

SEC. 4.4. The agency shall have the power within the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights useful or necessary to make use of water for any purposes authorized by this act.

SEC. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 4.6. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency.

SEC. 4.7. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, along, under or across any public road, street, alley, avenue, highway

or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right-of-way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

SEC. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

SEC. 4.10. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment and purposes of the agency.

SEC. 5. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes. The agency may transfer such water or the use of agency works to other than member units for use in or outside the agency upon a temporary or short-term basis, upon a finding by the board that such water or works

exceed the needs of member units. Each contract for or sale of surplus water or the use of such water facilities shall expressly state that the sale or disposition is subject to the prior right to the use of such water or facilities by or for member units.

SEC. 5.1. The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

(1) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(2) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(3) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water, and any amount of water assigned under Section 5.6 by one member unit to another member unit shall be delivered to the latter.

SEC. 5.3. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

SEC. 5.4. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works acquired or constructed by or on behalf of the agency or member unit which such member agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the

member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Each contract may provide, among other things:

(a) The total capital obligation which the member unit agrees to bear.

(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(c) The amount of pro rata portion of water which shall be delivered to or held in storage for the member unit.

(d) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit.

Such contracts shall be executed in accordance with the laws governing such districts.

SEC. 5.5. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid to the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such member unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

SEC. 5.6. Any member unit may reduce its obligations under its contract with the agency by assignment to and acceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to the assignment. The total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

SEC. 5.7. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or disposal

thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

SEC. 6. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 6.1. All money collected in pursuance of contract with the United States shall be paid into the county treasury to the credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under contract.

SEC. 6.2. The agency may co-operate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person, in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, mutual water company and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to act.

(b) Carry out the terms of such contracts.

SEC. 7. (a) The board of supervisors of the county shall be ex officio the board of directors of the agency, and shall be entitled to receive from the agency the sum of twenty dollars ($20) for each meeting attended, plus actual, necessary and reasonable traveling expenses. The basis for compensation of the directors, and the amount thereof, can be altered only by a four-fifths vote of the directors and the approval of a majority of the advisory council. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless a majority of all members concur therein.

(b) There shall be created an advisory council to advise the board of directors. Said council shall consist of seven members, who shall be appointed by, and serve at the pleasure of, the board of directors.

SEC. 7.1. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of which a director is a minority stockholder if the contract is for the general benefit of the corporation.

SEC. 7.2. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 7.3. Nothing contained in Section 7.2 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section,

nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the Government Code.

SEC. 7.4. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 8. All officers of the county, and their assistants, deputies, clerks, and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 8.1. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC. 9. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by law for the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless a claim has been filed as provided in this section and a complaint has been filed within one year after the cause of action arose.

SEC. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after

declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. The district may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred for feasibility reports nor to indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the execution of contracts with the United States, nor the incurring of any indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose.

SEC. 13.1. The agency shall have no power to incur any bonded indebtedness except as provided in Section 16.

SEC. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be,

inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes levied for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency.

SEC. 14.1. The board shall avail itself of the assessments made by the assessor of the county within which the agency is situated, and of the assessments made by the State Board of Equalization for the county, and shall take such assessments as a basis for agency taxation and have its taxes collected by the county officials if the board declares its election so to do by resolution or ordinance and files a certified copy of the resolution or ordinance on or before the first day of August with the auditor of the county in which the agency is situated. Thereafter, each year and until otherwise provided by the board, all assessments shall be made for the agency by the State Board of Equalization and the county assessor, and all taxes shall be collected for the agency by the tax collector of the county.

SEC. 14.2. The county auditor shall on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the agency, ascertained from the assessments referred to in Section 14.1 as equalized.

SEC. 14.3. The board shall on or before the first weekday in September, or if such weekday falls upon a holiday, then on the first business day thereafter, subject to the provisions of Section 14, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property transmitted to the board by the county auditor, which rate of taxation, subject to the limitations of Section 14, shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed.

SEC. 14.4. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county in which the agency is situated a statement of the rate of taxes fixed by the board.

SEC. 14.5 The agency's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this act, shall be paid to the treasurer of the county under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 14.6. Whenever any real property situated in the agency has been sold for taxes due to the agency and has been redeemed, the money paid for redemption shall be apportioned and paid to the agency by the county auditor receiving it in accordance with the provisions of Chapter 1c (commencing

at Section 4656) of Part 8 of Division 1 of the Revenue and Taxation Code.

SEC. 14.7. All taxes levied under this act are a lien on the property on which they are levied. Unless the board has by ordinance otherwise provided, the enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this act so far as applicable.

SEC. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in an agreement between the agency and the member unit, it may determine and declare by resolution the amount of bonds necessary to be issued in each member unit affected for such work of improvement. The board shall cause a copy of the resolution duly certified by the clerk to be filed with the governing board of such member unit.

(b) After such resolution is filed, the governing board of such member unit may call a special bond election to be held and conducted in the member unit in accordance with the laws applicable to the holding of such elections in such member units; but the adoption or filing of such resolution shall not be a condition precedent to the calling of special bond elections by member units.

(c) No member unit nor the property therein nor other land within the agency shall be liable for the share of bonded indebtedness of any other member unit for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other member unit.

SEC. 16. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency should be incurred, and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to issue revenue bonds in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code, and for such purpose the agency shall be considered "a local agency" as defined by Section 54307 of the Government Code.

SEC. 17. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securities Commission Law, (Chapter 1 (commencing at Section 2000) of Division 10 of the Water Code).

SEC. 18. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and maps theretofore adopted unless the doing of any of such work described in said report shall be prohibited by law, or be rendered contrary to

the best interest of the agency by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work of improvement, and may cause any plans and specifications to be made and adopted therefor.

Whenever bonds have been authorized and the proceeds of the sale thereof have been expended as authorized in this act and the board shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act, and submit to the qualified voters the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election for incurring indebtedness and issuing bonds under this act for the same purpose.

The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 19. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the construction fund shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, become and be the property of the agency, and be used by the agency for any lawful purpose.

SEC. 20. If the interest and principal of the revenue bonds and all charges to protect or secure them are paid when due, an amount for the necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair and other expenses necessary to maintain and preserve the enterprise in good repair and working order, may be apportioned from the revenues and subject to any limiting covenants in the resolution providing for the issuance of bonds, the remaining surplus may be used for any lawful purpose of the agency which without limiting the generality of the foregoing shall include the right and authority to expend any or all of such surplus as contributions in aid of necessary extensions of water storage and distribution facilities of the agency, payment of in lieu taxes to the County of Sutter upon works of the agency situate within the County of Sutter, and the purchase or obtaining of additional water supplies.

SEC. 21. The agency at any time after the authorization of bonds or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of Sutter to determine the validity of the bonds or of the levy or of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract.

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC. 22. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Sutter County Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and

water conservation, storage, distribution, sale, use or development.

SEC. 23. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof.

SEC. 24. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Sutter, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 25. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing at Section 58950) of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter; provided, however, that if within 90 days after the effective date of this act, a petition is filed with the Board of Supervisors of Sutter County, the agency may be dissolved in the following manner. Upon the filing of the petition with the board signed by qualified electors of Sutter County equal in number to 10 percent of all the votes cast in the county for all candidates for Governor at the last preceding general election at which a Governor was elected, the board shall submit the question of dissolution of the agency to the agency electors. The question of dissolution shall be submitted at a special election held for that purpose not later than the ninetieth day after filing of the petition with the secretary of the board.

If a majority of the votes favor dissolution, the board shall by resolution dissolve the agency. The board shall file a certified copy of the resolution with the Secretary of State and for

record in the office of the county recorder. Thereupon the agency is dissolved for all purposes.

SEC. 26. The Legislature hereby finds that water problems in the County of Sutter require countywide water conservation, flood control and development of water resources; that all land within the county will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the Sutter County Water Agency; that the county for many years has made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, irrigation districts and reclamation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county, and for such reason it is necessary to have a political entity at least coextensive with the geographical limits of the entire county. It is therefore hereby declared that a general law cannot be made applicable to said county, and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 27. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 28. This act may be designated and referred to as "The Sutter County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 2089

An act to add Section 330 to the Streets and Highways Code, relating to state highways.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 330 is added to the Streets and Highways Code, to read:

330. Route 30 is from Route 31 near Devore to Route 26 near Milliken Avenue.

CHAPTER 2090

An act to amend Section 226 of the Water Code, relating to water use investigations, and making an appropriation.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Water Code is amended to read:

Powers of the department

226. The department, either independently or in co-operation with any person or any county, state, federal, or other agency, may do any of the following:

(a) Conduct investigations of all or any portion of any stream, stream system, lake or other body of water.

(b) Investigate either or both surface and underground water conditions.

(c) Collect records of diversion and use of water.

(d) Supervise distribution of water in accordance with agreements and court orders therefor.

(e) Conduct investigations of the rate of use of water for various purposes and considering various soil conditions.

Appropriation

SEC. 2. The sum of two hundred fifty thousand dollars ($250,000) is appropriated from the California Water Fund in the State Treasury to the Department of Water Resources for expenditure in conducting investigations of the rate of use of water, pursuant to subdivision (e) of Section 226 of the Water Code.

CHAPTER 2091

An act to add Sections 21641 and 21642 to the Public Utilities Code, relating to airspace hazards.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

Legislative intent

SECTION 1. The safety, welfare and protection of persons and property in the air and on the ground and of the maintenance of electronic communications within the State require that the navigable airspace overlying the State be maintained in a reasonably unobstructed condition for the safe flight of aircraft.

In enacting this law, it is the intent and purpose of the Legislature to so provide for the safety, welfare and protection of persons and property within the State.

SEC. 2. Section 21641 is added to the Public Utilities Code, to read:

Height of structures

21641. No person shall erect or add to the height of any structure within the boundaries of this State which will result

in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the commission. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 Stat. 731).

SEC. 3. Section 21642 is added to said code, to read:

Issuance of permit

21642. The commission may refuse issuance of a permit under Section 21641 if it determines, after notice and hearing held pursuant to this part, that the erection of or addition to a structure would obstruct the airspace overlying the State so as to create an unsafe condition for the flight of aircraft.

Any person aggrieved by the action of the commission pursuant to this section may have such action reviewed by the courts in a manner provided by law.

CHAPTER 2092

An act to add Sections 12585.1 and 12750.1 to, and to amend Section 12639 of, the Water Code, relating to flood control projects.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12585.1 is added to the Water Code, to read:

Cost of local co-operation

12585.1. The costs of local co-operation shall include, as to projects specifically adopted and authorized by the Congress and the Legislature, costs hereafter incurred prior, as well as subsequent, to Congressional authorization but subsequent to submission of the project report by the Secretary of the Army or other authorized official to the Congress for project authorization; but such co-operation shall apply only to costs incurred for the project as finally authorized by the Congress and the State, and such costs shall not be eligible for reimbursement by the State until after federal and state authorization and after the appropriation of construction funds by the Congress.

As to small flood control projects undertaken by the United States Corps of Engineers pursuant to Section 205 of the Flood Control Act of 1948 (Public Law 858, Eightieth Congress, 2d Session, approved June 30, 1948), as amended, costs of local co-operation shall include costs incurred after submission of the design memorandum to the Chief of Engineers, if an allocation of funds for the project is thereafter made by the Chief of Engineers, and such costs shall be limited to costs incurred for the project as finally approved by the Chief of Engineers.

SEC. 2. Section 12639 of said code is amended to read:

12639. The works of improvement for the control, conservation and utilization of destructive flood waters and the reclamation and protection of lands that are susceptible to overflow by flood waters, which are described in this chapter, are adopted and authorized in the interest of the public welfare of the people of this State to be prosecuted substantially in accordance with the plans in the respective reports designated in this chapter. Purpose

If, however, there are any major project changes in the plan of improvement originally approved by the Congress and adopted and authorized by the State, which changes result in a substantial increase in the estimated cost of lands, easements and rights-of-way for the project, no money shall be reallocated by the State in aid of that portion of the project until the revised plan has been reviewed and approved by the department. Such approval shall be given if the department finds in its judgment that the benefits of the proposed works of improvement for the revised project will exceed the cost thereof and that the revised project appears to be the most economical project plan, considering construction costs, lands, easements and rights-of-way costs, and costs of operation and maintenance.

SEC. 3. Section 12750.1 is added to said code, to read:

12750.1. The State shall pay the cost of lands, easements and rights-of-way for small flood control projects authorized by Section 12750 only if the department finds in its judgment that the benefits of the proposed works of improvement will exceed the costs thereof and that the project plan appears to be the most economical project plan, considering construction costs, lands, easements and rights-of-way costs, and costs of operation and maintenance. State's payments

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CHAPTER 2093

An act to amend Sections 9, 12, 27 and 27.1, and to add Sections 16.3, 16.4, and 17.1 to, the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911), relating to municipal water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 9 of the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911) is amended to read:

Sec. 9. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders

may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of _____ Municipal Water District as follows:". Each of the members of the board of directors shall receive compensation in an amount not to exceed fifty dollars ($50) for each attendance at the meetings of the board, which amount shall be fixed from time to time by the board of directors. No director, however, shall receive pay for more than two meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

SEC. 2. Section 12 of said act is amended to read:

Sec. 12. Any municipal water district incorporated as herein provided, shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the district to cities, and to other public corporations and public agencies within the district, and to the inhabitants of such

cities and of other territory within the district, and to persons, corporations, and other private agencies within the district for use within said district without any preference, and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

6a. To supply and deliver district water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the district to furnish water to other persons, firms or corporations at just and reasonable rates;

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city; provided, the district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location;

7a. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any powers of the district. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city; provided, the district, in exercising such right, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. A municipal water district shall not exercise the right of eminent domain, under this subdivision, for the condemnation of property outside the boundaries of the district, unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located.

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund

(by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the district or property thereof; also to issue warrants to pay the formation expenses of the district, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election;

8a. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of said district; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate;

9. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor;

9a. To restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district; to prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential;

9b. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the district;

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the district's powers;

11. In case of condemnation proceedings the board shall proceed in the name of the district;

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the district, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

13. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district or its inhabitants or the owners of rights to water therein.

14. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of such district, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation or public district of this State. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the municipal water district incurs an indebtedness or liability exceeding in any year the income

and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the district voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the district.

15. To commence, maintain, intervene in, and compromise, in the name of the district, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or a common benefit to lands within the district or its inhabitants.

16. To issue bonds under Section 15 of this act for the purpose of providing money required to be paid to any district organized under the Metropolitan Water District Act or the County Water Authority Act by the board of directors of such district as all or part of the terms and conditions upon which the corporate area of a municipal water district may be annexed to and become a part of said metropolitan water district or county water authority. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

17. To issue revenue bonds for any purpose for which general obligation bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act.

18. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed by a municipal water district under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the municipal water district. In the application of said Improvement Act of 1911 to proceedings instituted by a municipal water district, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of a municipal water district.

(b) "Municipality" and "city" shall mean a municipal water district.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean any person appointed by the board of directors to perform such duties.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the person or officer who has charge of and makes payment of the funds of the district.

(g) "Mayor" shall mean the president of the board of directors of a municipal water district.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the district for the purpose of constructing and

maintaining any works or improvements of municipal water districts.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the municipal water district.

19. To acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the district and its inhabitants and may prescribe, revise and collect rates or other charges for the services and facilities furnished pursuant to this subdivision. The revenues from such rates and charges may be used to pay the operating and maintenance expenses of such facilities, provide a reasonable surplus for improvements, extentions and enlargements, pay the interest on any bonded debt for such facilities and provide a sinking or other fund for the payment of the principal of such debt as it may become due. The district may provide that such rates and charges may be collected with the water rates of the district and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part thereof, the district may discontinue any and all service for which such bill is rendered, but this provision shall not be construed to prohibit the collection of rates or charges by the district in any other lawful manner. The second sentence of Section 33 of this act shall not be applicable to this subdivision.

20. To acquire, construct, and operate facilities for providing fire protection to the district and its inhabitants, including buildings, engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department. The second sentence of Section 33 of this act shall not be applicable to this subdivision.

SEC. 3. Section 16.3 is added to said act, to read:

Sec. 16.3. The board of directors may advance general funds of the district to accomplish the purposes of an improvement district formed in accordance with Section 16 or 16.2 and, if the improvement district is formed under Section 16, may repay the district from the proceeds of the sale of bonds authorized for such purposes, or if the improvement district is formed under Section 16.2 may, in the formation of such improvement district provide that the district shall be repaid with interest at not to exceed 5 percent per annum out of the special taxes levied exclusively upon the taxable property in said improvement district.

SEC. 4. Section 16.4 is added to said act, to read:

Sec. 16.4. The board of directors, by ordinance, may fix, on or before the first day of July in each calendar year, a water standby or availability charge in any improvement district to which water is made available by the district, whether the water is actually used or not; such charge shall not exceed five dollars ($5) per acre per year for each acre of land within such improvement district or three dollars ($3) for a parcel

of land less than one acre. Said ordinance shall be adopted only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after notice and hearing in the manner prescribed in Section 27.1 and may establish schedules varying the standby charges according to land uses, water uses, and degree of water availability.

In case any water standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required for county purposes, the amount of the unpaid standby charge shall be added to and become part of the annual tax levied upon the land to which water for which the standby charge is unpaid was available and same shall constitute a lien on that land, and shall be added to and become a part of the first installment of said tax.

In such case and at least fifteen (15) days before the first day of the month in which said board of supervisors is required by law to levy the amount of taxes required for county purposes, the board of directors of the district shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the district upon which a standby charge remains unpaid, together with the amount of said unpaid charge on each said parcel of land.

SEC. 5. Section 17.1 is added to said act, to read:

Sec. 17.1. Interest on any bonds issued by the district coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, may be paid from the proceeds of the sale of such bonds; provided, that not more than 5 percent of the proceeds of any sale of bonds shall be used for said purpose.

SEC. 6. Section 27 of said act is amended to read:

Sec. 27. Any portion of a county in which a municipal water district is situated, or any city situated within such county, or both, may be added to any district organized under the provisions of this act, and such cities need not be contiguous and such unincorporated territory may consist of one or more parcels which need not be contiguous one with the other or with any such cities and such annexing area or areas need not be contiguous with the district. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10 per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities are included in such proposed annexation, such petition must be signed by at least 10 per centum of the voters of each such city so voting

at such election. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such municipal water district.

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the district in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Within 10 days of the date of the filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the district, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the district has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the district, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the district shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the district and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Such petition may be granted by ordinance of the board of directors of such district. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such municipal water district of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such municipal water district, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such district at the time authorized or outstanding. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the county once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submittted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to _____ (name of municipal water district) subject to the terms and conditions fixed by the board of directors of said district?" At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election

and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such district is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate, reciting the passage of said ordinance and the addition of said area or areas to said district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such municipal water district is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said municipal water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said municipal water district, and the board of directors of such municipal water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

SEC. 7. Section 27.1 of said act is amended to read:

Sec. 27.1. Uninhabited territory within a county in which a municipal water district is situated may be added to such district pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board. Such uninhabited territory may consist of unincorporated territory only or of incorporated territory lying within the boundaries of one or more cities, or of both such unincorporated and incorporated territory; provided, that incorporated territory lying within the boundaries of any city may be added to such district in accordance with the provisions of this section only if upon the annexation of such uninhabited territory the entire corporate area of such city will be included in such district. Such uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both such unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the district.

Proceedings for the annexation of uninhabited territory to any district may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county in which such territory is situated. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the owner-

ship of the land or lands lying within such territory proposed to be annexed. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such municipal water district pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the district at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed annexation. Said resolution shall state that such petition has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of any district by resolution may initiate proceedings for the annexation of uninhabited territory to such district. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the district shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the district.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation and the addition of the uninhabited territory to the district, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the district written protest

against the annexation, or against the annexation upon the terms and conditions specified in the resolution, as the case may be. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the annexation by ordinance. Any ordinance approving such annexation shall set forth and describe the boundaries of the territory so annexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized. If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

The board of directors may approve the annexation of such territory upon terms and conditions fixed by the board in the manner hereinafter provided. Such terms and conditions may provide, among other things, for the levy by such municipal water district of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such municipal water district, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such district at the time authorized or outstanding. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing. Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing. If such terms and conditions, or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed

in such resolution, and said resolution shall state that any owner of property within such territory may file with the secretary of the district, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of such territory upon such terms and conditions. The secretary of the district shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation of such territory subject to such terms and conditions, are filed with the secretary of the district by the owners of one-half of the value of said territory as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the board of directors shall by ordinance approve or disapprove the annexation. If approved, such annexation shall be subject to the terms and conditions, or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance.

When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such municipal water district is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said municipal water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said municipal water district, and the board of directors of such municipal water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Notwithstanding the eligibility of any territory for annexation to a district pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be annexed to such district as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Section 27 of this act.

SEC. 8. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase

thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Many communities urgently need water, sewer and fire protection facilities in order that the public health and safety may be preserved. To obtain these facilities it will be necessary that the amendments to the Municipal Water District Act of 1911 provided by the within and foregoing amendatory act are made effective immediately.

CHAPTER 2094

An act to amend Sections 5931, 5970, 7799, 7803.1, 7804, 7840, 7841, 7841.5, 7842, 7843, 7844, 7845, 7847, and 7848 of, to add Sections 7801, 7802, 7808, and 7849 to, to add Chapter 4.5 (commencing at Section 7650) to Division 9 of, and to repeal Sections 5932.5, 7801, 7801.5, 7802, 7803, 7806, and 7807 of, the Elections Code, relating to canvass of ballots.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5931 of the Elections Code is amended to read:

Absentee ballots

5931. At any time on or before the date of an election, an absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it, on or before the day of election, to the clerk by mail if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or

(e) He resides more than 10 miles from the nearest polling place by the most direct route for public travel.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the

declaration on the envelope and mail it, on or before the day of election, to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope containing the identification envelope, postmarked on or before the day of election, the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the identification envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballots. An identification envelope shall in no event be opened before the time for canvassing absent voter ballots.

SEC. 3. Section 5970 of said code is amended to read:

Requests for absentee ballots

5970. On election day any voter unable to go to the polls because of illness or disability incurred after the closing date for absentee ballot applications resulting in his confinement in a hospital, sanatorium, or nursing home may request in a writing, signed by him, that the clerk send him an absentee ballot. The clerk shall deliver, at the office of the clerk, such ballot to any authorized representative of the voter possessing a letter from a voter's physician or practitioner stating that the voter is a patient in a hospital, sanatorium, or nursing home, and giving the date of admittance thereto.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and return it to the office of the clerk of the locality in which he resides.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballots.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting, insofar as such other provisions are not inconsistent with the provisions of this section.

SEC. 4. Chapter 4.5 (commencing at Section 7650) is added to Division 9 of said code, to read:

CHAPTER 4.5. SEMI-OFFICIAL CANVASS

Applicability

7650. This chapter applies to all statewide elections, including the primary and general elections.

Semi-official canvass

7651. The county clerk shall conduct a semiofficial canvass commencing as soon as the first returns are received by him from the precincts, and in no event later than 10 o'clock p.m. on election day, by compiling the returns as shown on the result of the votes cast turned in to him after the precinct boards have completed their canvass at the polls. He shall continue the semiofficial canvass without adjournment until all precincts are accounted for.

7652. Upon the expiration of each two hours following the commencement of the semiofficial canvass until the expiration of 12 hours; of each six hours for the next 12 hours; and thereafter each 12 hours, the county clerk shall transmit the returns to the Secretary of State in the manner prescribed by him, for: Returns submitted

(a) All candidates voted for in more than one county.

(b) All candidates voted for wholly within one county for the following offices:

(1) State Assembly.

(2) State Senate.

(3) Representatives in Congress.

(4) Members of the State Board of Equalization.

(c) In presidential years, all persons voted for at the presidential primary or for electors of President and Vice-president of the United States, depending on the election involved.

(d) Statewide ballot measures.

7653. The Secretary of State, commencing with the first returns received by him from the county clerks, shall compile the returns for the offices and measures mentioned in Section 7652, which compilation shall be continued without adjournment until completed. The Secretary of State shall immediately make public the results of his compilation as to such offices and measures. Compilation of returns

SEC. 6. Section 7799 of said code is amended to read:

7799. In any county having a registrar of voters "clerk" as used in this chapter means such registrar of voters. "Clerk"

SEC. 7. Section 7801 is added to said code, to read:

7801. As soon as the semiofficial canvass is completed the county clerk shall commence to count and canvass the absent voter ballots, which count and canvass shall be continuous and without adjournment until completed and the result thereof tallied and returned. Tally of votes

SEC. 8. Section 7802 is added to said code, to read:

7802. The county clerk may appoint either of the following to assist him to count and canvass the absent voter ballots: County clerk assistants

(a) Special canvassing boards, to consist of five voters for each canvassing board, to canvass each 350 ballots or portion thereof.

(b) A single canvassing board of such number as the clerk deems necessary, to count and canvass all of the absent voter ballots cast in the county, city, or political subdivision.

SEC. 9. Section 7803.1 of said code is amended to read:

7803.1. Where the special canvassing board consists of more than five voters, five of them shall be designated to pass upon challenges and all questions relating to the marking of the ballots. Special forms of tally books or tally sheets may be prescribed by the clerk and the duties of counting and canvassing may be distributed among the members of such special canvassing board by the clerk in any manner which in the opinion of such clerk will assure a true and accurate count; provided, only, that the tally for each office or proposition Special canvassing board

shall be made by not less than four members, one to read from the ballots, another to keep watch of the vote thereon and to keep a check on any possible illegal vote or on any error or omission on the part of the officer reading or calling the ballot, and two to keep the tally upon the books or sheets provided therefor.

SEC. 10 Section 7804 of said code is amended to read:

Same Compensation

7804. The clerk shall pay a reasonable compensation to each member of the canvassing board for his services rendered in the canvass of the absent voter ballots made by him. This compensation is payable out of the treasury of the county, municipality, or other political subdivision as other claims against it are paid.

SEC. 11. Section 7808 is added to said code, to read:

Report to Secretary of State

7808. The county clerk as soon as he has completed the canvass of all absent voter ballots shall report his findings to the Secretary of State as to the offices and measures prescribed in Section 7652. The county clerk shall also immediately make public the results of the absentee vote canvass as to all offices and measures appearing upon the ballot.

SEC. 12. Section 7840 of said code is amended to read:

"Board"

7840. Unless the context otherwise requires, as used in this article, "board" means a canvassing board appointed by the clerk pursuant to this chapter.

SEC. 13. Section 7841 of said code is amended to read:

Identification envelopes

7841. In beginning the canvass, the board shall take up the identification envelopes containing the ballots separately in the presence of a majority of the members of the board, and of the public who may be present.

SEC. 14. Section 7841.5 of said code is amended to read:

Same

7841.5. In beginning the canvass for an election in any municipality or in any district, the board shall take up the identification envelopes containing the ballots separately in the presence of a majority of the members of the board, and of the public who may be present, and compare the signature of the voter on each of these envelopes with that on the application of the voter which has previously been compared with the signature on the registration affidavit of the voter by the city clerk of the municipality or the secretary or other officer having charge of the election in any district.

SEC 15. Section 7842 of said code is amended to read:

Challenge of voter

7842 The board shall announce audibly the voter's name, whereupon a challenge may be interposed against the counting or deposit of the absent voter ballot for counting, upon either or all of the grounds available against a person attempting to vote at a polling place. A challenge may also be interposed upon the ground that the ballot was not mailed within the time prescribed by law.

SEC. 16. Section 7843 of said code is amended to read:

Overruled challenge

7843. If a challenge is overruled, the board shall then open the identification envelope without defacing the affidavit printed thereon or mutilating the enclosed ballot, and with-

out unfolding the ballot, remove the number therefrom, destroy the number slip and deposit the ballot in the ballot box provided for the purpose.

SEC. 17. Section 7844 of said code is amended to read:

7844. If a challenge is allowed, the board shall indorse on the face of the identification envelope the cause of the challenge and its action thereon. Sustained challenge

SEC. 18. Section 7845 of said code is amended to read:

7845. If in any case a majority of the board finds that the signature on any identification envelope is not the same as that appearing on the duplicate affidavit of registration of the voter, the board shall refuse to open the envelope or count the ballot. It shall endorse the cause of the rejection on the face of the identification envelope A majority of the board shall sign the endorsement. No ballot shall be rejected for such cause after the envelope containing it has been opened. Rejection of ballot

SEC. 19. Section 7847 of said code is amended to read:

7847. The board shall tabulate the result of the count for each candidate voted for, and for and against each measure voted upon under the heading "absentee vote," regardless of the precincts within which the absentee voters are registered. Absentee vote tabulation

SEC. 20. Section 7848 of said code is amended to read:

7848. The board shall add the total of the votes cast in each precinct for each of the candidates, and for and against each measure voted upon to the total for each candidate, and for and against each measure, tabulated under the heading "absentee vote." Same

SEC. 21. Section 7849 is added to said code, to read:

7849. The count and canvass of absent voter ballots shall be completed after an immediate count by the staff of the clerk and included with the canvass of returns from the precincts. Count and canvass of absentee ballots

SEC. 22. Sections 5932 5, 7801, 7801 5, 7802, 7803, 7806, and 7807 of said code are repealed. Repeal

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CHAPTER 2095

An act to add Sections 3246 and 4100 to the Streets and Highways Code, relating to street improvements.

[Approved by Governor July 18, 1959 Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 3246 is added to the Streets and Highways Code, to read:

3246. No contract for the construction or maintenance of any improvement pursuant to this part shall be let unless the contractor first posts either a corporate surety bond or a bond to the satisfaction of the city council, in an amount determined Posting of bond

by the city council, conditioned upon the satisfactory completion of the work undertaken.

SEC. 2. Section 4100 is added to said code, to read:

Same

4100. No contract for the construction or maintenance of any improvement pursuant to this part shall be let unless the contractor first posts either a corporate surety bond or a bond to the satisfaction of the legislative body, in an amount determined by the legislative body, conditioned upon the satisfactory completion of the work undertaken.

CHAPTER 2096

An act to amend Sections 16616 and 16618 and the heading of Chapter 5 (commencing at Section 16601) of, and to add Article 2 (commencing at Section 16645.1) to Chapter 5 of, Division 12 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to child care centers for mentally retarded and physically handicapped children.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

I object to the item of appropriation in Sec. 5 of Senate Bill 740, and eliminate the entire amount therein set forth. With this deletion, I approve the bill.

EDMUND G. BROWN,
Governor

The people of the State of California do enact as follows:

Heading

SECTION 1. The heading of Chapter 5 (commencing at Section 16601) of Division 12 of the Education Code is amended by adding Article 1 to read:

CHAPTER 5. CHILD CARE CENTERS

Article 1. Normal Child Care Centers

SEC. 2. Article 2 (commencing at Section 16645.1) is added to Chapter 5 of Division 12 of the Education Code, to read:

Article 2. Mentally Retarded and Physically Handicapped Child Care Centers

Legislative purpose

16645.1. The purpose of the Legislature in enacting this article is to determine (1) the extent of need for child care centers for physically handicapped and mentally retarded children, (2) problems encountered in their operation, (3) cost of operation, and (4) effectiveness of such centers to relieve parents to engage in work and to reduce the demand for institutional placement.

Pilot child care centers

16645.2. The governing board of any school district is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more pilot child care centers for physically handicapped and mentally retarded children between 2 years and 16 years of age residing

in, and in the custody of persons residing in, the district. The governing board shall determine the hours, days, and months during which the child care center is to be maintained.

Definitions

16645.3. As used in this article (commencing at Section 16645.1) "parent" includes any person having legal custody of a child, and "child care center" means a child care center for mentally retarded and physically handicapped children.

Standards

16645.4. The Superintendent of Public Instruction shall establish reasonable and uniform standards for child care centers, and shall establish standards for the admission of a child. He may change the standards whenever he deems it advisable.

Another district's children

16645.5. A governing board maintaining a child care center may accommodate in the center children residing in another district upon such terms and under such conditions as may be agreed upon by the governing boards of both districts.

Maintenance and administration

16645.6. The governing board may permit the use of, and furnish maintenance for, buildings, grounds, and equipment of the district, and may use existing administrative personnel for the purposes of this article (commencing at Section 16645.1).

Contracts

16645.7. The governing board may enter into agreements with any city, county, or city and county or other public agency for the furnishing to, or use by, the governing board in carrying out the provisions of this article (commencing at Section 16645.1), of property, facilities, personnel, supplies, equipment and other necessary items, and such city, county, city and county, or other public agency is authorized to enter into such agreements.

Weekly fee

16645.8. The governing board shall charge and collect in advance, from the person having custody of any child admitted to a child care center, a weekly fee equal to that specified in the fee schedule prescribed by the Superintendent of Public Instruction.

Schedule of fees

16645.9. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. Such schedule shall not exceed twice the hourly fee established for a normal child care center. The fees shall be based on the financial status of the parents, with larger fees to be charged for children of families having larger incomes.

If the combined income of the parents having one child exceeds four hundred sixty-two ($462), or, where there is more than one child, if it exceeds four hundred sixty-two dollars ($462) plus an additional sixty-six dollars ($66) for each additional child, the parents shall be charged the full cost of care of the child at the center. Fees for children of parents having lower incomes shall be fixed on a sliding scale basis. If it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule, any increase shall be made first in fees charged to those in the higher income brackets. The rate of

increase in fees charged for children of families of different income levels need not be uniform as between the different income levels.

The fee schedule shall, so far as reasonably possible, be established on such basis and in accordance with such principles as the Superintendent of Public Instruction may determine to insure proper administration of the child care center program and to establish uniform budgetary and accounting procedures.

Same: Revision

16645.10. The Superintendent of Public Instruction may revise the fee schedule as necessary in order to conform with the provisions of this code. A change in the fee schedule shall become effective fifteen (15) days after notice of such change has been given by the Superintendent of Public Instruction in writing to each district maintaining a child care center.

Apportionment of state funds

16645.11. The Superintendent of Public Instruction shall apportion state funds to the districts in such amounts as will equal the difference between fifty-two cents ($0.52) and the average hourly fee per child collected, but such amount shall not be less than thirteen cents ($0.13) per hour per child or more than thirty-one cents ($0.31) per hour per child.

Inclusion in budget

16645.12. Pursuant to Sections 20501 to 21001 inclusive, the governing board of any school district maintaining a child care center may include in its budget the amount necessary to carry out its program pursuant to this article (commencing at Section 16645.1) and the board of supervisors shall levy a school district tax necessary to raise such amount. The tax shall be in addition to any other school district tax authorized by law to be levied.

Funds derived from such tax may be expended in addition to parent fees and state funds, and shall not operate to affect the operation of either the fee schedule or the formula for apportioning state funds provided for in Sections 16645.9 and 16645.11.

Fund established

16645.13. The governing board shall establish in the county treasury a fund to be known as the "mentally retarded and physically handicapped child care center fund" into which shall be paid all funds received by the district for, or from the operation of, child care centers established under this article (commencing at Section 16645.1). The costs incurred in the maintenance and operation of child care centers shall be paid from the fund, except that any contributions authorized or required to be paid by the district on account of services of employees of a child care center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Sections 16645.12 and 16645.16, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for

the support of child care centers, may be expended for, or in connection with, a child care center.

Apportionment

16645.14. If during any fiscal year there is apportioned to the "child care center fund" more or less than the amount to which the fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment during such next or succeeding year, the amount of such excess or deficiency.

Acceptance of federal funds

16645.15. The State Department of Education is hereby authorized to accept funds from the Government of the United States and to apportion them to the governing board of such school districts as conduct child care centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this article (commencing at Section 16645.1) and all such funds may be accepted subject to such conditions as will further the purposes of this article (commencing at Section 16645.1).

Additional services

16645.16. In any county or school district in which local conditions demand or make desirable the furnishing of additional services or facilities, a school district or a county may provide, either jointly or severally, for such additional services or facilities of the child care centers established and maintained in such school district or county. Any additional services or facilities furnished pursuant to this section shall meet all of the requirements of this article (commencing at Section 16645.1). Any county desiring to provide such additional services or facilities may levy a tax to provide funds for such purpose. Pursuant to Sections 20501 to 21001, inclusive, the governing board of any school district desiring to provide such additional services or facilities may include in its budget the amount necessary therefor and the board of supervisors shall levy a school district tax necessary to raise such amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

Standards for permits

16645.17. The Superintendent of Public Instruction shall establish standards for the issuance of permits for persons to be employed in child care centers established under this article (commencing at Section 16645.1). Such standards may be changed from time to time, but changes therein shall not affect then valid permits issued to persons.

Employees

16645.18. The governing board shall employ in a child care center only such persons who hold permits issued by the Superintendent of Public Instruction. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in child care centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the care and guidance of children or supervision of a child care program. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of

his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed permit in the same manner.

Same Status

16645.19. Each person employed by a school district in a child care center under the provisions of this article (commencing at Section 16645.1) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications, except that he shall not be subject to the provisions of Sections 13701 to 13756, inclusive, of this code.

Rules and regulations

16645 20. The governing board may adopt such reasonable rules and regulations governing the child care center or centers maintained by it as are not in conflict with law or the standards and regulations established for child care centers by the Superintendent of Public Instruction. The rules and regulations adopted by the governing board may include, among others, rules and regulations relating to the admission of children to. and their exclusion from, such center or centers.

Religious beliefs and admission

16645.21. No standard, rule or regulation shall require medical examination or immunization for admission to a child care center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist.

Child's absence

16645 22. Children regularly enrolled in a child care center who are absent on account of illness or quarantine shall be considered to be in regular attendance for the number of hours per day for which they are enrolled for the purpose of reporting attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction.

Discontinuance of center

16645 23. Any child care center may be discontinued at any time at the discretion of the governing board of the district upon the giving of the notice herein prescribed.

Not less than 30 days before the discontinuance of a child care center the governing board shall mail to each person having custody of a child in attendance at such child care center a notice of the intended discontinuance of the child care center and the date the discontinuance will become effective, and shall post a similar notice at the child care center.

16645.24. Any unencumbered balance remaining in a district "mentally retarded and physically handicapped child care center fund" may be deposited in the general fund of the school district one year after the discontinuance of its child care center program pursuant to **Section 16645.23.** Unencumbered balance remaining in fund

16645.25. The governing board shall insure against the liability, other than a liability which may be insured against under Division 4 of the Labor Code, imposed upon the district by any law of this State, in any insurance company authorized to do business in this State. The cost of such insurance shall be paid out of the "mentally retarded and physically handicapped child care center fund" of the district. Insurance against liability

16645.26. An Advisory Committee on Pilot Child Care Centers for mentally retarded and physically handicapped children shall be established to aid in setting standards for admission to centers, and to advise district governing boards in the administration and operation of centers. The Advisory Committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Health to be appointed by the Director of Mental Health, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public to be appointed by the Director of Education, and one member from each school district participating in the program to be appointed by the governing board of the district. The member from the Department of Education shall serve as secretary of the committee. Advisory committee established

16645.27. The Superintendent of Public Instruction shall prepare and submit to the Legislature at the commencement of the 1961 Regular Session a report on the pilot child care centers established under this article (commencing at Section 16645.1). Report to Legislature

SEC. 3. Section 16616 of said code is amended to read:

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to thirteen cents ($0.13) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied. Schedule of fees

For parents of mentally retarded or physically handicapped children, the schedule shall be as provided in Section 16645.9.

SEC. 4. Section 16618 of said code is amended to read:

16618. The statewide average state support per hour per child shall be twenty-six cents ($0.26). Statewide average state support

(a) For purposes of this article (commencing at Section 16601) the Superintendent of Public Instruction shall apportion state funds to the districts using twenty-six cents ($0.26) per hour per child. If the fees collected by any district shall for any month be less or more than thirteen cents ($0.13) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than thirteen cents ($0.13) per hour per child, except that in no event shall the amount apportioned exceed thirty-one cents ($0.31) per hour per child.

(b) For child care centers for mentally retarded and physically handicapped children, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

Appropriation

SEC. 5. The sum of nineteen thousand dollars ($19,000), or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State Treasury to the State Department of Education for purposes of carrying out the provisions of this act.

CHAPTER 2097

An act to add Section 10202.82 to the Insurance Code, relating to group life insurance.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 10202.82 is added to the Insurance Code, to read:

10202.82. The term "employees" as used in subdivision (a) of Section 10202.8 includes individual proprietors and partners of an employer which is an individual proprietor or partnership. The term "employer" as used in Section 10202.8 includes any self-employed member of a labor union whether or not there are persons employed by him.

CHAPTER 2098

An act to amend Section 5000 of, and to add Section 5020.3 to, the Business and Professions Code, and to amend Sections 5001, 5002, 5020.5, 5032, 5033, 5035, 5084, 5091, 5092, 5096, and 5098 of the Business and Professions Code as amended, added, and renumbered by Chapter 310 of the Statutes of 1959, and to amend Section 5084 of the Business and Professions Code as proposed by Assembly Bill 766 of the 1959 Regular Session, relating to the practice of accountancy.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5000 of the Business and Professions Code is amended to read:

State Board of Accountancy

5000. There is in the Department of Professional and Vocational Standards a State Board of Accountancy, which consists of seven members appointed by the Governor, five of whom shall be certified public accountants and two of whom shall be public accountants. The board has the powers and duties conferred by this chapter.

The appointment of the two public accountants to membership on the board, authorized by the amendment made to this section at the 1959 Regular Session of the Legislature, shall be made as the terms of the members of the board in office at the effective date of the amendment to this section expire.

SEC. 2. Section 5001 of the Business and Professions Code, as amended by Chapter 310 of the Statutes of 1959, is amended to read:

Membership

5001. Each member of the board shall be actively engaged in the practice of public accountancy and shall have been so engaged for a period of not less than five years preceding the date of his appointment. Each member shall be a citizen of the United States and a resident of this State for at least five years next preceding his appointment, and shall be of good character. Within 30 days after their appointment, the members of the board shall take and subscribe to the oath of office as prescribed by the Government Code and shall file the same with the Secretary of State.

SEC. 3. Section 5002 of said code, as amended by Chapter 310 of the Statutes of 1959, is amended to read:

Terms of office

5002. Members shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

Vacancies occurring shall be filled by appointment for the unexpired term of a person licensed in the same capacity as the person being replaced. No person shall serve more than two terms consecutively. The Governor shall remove from the board any member whose permit to practice has become void,

revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause.

SEC. 4. Section 5020.5 of said code, as amended and renumbered by Chapter 310 of the Statutes of 1959 as Section 5017, is amended to read:

Meetings

5017. All meetings of the board shall be open and public, except that the board may hold executive sessions to deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

The members of the board who are certified public accountants may hold executive sessions to prepare, approve, grade or administer examinations. The members of the board who are not certified public accountants shall have no jurisdiction or vote over these functions.

SEC. 5. Section 5020.3 is added to said code, to read:

Administrative committees

5020.3. The board shall appoint administrative committees of not less than three nor more than five members, who shall be certified public accountants, to perform any of the following duties, and such committees shall be vested with the full powers of the board for such purposes:

(a) To receive and investigate complaints and to initiate and conduct investigations or hearings with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving the conduct of certified public accountants.

(b) To receive and investigate complaints and to initiate and conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving any violation or alleged violation of any of the provisions of this chapter by certified public accountants.

(c) To pass upon the qualifications of any applicant for registration as a certified public accountant.

The board shall prescribe the units or sections of such committees and designate the areas or localities in which they may act.

SEC. 6. Section 5032 of said code, as amended and renumbered by Chapter 310 of the Statutes of 1959 as Section 5022, is amended to read:

Recommendations and reports

5022. Each administrative committee shall make recommendations and forward its report to the board for action on any matter on which it is authorized to act. Any applicant for registration as a certified public accountant or as a public accountant who is aggrieved by any action taken by an administrative committee with respect to his qualifications may appeal to the board in accordance with rules or regulations prescribed by the board. The board on such appeal may give an oral or written examination as an aid in determining whether the applicant is qualified under the terms of this chapter.

SEC. 7. Section 5033 of said code, as amended and renumbered by Chapter 310 of the Statutes of 1959 as Section 5023, is amended to read:

5023. The board may establish an examining committee of its own certified public accountant members or other certified public accountants of the State in good standing, having the power: Examining committee

(a) To examine all applicants for the certificate of certified public accountant.

(b) To recommend to the board applicants for the certificate of certified public accountant who fulfill the requirements of this chapter

The examining committee shall follow the rules and regulations adopted by the board for the purpose of making effective the qualifications prescribed in Articles 4 (commencing at Section 5070) and 5 (commencing at Section 5080).

SEC. 8. Section 5035 of said code, as added by Chapter 310 of the Statutes of 1959, is amended to read:

5035. "Person" includes individual, partnership, firm, association, or corporation, unless otherwise provided. "Person"

SEC. 9. Section 5091 of said code, as amended and renumbered by Chapter 310 of the Statutes of 1959 as Section 5081, is amended to read:

5081. An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States, or have declared his intention of becoming a citizen, (b) have been a bona fide resident of the State of California for at least three months immediately preceding the time his application is filed, (c) be over the age of 21 years, (d) be of good moral character and (e) shall comply with any of the following: Application for admission

(1) He shall present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has successfully completed two years' courses of study of college grade.

(2) He shall present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses of study in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has graduated from a junior college of recognized standing.

(3) He shall show, to the satisfaction of the board, that he has had the equivalent of the educational qualifications required by paragraphs (1) or (2) of this subdivision, or shall pass a preliminary written examination given by the board and approved by the California State Director of Education. Where an applicant takes the preliminary examination he shall pay the preliminary fee as provided in Article 8 (commencing at Section 5130).

(4) He shall be a public accountant registered under this chapter.

The certified public accountant members of the board may require an applicant to appear in person to determine whether his qualifications are as prescribed in this chapter and rules of the board thereunder.

SEC. 10. Section 5092 of said code, as amended and renumbered by Chapter 310 of the Statutes of 1959 as Section 5082, is amended to read:

Same: Requirements

5082. An applicant for a certificate of certified public accountant shall have successfully passed written examinations in theory of accounts, in accounting practice, in auditing, in commercial law as affecting accountancy, and other related subjects as the certified public accountant members of the board may deem advisable.

SEC. 11. Section 5084 of said code, as added by Chapter 310 of the Statutes of 1959, is amended to read:

Public accounting experience credit

5084. The board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

The board shall waive the requirements of two years' college study provided for in paragraph (1) of subdivision (e) of Section 5081 hereof or graduation from a junior college provided for in paragraph (2) of subdivision (e) of Section 5081 hereof to members of the Armed Forces of the United States for six years subsequent to the date of their discharge from such forces.

The certified public accountant members of the board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

SEC. 12. Section 5096 of said code, as amended and renumbered by Chapter 310 of the Statutes of 1959 as Section 5087, is amended to read:

Waiver of examination requirements

5087. The board may waive the examination requirements contained in Section 5082 and issue a certificate as certified public accountant to any applicant who is a holder of a valid and unrevoked certificate as a certified public accountant issued under the laws of any state, or who is the holder of a comparable certificate or degree issued in a foreign country, if the certified public accountant members of the board determines that the standards under which the applicant received such certificate or degree were as high as the standards established in this article and the applicant also complies with the following:

(1) He shall be a citizen of the United States, or have declared his intention of becoming a citizen, over the age of 21, and of good moral character.

(2) He must be a bona fide resident of California, or have a place in California for the regular practice of public accountancy and be actively engaged in such practice although not necessarily so engaged personally in California.

SEC. 13. Section 5098 of said code, as amended and renumbered by Chapter 310 of the Statutes of 1959 as Section 5090, is amended to read:

Right to re-examination

5090. A candidate who fails an examination provided for herein shall have the right to any number of re-examinations at subsequent examinations held by the board. A candidate who passes an examination in two or more subjects or in the subject of accounting practice alone shall have the right to be re-examined in the remaining subject or subjects only, at subsequent examinations held by the board, and if he passes in the remaining subject or subjects within a period of time specified in the rules of the board, he shall be considered to have passed the examination.

The board may give credit to a candidate who has passed all or part of the examination in another state or territory, if the certified public accountant members of the board determines that the standards under which the examination was held are as high as the standards established for the examination in this chapter.

SEC. 14. Section 5084 as proposed by Assembly Bill No. 766 is amended to read:

Public accounting experience credit

5084. The board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

The certified public accountant members of the board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

Effect. Stats 1959, Ch. 686

SEC. 15. Section 14 of this act becomes operative only if Assembly Bill No. 766 is enacted by the Legislature at the 1959 Regular Session, and in such case at the same time as Assembly Bill No. 766 takes effect, at which time Section 11 of this act is repealed.

CHAPTER 2099

An act to add Section 10504.1 to the Water Code, relating to appropriation of water.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10504.1 is added to the Water Code, to read:

10504.1. Before any application made and filed pursuant to Section 10500 is assigned or released from priority, the California Water Commission shall hold a public hearing. Written notice of the time and place of the hearing shall be mailed, at least 60 days prior to the date set for the hearing, to the board of supervisors of each county in the area in which the water originates and in the area or areas in which the water is to be used. Any interested persons may appear at the hearing and present their views and objections as to the proposed action.

CHAPTER 2100

An act to add Section 1394 to the Water Code, relating to reservation of jurisdiction by the State Water Rights Board.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1394 is added to the Water Code, to read:

1394. The board may reserve jurisdiction in whole or in part to amend, revise, supplement, or delete terms and conditions in a permit under either of the following circumstances:

(a) If the board finds that sufficient information is not available to finally determine the terms and conditions which will reasonably protect vested rights without resulting in waste of water or which will best develop, conserve, and utilize in the public interest the water sought to be appropriated, and that a period of actual operation will be necessary in order to secure the required information.

(b) If the application or applications being acted upon represent only part of a co-ordinated project, other applications for such project being pending, and the board finds that the co-ordinated project requires co-ordinated terms and conditions which cannot reasonably be decided upon until decision is reached on said other pending applications.

Jurisdiction shall be reserved under this section for no longer period of time than the board finds to be reasonably necessary, and in no case shall such jurisdiction be exercised after the issuance of the license. Such reserved jurisdiction shall be exercised only after notice to the parties and a hearing. The board's decision or order reserving jurisdiction and the board's decision or order in the exercise of its reserved jurisdiction shall both be subject to reconsideration by the board and judicial review as authorized in this part.

CHAPTER 2101

An act to amend Sections 10504 and 10505 of, and to add Sections 10504.2, 10504.5, and 10507 to, the Water Code, relating to applications for the appropriation of unappropriated water.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10504 of the Water Code is amended to read:

Release or assignment of portions

10504. All applications made and filed pursuant to Section 10500 shall be transferred to the California Water Commission and held by the commission for the purposes of this part. The commission may release from priority or assign any portion of any application filed under this part when the release or assignment is for the purpose of development not in conflict with such general or co-ordinated plan. The assignee of any such application whether heretofore or hereafter assigned, is subject to all the requirements of diligence as provided in Part 2 (commencing at Section 1200) of Division 2 of this code. "Assignee" as used herein includes, but is not limited to, state agencies, commissions and departments, and the United States of America or any of its departments or agencies.

SEC. 2. Section 10504.2 is added to said code, to read:

Commission's powers and duties

10504.2. The provisions of Section 162 shall not apply to the exercise of powers and performance of duties by the California Water Commission under this part.

SEC. 3. Section 10504.5 is added to said code, to read:

General water development plan

10504.5. In order to insure that projects will be constructed in accordance with a general or co-ordinated plan for the development of water:

(a) The recipient of a release from priority or assignment under this part shall, before making any changes determined by the California Water Commission to be substantial in the project in furtherance of which the release or assignment was made, submit such changes to the California Water Commission for its approval. The commission shall approve any such change only if it determines that such change will not conflict with the general or co-ordinated plan. All permits and licenses issued pursuant to applications so released or assigned shall contain terms conditioning such permits and licenses upon compliance with this subdivision.

(b) The holder of applications that have been assigned, or in favor of which a release from priority has been made, shall submit any proposed amendments to such applications to the commission before their submission to the State Water Rights Board. The commission shall approve such amendments only if it determines that the amendments will not conflict with the

general or co-ordinated plan. The commission shall notify the holder of the application and the State Water Rights Board of its approval or disapproval. No amendments to any such application shall be authorized by the State Water Rights Board unless they are first approved by the commission.

SEC. 4. Section 10505 of said code is amended to read:

Restriction

10505. No priority under this part shall be released nor assignment made of any application that will, in the judgment of the commission, deprive the county in which the water covered by the application originates of any such water necessary for the development of the county.

SEC. 5. Section 10507 is added to said code, to read:

Reconsideration

10507. The commission may order a reconsideration of all or part of a decision or order made pursuant to this part, on its own motion or on petition of any person interested in the application. Any such petition must be filed within 30 days after adoption by the commission of a decision or order. The power of the commission to order a reconsideration on its own motion shall expire 30 days after it has adopted a decision or order. The commission shall order or deny reconsideration on a petition therefor within 30 days after the date of filing of such petition. The decision or order may be reconsidered by the commission on all the pertinent parts of the record and such argument as may be permitted, or a hearing may be held, upon notice to all interested persons, for the purpose of receiving such additional evidence as the commission may, for cause, allow. The decision or order on reconsideration shall have the same force and effect as an original order or decision. The commission at any time may amend or modify a decision or order to correct any obvious typographical or clerical error or oversight without the necessity of notice and a hearing thereon.

Any person interested in an application may, within 30 days after final action by the commission, file a petition for a writ of mandate in the superior court in and for the county in which the applicant seeks to divert water under the application to inquire into the validity of the action of the commission. The right to petition shall not be affected by the failure to seek reconsideration before the commission.

CHAPTER 2102

An act to amend Section 490 of the Agricultural Code, relating to milk and milk products.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 490 of the Agricultural Code is amended to read:

490. For the purposes of this division "approved milk inspection service" means a milk inspection unit and laboratory maintained in connection with a county or city or combination of either or both for the purpose of grading market milk and inspecting dairy farms producing market milk, or milk products plants processing or handling market milk and related products within an area designated and assigned by the director, conformable to the provisions of this division and the rules and regulations established by the director, which inspection service shall be approved in writing by the director.

No provision of this division, or any rule or regulation of the director is a limitation on the power of a municipality or county to establish compulsory pasteurization of market milk or reasonable higher standards for milk fat and solids not fat than those established in this division by ordinance or regulation, but such standards shall apply only to market milk after standardization by a milk distributor.

CHAPTER 2103

An act to amend Section 6240 of the Harbors and Navigation Code, relating to port districts.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6240 of the Harbors and Navigation Code is amended to read:

6240. The district shall be governed by a board of port commissioners. The board consists of five members. Two of the commissioners shall be appointed by the board of supervisors of the county in which the district is located. Two of the commissioners shall be appointed by the city council of the municipal corporation situated in the district. The board of supervisors, together with five members of the city council, appointed by the mayor of the municipality in the district constitute a board of election to appoint the other commissioner. This commissioner shall be chairman of the board. A majority vote is necessary for the appointment of the chairman of the board. An auditor shall be appointed by the board of port commissioners and approved by the board of supervisors and the city council.

CHAPTER 2104

An act to amend Section 12901 of the Water Code, relating to water projects.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12901 of the Water Code is amended to read:

12901. As used in this chapter:

(a) "Project" means any project constructed by a public agency, as defined by Section 12880, by the State, or by the State in co-operation with the Federal Government, for the development, utilization, and distribution of the water resources of the State, including all necessary or convenient property, works, and facilities.

(b) "Fund" means the California Water Fund.

CHAPTER 2105

An act to amend Section 75104.4 of the Government Code, relating to the Judges' Retirement System.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 75104.4 of the Government Code is amended to read:

75104.4. The surviving spouse of any judge who dies on or after January 1, 1954, but before retirement and after becoming eligible for retirement pursuant to Section 75025 or Section 75033 or who dies on or after January 1, 1954, while serving as judge and has served as a judge for 30 years, shall receive an allowance equal to one-half of the amount of the unmodified retirement allowance that would be payable to the judge were he living and retired under this chapter. The allowance is payable commencing upon the death of the judge and continuing until the death or remarriage of the surviving spouse. If, pursuant to this section, an allowance is paid to the surviving spouse of a judge, no payment shall be made pursuant to Section 75104 or Section 75104.5.

The Legislature hereby finds and declares that the payment of allowances to the surviving spouse of a judge pursuant to this section, as amended at the 1959 Regular Session of the Legislature, serves a public purpose in that it promotes the public welfare by encouraging experienced jurists to continue their service in the expectation that the Legislature will fairly

provide for their surviving spouses under changing circumstances, as the Legislature is now doing for spouses of judges who have heretofore died. Continued service by, and increased efficiency of, judges secure in this knowledge will more than compensate the State for any increased expense for allowances to surviving spouses provided by the amendment enacted at the 1959 Session of the Legislature.

CHAPTER 2106

An act to amend Sections 55 and 91 of, and to add Sections 61, 62, 95.5, and Chapter 11 (commencing at Section 135) to, the Shasta County Water Agency Act (Chapter 1512, Statutes of 1957), relating to powers of the agency.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 55 of the Shasta County Water Agency Act (Chapter 1512, Statutes of 1957) is amended to read:

Sec. 55. The agency shall have the power to develop hydroelectric power only to the extent that such power can be developed incidentally to the construction and operation of its projects, and only for use solely by the agency in the operation of its works, in which case it may transmit such power to the place of use, or only to be sold at wholesale rates to any public or private agency engaged in the retail distribution of power, or both. The agency shall have the power to contract for the sale of rights to falling waters incidental to the construction and operation of the projects with any public or private agency engaged in the retail distribution of power.

SEC. 1.5. Section 61 is added to said act, to read:

Sec. 61. All powers of the agency may be exercised on behalf of any one or more zones by the board of directors; except that in any zone which includes both the City of Redding and the Enterprise Public Utility District, the powers of the agency shall be exercised by the zone board of trustees as provided in Section 168.

SEC. 2. Section 62 is added to said act, to read:

Sec. 62. The agency may issue revenue bonds pursuant to the Revenue Bond Law of 1941.

SEC. 3. Section 91 of said act is amended to read:

Sec. 91. The agency shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable; provided, that this section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the levying of special assessments in accordance with Section 96 of this

act nor to the execution of contracts with the United States nor bonds as provided in Chapter 11.

SEC. 4. Section 95.5 is added to said act, to read:

Sec. 95.5. Whenever bonds issued and sold pursuant to Chapter 11 are outstanding, the board shall, in addition to any other tax or assessment, levy a tax or assessment each year upon all property in the zone of issuance sufficient to pay the interest and such portion of the principal of the bonds as is due or to become due before the time for making the next general tax levy and all expenses of collecting such taxes or assessments. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of the county to the credit of the zone of issuance, and be used for the payment of the principal and interest on the bonds. The principal and interest on the bonds shall be paid by the county treasurer of the county in the manner provided by law for the payment of principal and interest on bonds of the county.

SEC. 5. Chapter 11 is added to said act, to read:

CHAPTER 11. ZONES

Sec. 135. Zones may be created by the board without petition, upon its own motion, but only after notice, hearing, and opportunity to protest as provided in this chapter. The establishment of zones may be consolidated with the establishment of projects.

Sec. 136. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the agency as a whole; or
2. For the benefit of two or more zones herein after referred to as participating zones; or
3. For the benefit of a single zone.

Sec. 137. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zones or participating zones.

For the purpose of acquiring authority to proceed with any such project or establishment of a zone after a petition requesting such action, the board shall adopt a resolution specifying its intention to undertake such project or zone establishment, together with the engineering estimates of the cost of any project to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project or proposed zone.

Sec. 138. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing, the last publication of which notice must be at least seven days before the hearing, in a newspaper of general circulation, circulated in such zone or each of the participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or territory of a proposed zone or in each of the participating zones. The notice must designate a public place in such zone or territory of a proposed zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person. The map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

Sec. 139. At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project or zone. Upon the conclusion of the hearing the board may abandon the proposed project or zone or proceed with the same, unless prior to the conclusion of the hearing a written protest against the proposed project or zone signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which the project was initiated or the territory to be included in the proposed zone, be filed with the board, in which event further proceedings relating to such project or zone must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

Sec. 140. In all matters in this chapter referred to, the last equalized assessment roll of the county next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone, or proposed zone, or within any of the participating zones for which the project was initiated.

Sec. 141. Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Sec. 142. Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the

protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county except that if the property jointly held is held by husband and wife and occupied by them as a dwelling, if the other spouse consents, the protest may be signed by either spouse without producing written evidence of the other's consent.

Sec. 143. Where real property is assessed in the name of a trustee, such trustee shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

Sec. 144. The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

Sec. 145. The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Sec. 146. Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

Sec. 147. The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto and, unless satisfactory evidence is furnished, the right to sign the protest may be denied.

Sec. 148. Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, the board may by resolution, determine and declare the respective amounts of bonds necessary

to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The total amount of all such bonds of any zone shall not exceed 10 percent of the assessed valuation of all taxable property in the zone as shown by the last equalized assessment roll of the county next preceding the date of the resolution.

The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Shasta County within five days after its issuance. From and after the filing of the copy of the resolution the board shall be deemed vested with the authority to proceed with the bond election.

Sec. 149. The resolution shall contain:

(a) A statement of the proposition to be submitted to the electors, including the purpose for which the proposed debt is to be incurred.

(b) The maximum term that the bonds proposed to be issued shall run before maturity not to exceed 40 years.

(c) The maximum rate of interest to be paid not to exceed 6 percent per annum.

(d) A statement that interest, to be paid upon such bonds, during the period of construction of the works of the agency and before any revenue is obtained therefrom shall be a capital charge, and shall be payable out of the principal sum realized from the sale of the bonds.

(e) A statement that the bonds and interest thereon shall be payable from the proceeds of contracts with member units, if any are contemplated, and from other revenues other than taxes and assessments levied by the agency, and that if no other funds are available, then from taxes and assessments levied by the agency.

Sec. 150. After the filing for record of the resolution specified in Section 148, the board may call a special bond election in the zone or participating zones at which shall be submitted to the qualified electors of the zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in the resolution and for the purpose or purposes therein stated. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone or participating zones, if no other funds are available and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

Sec. 151. The board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of the zone or participating zones, the proposition of incurring a bonded debt in the zone or participating zones in the amount and for the purposes stated in the resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred. It shall be sufficient

to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by the board, and on file for particulars. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and the maximum rate of interest to be paid on the indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used.

Sec. 152. For the purpose of the election, the board shall in the ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in the agency to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

Sec. 153. In all particulars not recited in the ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Sec. 154. The board shall cause a map to be prepared covering a general description of the work to be done, which shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the county courthouse for public inspection for at least 30 days before the date fixed for such election.

Sec. 155. The ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two consecutive times in a weekly newspaper of general circulation. The last publication of such ordinance must be at least 14 days before the election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least 30 days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Sec. 156. Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds of the votes cast in the zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any such participating zones shall be

issued or sold unless two-thirds of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

Sec. 157. The bonds of the agency issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the bonds of the agency issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of the agency may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

Sec. 158. Whenever bonds have been authorized by any zone or participating zone of the agency and the bonds have been issued as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of the zone or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Sec. 159. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

Sec. 160. Any bonds issued under the provisions of this chapter shall be a lien upon all property of the zone of issuance, and the lien for the bonds of any issue may be made, by the resolution of issue, a preferred lien to that of any subsequent issue. The bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all property within the zone if no other funds are available and all property in the zone shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone

nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

Sec. 161. The board shall, subject to the provisions of this act, prescribe by resolution the form of the bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. The bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

Sec. 162. The bonds shall be issued in such denomination as the board may determine, and shall be payable on the days and at the place fixed in the bonds, and with interest at the rate specified in such bonds, and shall be made payable annually or semiannually, and the bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Sec. 163. Any bonds, original or refunding, issued by the agency, may be made callable by resolution of the board adopted at or prior to the time of issuing such bonds and providing for the calling and redemption of such bonds, in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest. If any such bonds are so made callable, a statement to that effect shall be set forth on the face of the bond. Notice of any such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the agency. The first publication of such notice shall be not less than 30 nor more than 90 days prior to the date fixed for such redemption. After the date fixed for such redemption, if the agency shall have provided funds available for payment of the principal and interest of the bonds so called, interest on such bonds shall thereafter cease.

Sec. 164. The board may issue and sell the bonds of any zones authorized at not less than 95 percent of par value, after advertising for bids on such bonds once at least one week prior to such sale in a newspaper of general circulation published in the County of Shasta, and the proceeds of the sale of such bonds

shall be placed in the treasury of the county to the credit of the agency and the respective participating zones thereof, for the uses and purposes of the zone or zones voting the bonds; and the respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling for such special bond election, subject to the provisions in this act. Payments from the zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

Sec. 165. The board may by ordinance submit to the electors of the agency, a proposition for the issuance of new bonds for the purpose of refunding any or all of the bonds outstanding voted by such electors, which proposition may be voted on at any general or special election. The procedure upon such election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, and the favorable vote of a majority of the electors voting upon the proposition shall be sufficient to authorize the issuance of refunding bonds. Such refunding bonds shall not bear a higher rate of interest than the bonds to be refunded and may be issued and sold in the manner and form prescribed for an original issue of bonds and may, if the holders of bonds of an original issue and board so agree, be exchanged for such original bonds; provided, that the face value of the refunding bonds so exchanged shall not exceed the face value of the original bonds. The board may raise money to pay principal and interest of such refunding bonds in the same manner as prescribed for the payment of bonds of an original issue.

Sec. 166. The agency may bring at any time after the authorization of bonds an action in the Superior Court of the State of California in and for the County of Shasta to determine the validity of the bonds. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete 10 days after the completion of the publication of summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract. If no proceedings have been brought by the agency pursuant to this section, any agency assessment or taxpayer may at any time within 30 days after the authorization of any bonds bring an action in the said superior court to determine the validity of the bonds. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which

does not affect the substantial rights of the parties. The judgment shall declare the bonds either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within 30 days after the entry of the judgment. No contest of any thing or matter herein provided shall be made other than in the time and manner in this section provided. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

Sec. 167. Within 30 days of the creation of any zone which includes both the City of Redding and the Enterprise Public Utility District, a board of not to exceed nine trustees for the zone shall be appointed, as follows:

(a) Four members shall be appointed by the city council of the City of Redding, to serve at the pleasure of the council.

(b) Two members shall be appointed by the Board of Directors of the Enterprise Public Utility District, to serve at the pleasure of such board.

(c) One nonvoting member shall be appointed for each area in the zone not otherwise represented, but not to exceed three such members, by the Shasta County Board of Supervisors, to serve at the pleasure of such board.

The first district formed to supply water after April 18, 1959, in that portion of the zone which lies in Supervisorial District No. 2 shall appoint a voting member, to serve at the pleasure of that district's governing body; the first district formed to supply water after April 18, 1959, in that portion of the zone which lies in Supervisorial District No. 5 shall appoint a voting member, to serve at the pleasure of that district's governing board; and any other district thereafter formed in the zone to supply water may appoint a voting member, to serve at the pleasure of that district's governing body, if the board of supervisors shall approve; but there may not be more than three such members without the consent of the board of trustees. For each member appointed under this paragraph, one of the nonvoting members appointed by the board of supervisors, to be selected by that board, shall be removed from the board of trustees. For the purpose of this section, the boundaries of Supervisorial Districts Nos. 2 and 5 shall be considered to be the same as they were on April 18, 1959.

Sec. 168. The board of trustees of such a zone shall succeed to all of the powers of the board of directors of the agency with respect to the supply of water within the zone, including but not limited to the power to contract with the United States and others for a water supply, to construct works and acquire property within or without the zone and sell water outside the zone; to issue bonds and levy taxes therefor; and to utilize the services of county officers and employees and to employ additional officers and employees. This transfer shall not affect the power of the board of directors of the agency to levy a tax

within the zone for administrative purposes or otherwise conduct the affairs of the agency as a whole.

Sec. 169. Land may be annexed to, or excluded from, a zone in the manner provided in Article 8 (commencing with Section 58230) of Chapter 1, Division 1, Title 6 of the Government Code.

As used therein "governing body" means the board of directors of the agency as to all zones except a zone in which, pursuant to Section 167, there is a board of trustees, in which case "governing body" means such board of trustees.

CHAPTER 2107

An act to amend Section 1845.5 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1845.5 of the Code of Civil Procedure is amended to read:

1845.5. In an eminent domain proceeding a witness, otherwise qualified, may testify with respect to the value of the real property including the improvements situated thereon or the value of any interest in real property to be taken, and may testify on direct examination as to his knowledge of the amount paid for comparable property or property interests. In rendering his opinion as to highest and best use and market value of the property sought to be condemned the witness shall be permitted to consider and give evidence as to the nature and value of the improvements and the character of the existing uses being made of the properties in the general vicinity of the property sought to be condemned.

CHAPTER 2108

An act to create a flood control district to be called "San Mateo County Flood Control District"; to provide for the control of flood and storm waters and for the protection of watercourses, watersheds, harbors, public highways, life and property in said district from damage or destruction from such waters and to save and conserve all or any of such waters for beneficial use in said district; to provide for the dividing of said district into zones; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district in the respective zones thereof, and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the district and the

respective zones thereof; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; to provide for the construction of works, the acquisition of property by the district, and other things necessary to carry out the purposes of this act.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. A flood control district is hereby created to be called the "San Mateo County Flood Control District," and said district shall consist of all the territory of the County of San Mateo lying within the exterior boundaries of said county.

SEC. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district but which streams and the said waters thereof flow into said district, and, as a part of said control, to conserve such waters for beneficial and useful purposes when practical by retarding, spreading, storing, retaining and causing such waters to percolate into the soil within said district or without said district or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters, the watercourses, watersheds, harbors, public highways, life and property in said district.

SEC. 3. The San Mateo County Flood Control District is hereby declared to be a body corporate and politic and as such shall have in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To adopt a seal and alter it at pleasure.

3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

4. To acquire, by grant, purchase, gift, devise, lease, contract, condemnation, construction or otherwise, lands, rights of way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.

5. To hold, use, enjoy and to lease, sell, or otherwise dispose of real, personal or mixed property of every kind within or without the district necessary or convenient to the full exercise of its powers.

6. To incur indebtedness, and to issue bonds in the manner herein provided.

7. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by retarding, spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters and watercourses, watersheds, harbors, public highways, life and property in said district.

8. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn, any existing works or improvements in said district now or hereafter used to control flood or storm waters or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act, is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the injury or detriment of any person, or persons, having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public use, except as provision is made in the Constitution of the State for the taking of immediate possession of certain properties; provided further, however, that the district in exercising such powers shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railroads, mains, pipes, conduits, wires, cable, poles of any public utility which is required to be reconstructed or relocated.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district with the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie

evidence that the taking of the fee simple or any lesser estate or interest in such property, as the case may be, is necessary; provided, however, that when the board of supervisors shall, by resolution or ordinance, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion by said district of any public improvement for flood control purposes and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence (a) of the public necessity of such proposed public improvement, (b) that such property is necessary therefor, and (c) that such proposed public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury. Whenever real property or easements therein which is devoted to or held for some other public or quasi-public use is required by the district for flood control or water conservation purposes, the district may condemn real property or easements therein adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property or easements therein required by the district as aforesaid for flood control purposes.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift or other legal means all lands and water and water rights and other property necessary or convenient for the construction, operation, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, water works, power plants, easements, franchises, concessions or rights; to enter into and to do any and all acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Mateo County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district or to carry such water through

any tunnels, canal, ditch or conduit of the district; to enter into and to do any acts necessary or proper for the performance of any agreement with any district or other political entity of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired, or secured for the use of the San Mateo County Flood Control District; to cooperate with, and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any such works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

10. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water sources, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district.

12. To make contracts and to employ labor and professional services and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof by this act.

Provided, that in the exercise of the powers vested in it by this act, with respect to lands lying without the exterior boundaries of the County of San Mateo, said San Mateo County Flood Control District shall obtain, prior to the taking of any action to carry out the purposes of this act without said boundaries, written approval of the action from the governing body of each affected county, city and county, and city.

SEC. 4. The board of supervisors of the County of San Mateo shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said San Mateo County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Said supervisors shall receive no compensation for their services as the governing board of said district. They shall be entitled to reimbursement for travel

and other necessary expenses incurred in the performance of their duties as such governing board. As used elsewhere in this act, the terms "board" and "board of supervisors" mean the Board of Supervisors of the San Mateo County Flood Control District.

The District Attorney, County Engineer, County Assessor, County Tax Collector, County Controller, County Manager, County Purchasing Agent, and County Treasurer of the County of San Mateo, and their successors in office, and all their assistants, deputies, clerks, and employees, and all other officers of said San Mateo County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said San Mateo County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said San Mateo County, in order to carry out the provisions of this act, without compensation therefor. However, they may receive reimbursement for expenses as provided herein for the board of supervisors.

In addition to the officers and employees herein otherwise prescribed, said board of supervisors may in their discretion appoint a chairman, a secretary and such other officers, agents and employees for said board or district as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or positions at the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of San Mateo.

SEC. 5. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district, and to appoint and employ all needful agents, superintendents, engineers and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

Nothing provided for in this act shall be construed, or intended to be construed, to prohibit any city from undertaking and completing flood control projects for the control of flood and storm waters within the territory of such city or for the alleviation of flood conditions existing in such city.

SEC. 6. Said board of supervisors shall have jurisdiction and power to employ a competent, registered civil engineer or engineers to investigate carefully the best plan or plans to control the flood and storm waters of said district, and the zones thereof, and the flood and storm waters of streams that have their source outside of said district but which stream or

streams and the flood waters thereof flow into said district, and, as a part of flood control, to conserve such waters for beneficial and useful purposes by retarding, spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or to conserve in any manner any or all of such waters, and to protect the watercourses, watersheds, public highways, life and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and may direct by resolution, such engineer or engineers to make and file reports from time to time with said board of supervisors, which shall show:

1. A general description of the work recommended, in progress, or done on each project or work of improvement.

2. General plans, profiles, cross-sections and general specifications of the work to be done on each project or work of improvement.

3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

4. A map or maps which shall show the location and zone of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

5. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out such project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Said engineer or engineers shall from time to time and as directed by the board of supervisors file with said board supplementary, amendatory and additional reports and recommendations as necessity and convenience may require. Said board of supervisors shall allow to such engineer or engineers, employed as in this section hereinbefore provided, such engineers, surveyors, and others as may be required for making of surveys or doing any other work necessary for the making of such report. The board of supervisors may at any time remove any or all of the engineers or employees employed under this act and may fill all vacancies occurring among them from any cause.

SEC. 7. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the

uses and purposes set forth in this act. The board of supervisors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of supervisors may determine, by resolution duly entered in its minutes that any property, real, personal or mixed, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same.

SEC. 8. The board of supervisors of said district shall have power, in any year:

1. To levy taxes or assessments in each or any of the zones of the district to pay the cost and expenses of administering, engineering, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said zone or zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

2. To levy taxes or assessments by either method authorized by subdivision 1 of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, administering, engineering, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said zone or zones.

3. Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 1 of this section shall be expended for administering, engineering, constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone except as provided in Section 11 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any

one fiscal year shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation of the taxable property in said zones exclusive of any tax levied to meet the bonded indebtedness of any of said zones and the interest thereon.

SEC. 9. Claims against the district, whether arising out of contract, tort, or the taking or damaging of property without compensation, must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by general laws relating to the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless such claim relating thereto has been filed as hereinabove prescribed and action thereon commenced within one year after the cause of action arose.

SEC. 10. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish any zone or zones within said district without reference to the boundaries of other zones, in the manner provided in this section. The boundaries of any such zone shall follow and be the same as the boundaries of a natural drainage basin as determined by engineering studies or surveys authorized by the board of supervisors. No such zone shall include more than one natural drainage basin.

The board may, and upon the receipt of a petition signed by the owners of property representing at least ten percent (10%) of the assessed valuation of the real property within a proposed zone shall, institute proceedings for the establishment of any zone within the district pursuant to this act whenever in the judgment of the board it is deemed desirable that such zone be established hereunder. For the purpose of acquiring authority to proceed with the establishment of any such zone the board shall adopt a resolution specifying its intention to establish such zone setting forth (a) that the public interest and necessity require that a zone be so established, (b) a general description of the area of the proposed zone, (c) a general description of the improvement deemed desirable, and (d) a general estimate of the cost of the contemplated improvements in the event that the zone is established. The zone may be described by reference to a map on file in the office of the county clerk and it shall not be necessary to set forth a metes and bounds description thereof. A general description of the proposed improvements in the event that the zone is established shall be sufficient and it shall not be necessary to prepare detailed plans and specifications of the work to be done The estimate of cost may include an estimate of all expenses to be incurred in connection with the establishment of the proposed zone, including all incidental expenses of financing the proposed work, but neither the cost

of physical construction nor the incidental expense need be itemized.

If any proposed zone includes all or part of the territory of any city the board shall file a certified copy of its resolution of intention with the governing body of such city in order that the governing body of that city may be notified of the proposed zone. If the governing body of such city fails to protest the proposed zone by filing a certified copy of its resolution of protest with the board within sixty (60) days after the receipt by such city of the certified copy of the resolution of intention of the board, the board shall thereupon have exclusive jurisdiction to proceed with and to conduct all hearings on the establishment of the proposed zone, to permit or cause all necessary changes to be made in the boundaries of the proposed zone, and to conduct all proceedings on the establishment of the proposed zone. If the governing body of such city protests in the manner herein provided the board shall have jurisdiction to proceed but the territory of such city may be excluded within the proposed zone only if 10 percent of the voters of said territory protest in writing to the board the establishment of said zone. Said protest by voters of a city must be filed with the board within 120 days of the receipt by the city of the certified copy of the resolution of intention. Upon receipt of such voters' protest the board shall call an election in the territory in question to be held in the manner hereinafter provided for an election in an entire zone insofar as may be applicable; and if a majority of the voters vote against the inclusion of the territory it shall be excluded from the proposed zone. However, the board may proceed with the establishment of the proposed zone or any part thereof without the inclusion of any territory of such city within the proposed zone by modifying its resolution of intention so as to exclude the territory of such city from any such zone Nothing herein shall be construed to limit the right of the board to abandon the establishment of any proposed zone at any time. Upon acquiring jurisdiction to proceed the board shall by resolution fix a time and place for public hearing of said resolution of intention, or as modified, and notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation, circulated in such zone, if there be such newspaper, and if there be no such newspaper, then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone Said notice of hearing shall also contain a text of the resolution of intention of the board to establish the proposed zone. Notice of said hearing shall also be given in writing to the city council of each city wholly or partially included within such proposed zone, by letter addressed to the city clerk of such city or cities.

At the time and place fixed for the hearing, or at any time to which said hearings may be continued, the board shall consider all written protests or objections to the establishment of the proposed zone. Each such objection or protest shall include the description and assessed valuation of the real property owned by the protestant. Upon the conclusion of the hearing the board may proceed with the establishment of the proposed zone, unless prior to the conclusion of said hearing a written protest against the establishment of the proposed zone signed by the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing ten percent (10%) or more of the assessed valuation of the real property within such proposed zone be filed with the board, or the territory of any city representing fifty percent (50%) or more of the total assessed value of the real property within the proposed zone is included within the proposed zone and such city has protested within the time and in the manner provided above, or both, in which event, the board shall either abandon further proceedings relating to the establishment of the proposed zone or shall submit the question of whether or not the proposed zone shall be established to the voters within the proposed zone at either a regular election or a special election called for the purpose. If a majority of the votes cast at said election are cast in favor of the establishment of the proposed zone, the board shall establish the zone by resolution, setting forth in said resolution the description of the zone by metes and bounds and entitling the zone by a zone number. Said zone shall be deemed established from and after the date of the resolution of the board establishing the same. However, before taxes or assessments as hereinabove provided for may be levied therein, compliance must be had with the provisions of Government Code Sections 54900 to 54904, inclusive. If a majority of the votes cast at said election are against the establishment of the proposed zone the board shall abandon the establishment of the zone and no further proceedings to establish a zone of the same or substantially the same area shall be instituted by the board for a period of six months from the date of said election. The provisions of this section to the contrary notwithstanding, no territory of any city with a population of more than 40,000 inhabitants, based upon the 1950 federal census, shall be included within any zone established or to be established as herein provided without the request, by resolution, of a majority of the governing body of said city to such inclusion.

In all matters in this section referred to, the last equalized assessment roll of the County of San Mateo next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the proposed zone.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners need sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner than deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to do so.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

Any other provision of this section to the contrary notwithstanding, after the establishment of any zone in the manner herein provided, the board may, by resolution, at any time amend the boundaries by withdrawing property from said zone, or may divide said zone into two or more zones, by setting forth in such resolution descriptions of the amended or divided zones by metes and bounds and entitling each of such zones by a zone number.

Property so excluded from any zone shall continue to be subject to the obligation and payment of any bonds or other indebtedness incurred in the zone prior to such exclusion.

After the establishment of any zone in the manner herein provided territory within said district whether incorporated or unincorporated and whether contiguous to said zone or not may be annexed to said zone if in the opinion of the board the additional territory will be benefited by annexation to said zone. For the purpose of annexing territory within the district to a zone the board shall proceed in the same manner as for the establishment of a zone, except that wherever it is required to set forth the area, the improvements, or the cost of improvements for the zone, there shall instead be set forth the area, improvements, or cost of improvements for the territory proposed to be annexed to said zone, and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

SEC. 11. The board shall determine which projects or works of improvements shall be carried out and shall determine, as to each project or work of improvement that it is either:

1. For the common benefit of the district as a whole; or

2. For the benefit of two or more zones established in the manner provided in Section 10 of this act hereinafter referred to as participating zones; or

3. For the benefit of a single zone established in the manner provided in Section 10 of this act.

The board may undertake projects for single zones and joint projects for two or more zones, after such zone or zones are established in the manner provided in Section 10 of this act, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones.

SEC. 12. For the purpose of financing the work on the project or projects determined upon the board may levy the taxes or assessments provided for in subdivisions 1 and 2 of Section 8 of this act, or issue bonds therefor after an election

as hereinafter provided. The proceeds of the taxes, assessments or bonds may be accumulated over a period of years before being expended. Annual taxes or assessments may be levied for the purpose of maintaining or repairing such works or projects as are constructed or acquired pursuant to a hearing as provided for in Section 10 hereof, without the necessity of holding further hearings.

SEC. 13. The board of supervisors may temporarily transfer moneys to the district fund of the district from other funds of the county not immediately needed for county purposes to be used for the payment of the expenses of the district until such time as special assessment or tax receipts are available therefor. The money so transferred shall be used for the purposes provided in this act and shall be re-transferred from the district fund out of the first available receipts from the tax or assessment levy.

SEC. 13.5. If the district created by this act is so created in any year too late for the levy of a tax in that year or in the next ensuing year, the board of supervisors may transfer funds of the county not immediately needed for county purposes to the district fund to be used for the payment of expenses of such district, until such time as special assessments or tax receipts of the district are available therefor. The board of supervisors shall include in the levy of special assessments or tax receipts for the district for the fiscal year in which a special assessment or tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions for the preceding fiscal years for which the levy of special assessments or taxes was made for that purpose and the amount so transferred shall be retransferred to the county treasury from the district fund out of the first available receipts from the levy of special assessments or tax receipts.

SEC. 14. Whenever the board establishes any zone in the manner provided in this act, it may appoint, for such zone, an advisory committee of not less than three persons to represent before the board the residents and property owners of that zone. Any person who is a property owner residing in the zone may be appointed by the board to the advisory committee for the zone, provided, that the number of members appointed to the advisory committee by the board shall number one less than the members appointed by city councils pursuant to this section. The city council of each city which has part or all of its incorporated territory within the zone shall appoint one person who is a property owner residing within the respective city to the advisory committee for the zone, provided, that where only one city or part thereof is included in the zone, the city council of such city shall appoint two such persons to the advisory committee. Each person so appointed shall be permitted to attend every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone

unless each member of the advisory committee for that zone has been notified in writing as to the time and place of the meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board.

SEC. 15. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of San Mateo County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 5 percent per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond

election precinct, and shall designate a polling place and appoint one inspector, one judge and two clerks for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map or maps shall show the location of the proposed works and improvements and shall cause the said map or maps to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone. The expense of holding any election within a zone on the question of incurring a bonded indebtedness shall be paid from the proceeds of the bonds issued to finance said indebtedness if the proposition carries and shall be paid from the annual tax or assessment levied within the zone if the proposition fails to carry.

SEC. 16. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such

bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), or of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the controller of said district, and the sale of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said controller by his printed, engraved or lithographed signature. In case any such officers whose signatures or counter signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 17. The said board of supervisors may issue and sell the bonds of such district zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of San Mateo to the credit of said district for the uses and purposes of the zone voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of San Mateo.

SEC. 18. Any bonds issued under the provisions of this

act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in clause (a) or (b) of subdivision 1 of Section 8 of this act. No zone nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

SEC. 19. The board of supervisors shall levy a tax or assessment each year upon all the taxable property in the zone of issuance sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected in the zone of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said San Mateo County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said San Mateo County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 20. The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof and the assessments made for county purposes shall be deemed to be the property value assessments for the purposes of the district and its zones. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. All property exempt from taxation for county purposes under the provisions of the Revenue and Taxation Code of the State of California is exempt from taxation for the purposes of this act. Property used for free public libraries and free museums, growing corps, property used exclusively for public schools, and such as may belong to this State, or to any county, city and county, or municipal corporation within this State shall be exempt from assessment, except such lands and the improvements thereon located outside of the county, city and county or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to assessment.

SEC. 21. Whenever a city is wholly or partially included in a zone in which a project or projects are instituted and such

city has acquired property or caused engineering surveys, reports or plans to be prepared for, or performed flood control work either alone or in connection with other projects on or after September 1, 1950, and prior to the formation of such zone by the board of supervisors, which properties, surveys, reports, plans, or flood control works can be utilized in carrying out the contemplated project and thus benefit the entire zone, the city shall be credited with the reasonable cost of such properties, surveys, reports, plans, and flood control works, including incidental expenses.

The amount of such credit shall be determined by the board of supervisors after hearing thereon in conjunction with the hearing of the initiation of the project and shall be paid by the district to the city from any district or zone funds.

SEC. 22. Improvements authorized to be constructed in or on behalf of the district and acquisitions of property necessary therefor may, in addition to the methods hereinafter provided, be made pursuant to special assessment proceedings and the financing thereof accomplished by virtue of special assessment bond proceedings. For this purpose the Municipal Improvement Act of 1913, the Improvement Act of 1911, the Improvement Bond Act of 1911 and the Improvement Bond Act of 1915 are hereby made applicable to the district.

The provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply to any proceedings taken under this section or any proceedings taken pursuant to the San Mateo County Flood Control District Act.

Such improvements may be made under said proceedings without regard to the boundary lines of zones which may have been established. However, contributions to the cost of any of such work may be made by the board of supervisors on behalf of any of such zones from funds collected therein by taxes or otherwise as herein provided for.

In the application of the above mentioned acts and such other laws as are supplemental thereto the terms used therein shall have the same meanings as when applied to such special assessment proceedings when undertaken by a county.

SEC. 23. The bonds of said San Mateo County Flood Control District issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law, now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or fund may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted, be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 24. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1¾, Article XIII, of the Constitution of this State.

SEC. 25. All contracts for any improvement or unit of work except as hereinafter provided estimated to cost in excess of five thousand dollars ($5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction of the improvement or work before any contract shall be made therefor, and may let by contract separately any part of said work or improvement. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

SEC. 26. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SEC. 27. Whenever bonds have been authorized by any zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a vote of all of its members determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, said board of supervisors may again proceed as in this act provided, and submit to the qualified voters of said zone the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 28. Should a proposition for issuing bonds for any zone submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall not for six months after such election call or order another election in that zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

SEC. 29. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 30. There is hereby granted to the San Mateo County Flood Control District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board of supervisors thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

SEC. 31. If by any judgment in condemnation or by agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and

thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

SEC. 32. The San Mateo County Flood Control District formed under this act, in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of San Mateo by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in said county. Within thirty (30) days after the last publication of said summons shall have been completed and proof thereof filed in said proceeding, any property owner or resident in said district, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

SEC. 33. This act and every part thereof, shall be liberally construed to promote the objects thereof and to carry out its intents and purposes.

SEC. 34. In case any section or sections, or parts of any sections, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated but shall remain in full force and effect.

SEC. 35. This act may be designated and referred to as the "San Mateo County Flood Control District Act" and any reference thereto by such designation shall be deemed sufficient for all purposes.

CHAPTER 2109

An act to amend Section 1005 of the Public Utilities Code, relating to issuance of certificates by the Public Utilities Commission.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1005 of the Public Utilities Code is amended to read:

1005. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated

street railroad line, plant, or system, or extension thereof, or for the partial exercise only of the right or privilege, and may attach to the exercise of the rights granted by the certificate such terms and conditions, including provisions for the acquisition by the public of the franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity require; provided, however, upon timely application for a hearing by any person entitled to be heard thereat, the commission, before issuing or refusing to issue the certificate, shall hold a hearing thereon.

CHAPTER 2110

An act to add Article 5 (commencing with Section 53090) to Chapter 1, Part 1, Division 2, Title 5 of the Government Code, relating to local agencies.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 5 is added to Chapter 1, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 5. Regulation of Local Agencies by Counties and Cities

53090. As used in this article:

"Local agency"

(a) "Local agency" means an agency of the State for the local performance of governmental or proprietary function within limited boundaries. "Local agency" does not include the State, a city, a county, or the San Francisco Port Authority.

"Building ordinances"

(b) "Building ordinances" means ordinances of a county or city regulating building and construction and removal of buildings, including ordinances relating to the matters set forth in Section 38660 and similar matters, and including ordinances relating to building permits and building inspection.

Building and zoning ordinances

53091. Each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated. On projects for which state school building aid is requested by a local agency for construction of school facilities the county or city planning commission in which said agency is located shall consider in its review for approval information relating to attendance area enrollment, adequacy of the site upon which the construction is proposed, safety features of the site and proposed construction, and present and future land utilization, and report thereon to the State Allocation

Board. If the local agency is situated in more than one city or county or partly in a city and partly in a county, the local agency shall comply with such ordinances of each county or city with respect to the territory of the local agency which is situated in the particular county or city and the ordinances of a county or city shall not be applied to any portion of the territory of the local agency which is situated outside the boundaries of the county or city. Notwithstanding the preceding provisions of this section, this section does not require a school district or the State when acting under the State Contract Act to comply with the building ordinances of a county or city. Notwithstanding the preceding provisions of this section, this section does not require a school district to comply with the zoning ordinances of a county or city unless such zoning ordinance makes provision for the location of public schools and unless the city or county planning commission has adopted a master plan.

Each local agency required to comply with building ordinances and zoning ordinances pursuant to this section and each school district whose school buildings are inspected by a county or city pursuant to Section 53092 shall be subject to the provisions of the applicable ordinances of a county or city requiring the payment of fees but the amount of such fees charged a local agency or school district shall not exceed the amount charged under the ordinance to nongovernmental agencies for the same services or permits. Building ordinances and zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, or transmission of water or electrical energy by a local agency.

Inspection of school building construction

53092. The State Director of Public Works, upon recommendation of the Division of Architecture, may delegate to any county or city all or part of the powers and duties of the Division of Architecture relating to the inspection of construction of school buildings of school districts within the county or city if, as determined by the Division of Architecture, the county or city has an adequate building inspection program. No delegation under this section shall become effective without the consent of the legislative body of the county or city to which the delegation is made.

Local agency appeals

53093. Any local agency aggrieved by the application of any zoning ordinance of a county or city pursuant to Section 53091 or by decision of an officer, department, board or bureau of the county or city made in connection with such ordinance may appeal to the Local Planning Advisory Committee, provided for in Section 65020.

The Local Planning Advisory Committee shall adopt rules providing for such appeals subject to the provisions of this article. Such appeal shall be taken within a reasonable time, as provided in the rules of the committee. The local agency aggrieved shall commence the appeal by filing with the committee and with the city clerk or county clerk of the county

or city, as the case may be, a notice of appeal specifying the grounds. Arbitrariness, capriciousness, error, or illegality in any decision, order, requirement, permit, or in a determination of an officer, department, board, or bureau of the county or city, constitutes grounds for appeal.

At the request of the Local Planning Advisory Committee the county or city shall forthwith transmit to the committee all papers constituting the record upon which the action appealed from was taken.

The Local Planning Advisory Committee shall hear and decide all such appeals and shall, by its decision, affirm, suspend, modify, or reverse the act or determination of the county or city.

An appeal shall not be filed with the Local Planning Advisory Committee unless the local agency filing the appeal has exhausted the administrative remedies provided by county or city ordinance.

The decision by the Local Planning Advisory Committee may be reviewed by a court of competent jurisdiction.

In lieu of an appeal to the Local Planning Advisory Committee, the aggrieved local agency may commence an action in the superior court of the county whose zoning ordinance is involved or of the county in which is situated the city whose zoning ordinance is involved seeking a review of the act or determination of the county or city.

School districts

53094. Notwithstanding any other provisions of this article, the governing board of a school district, by vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by such school district. The board shall, within 10 days, notify the city or county concerned of such action. If such governing board has taken such action the city or county may commence an action in the superior court of the county whose zoning ordinance is involved or in which is situated the city whose zoning ordinance is involved, seeking a review of such action of the governing board of the school district to determine whether it was arbitrary and capricious. The city or county shall cause a copy of the complaint to be served on the board. If the court determines that such action was arbitrary and capricious, it shall declare it to be of no force and effect, and the zoning ordinance in question shall be applicable to the use of the property by such school district.

Prevailing provisions

53095. The provisions of this article shall prevail over Section 15004 of the Education Code and over Sections 65551 to 65554, inclusive, of the Government Code.

CHAPTER 2111

An act to add Section 26613 to the Government Code, relating to the powers and duties of the sheriff in counties exceeding 3,000,000 population.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 26613 is added to the Government Code, to read:

26613. Notwithstanding the provisions of Section 29601 the board of supervisors in a county having a population in excess of 3,000,000 may authorize the sheriff to enforce the provisions of the Vehicle Code in the unincorporated area of such county but only upon county highways. The expense incurred by the sheriff in the performance of such duties shall be a proper county charge.

The sheriff shall, on or before the fifth day of each month, forward to the Department of the California Highway Patrol copies of all accident reports made to the sheriff's office and all accident reports of accidents investigated by the sheriff's office.

CHAPTER 2112

An act to amend Sections 151 and 153 of the Water Code, relating to the California Water Commission.

In effect September 18, 1959

[Approved by Governor July 18, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 151 of the Water Code is amended to read:

151. The California Water Commission consists of nine members who are appointed by the Governor subject to the confirmation of the Senate, as provided in this article.

SEC. 2. Section 153 of said code is amended to read:

153. The terms of the members of the California Water Commission in office when this article takes effect shall expire as follows: one member on January 15, 1958, two members on January 15, 1959, two members on January 15, 1960, and two members on January 15, 1961.

The terms of the two additional members of the commission provided for by the act amending this section first appointed by the Governor shall expire as follows: one member on January 15, 1962, and one member on January 15, 1963. The terms of the successors to such members shall be for four years.

CHAPTER 2113

An act to add Chapter 3 (commencing at Section 17800) to Part 3 of Division 7 of, and Sections 17763.3, 17763.5, 17818, and 17819 to, the Business and Professions Code, relating to trading stamps.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing at Section 17800) is added to Part 3 of Division 7 of the Business and Professions Code, to read:

CHAPTER 3. TRADING STAMPS

"Trading stamps"

17800. For the purposes of this chapter, "trading stamp" means any stamp, or other similar device, given by a retailer at his expense, which will entitle the holder thereof, on presentation thereof, to receive from a trading stamp company, a merchant, or any other person, goods, wares, merchandise, or cash, either free of charge or for less than the retail price thereof.

Giving of trading stamps

17801. Any person who advertises the giving of trading stamps, or who gives trading stamps, with the sale of any merchandise shall give such stamps, if the purchaser requests them, with the sale of all items of merchandise offered for sale at his place of business, unless such person advertises that he does not give trading stamps on certain items of merchandise and designates such items in the advertisement or posts a list of such items in a conspicuous place in his place of business.

Exception

17802. Nothing contained in this chapter shall be construed as requiring the giving of trading stamps with any article when the giving of such stamps or any premium with the particular article is specifically prohibited by statute of this State or rule or regulation adopted pursuant thereto.

Misdemeanor

17803. Any person violating this chapter is guilty of a misdemeanor which shall be punishable by a fine of not to exceed one hundred dollars ($100).

SEC. 2. Section 17763.3 is added to said code, to read:

Giving of trading stamps

17763.3. Any person who advertises the giving of trading stamps, or who gives trading stamps, with the sale of any merchandise shall give such stamps, if the purchaser requests them, with the sale of all items of merchandise offered for sale at his place of business, unless such person advertises that he does not give trading stamps on certain items of merchandise and designates such items in the advertisement or posts a list of such items in a conspicuous place in his place of business.

SEC. 3. Section 17763.5 is added to said code, to read:

Exception

17763.5. Nothing contained in this chapter shall be construed as requiring the giving of trading stamps with any

article when the giving of such stamps or any premium with the particular article is specifically prohibited by statute of this State or rule or regulation adopted pursuant thereto.

SEC. 4. Section 17818 is added to said code, to read:

Giving of trading stamps

17818. Any person who advertises the giving of trading stamps, or who gives trading stamps, with the sale of any merchandise shall give such stamps, if the purchaser requests them, with the sale of all items of merchandise offered for sale at his place of business, unless such person advertises that he does not give trading stamps on certain items of merchandise and designates such items in the advertisement or posts a list of such items in a conspicuous place in his place of business.

SEC. 5. Section 17819 is added to said code, to read:

Exception

17819. Nothing contained in this chapter shall be construed as requiring the giving of trading stamps with any article when the giving of such stamps or any premium with the particular article is specifically prohibited by statute of this State or rule or regulation adopted pursuant thereto.

Effect. Stats 1959, Ch 2170

SEC. 6. Sections 17763 3 and 17763.5 added to the Business and Professions Code by this act become operative only if Assembly Bill No. 1698 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said bill takes effect, at which time Sections 17818 and 17819 added to the Business and Professions Code, and Chapter 9 (commencing at Section 17800) added to Part 3 of Division 7 of said code, by Sections 1, 4, and 5 of this act are repealed.

Effect. Stats 1959, Ch 2169

SEC. 7. Sections 17818 and 17819 added to the Business and Professions Code by this act become operative only if Senate Bill No. 102 is enacted by the Legislature at its 1959 Regular Session, and in such case at the same time as said bill takes effect, at which time Sections 17763.3 and 17763 5 added to the Business and Professions Code, and Chapter 9 (commencing at Section 17800) added to Part 3 of Division 7 of said code, by Sections 1, 2, and 3 of this act are repealed.

CHAPTER 2114

An act to create a flood control district to be called Plumas County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the development and sale of electric power; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the

powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. A flood control and water conservation district is hereby created, to be known and designated as "Plumas County Flood Control and Water Conservation District," and the boundary and territory of said district are as follows: all that territory of the County of Plumas lying within the exterior boundaries thereof, except the territory included within the exterior boundaries of the Last Chance Irrigation District.

SEC. 2. "District" means Plumas County Flood Control and Water Conservation District.

"Board" means the board of directors of the district.

"County" means the County of Plumas.

"Counties" means the several counties of the State of California.

"State" means the State of California.

"Subterranean supply of waters" means (a) that amount of water percolated into natural underground reservoirs, from surface reservoirs owned or controlled by the district, to replenish and augment the supply therein, (b) that amount of the underflow water of a surface watercourse to the extent augmented by the release of water from a surface reservoir owned or controlled by the district, and (c) any underflow of a surface watercourse being put to beneficial use within the district on the effective date of this act.

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm, flood, and other waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, donation or other lawful means in the name of the district from private persons, public and private corporations, associations,

agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof. No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Plumas shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

In condemnation proceedings, the district shall proceed under the provisions of Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district; provided, however, that no property shall be taken unless it is taken upon a finding of a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or altering or otherwise changing existing works or structures shall be paid by the district; provided, however, that all costs of relocating or otherwise changing any portion of a state highway shall be paid for from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, drains, tunnels, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and tax collector, and define their powers and duties, and fix and determine the amount of bond required of each employee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish the same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface water and water rights, useful or necessary to make use of water for any of the purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses.

(r) To control flood and storm waters within the district and the flood and storm waters or streams outside the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of water in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, on behalf of the landowners therein, or otherwise to assume the cost and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of the common benefit of any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions or proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use, the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(s) To co-operate and act in conjunction with the United States or with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with

any public or private corporation, or with the County of Plumas, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Plumas County Flood Control and Water Conservation District; to acquire by negotiation only the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water owned or controlled by the district or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit owned and controlled by the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual or any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the

Plumas County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(v) To construct, operate, and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy.

(w) Nothing herein contained shall be deemed to permit the district or its board of directors to acquire or interfere in existing water rights and water uses and facilities for distribution of the same on an involuntary basis, but nothing herein shall be deemed to prohibit negotiating and acquisition of existing rights, uses, and privileges in water by negotiation.

SEC. 4. Before the district may begin to transact business or exercise its powers, the Board of Supervisors of the County of Plumas, on its own motion or whenever a petition requesting that the district transact business and exercise its powers signed by not less than 10 percent of the qualified electors of the County of Plumas is presented to such board of supervisors, may adopt a resolution declaring that there is need for the district to function, or it may call a special election for the purpose of submitting to the voters of the county the proposition of whether the district should function.

From and after the date of the adoption of the resolution, or the date upon which the vote on the proposition is declared by the board of supervisors, if a majority of the voters voting on the proposition voted in its favor, the district shall begin to function and may exercise its powers.

SEC. 5. The board of directors of the district, by resolutions thereof adopted from time to time, may establish zones within the district without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The board may not form a zone covering areas of land situated both inside and outside the corporate limits of a municipality. Proceedings for the establishment of such zones may be conducted concurrently with and a part of the proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 6 of this act.

SEC. 6. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement for the common benefit of such zone or participating zones. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon

the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by either a majority in number of the registered voters or freeholders residing within such zone or participating zones, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 7. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint for each zone at the time of adoption of the resolution of intent, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Plumas County, to represent before the board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board. The advisory committee for each zone shall hold office until the zone project is completed or abandoned. The board shall take no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written consent is filed with the board. At the completion of a zone project the board shall appoint an operating advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Plumas County to advise the board on matters of maintenance, operation, extensions, repairs and any work or improvements and none of these matters shall be attempted by the board unless and until a two-thirds majority of the operating advisory committee shall consent thereto in writing and such written consent is filed with the board. The members of the first operating advisory committee appointed for a zone shall be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the operating advisory committee shall be filled by the board for the unexpired term.

SEC. 8. Upon the petition of 200 qualified electors of the district, the district may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at Section 58300) of Chapter 1 of Division 1 of Title 6 of the Government Code, except for the number of petitioners required.

and the district shall be considered a district within the meaning of all the provisions of such article.

SEC. 9. The Board of Supervisors of Plumas County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper in their discretion to accomplish the purpose of this act.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board of supervisors shall serve as a director without compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

SEC. 10. No director of the district shall in any manner be interested directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom. For any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

SEC. 11. The county clerk, county assessor and tax collector, county auditor, county treasurer, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by the board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

SEC. 12. All ordinances, resolutions and other legislative acts for the district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance

with the procedure established by the laws of the State of California for the exercise of such powers in relation to counties.

SEC. 13. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

SEC. 14. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act and all such property is exempt from taxation or assessment by the State, any county, city, or district. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or waterworks shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

SEC. 15. There is granted to the district the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to such use such right-of-way and lands.

SEC. 16. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient

bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3 of this act, or to a contract authorized by a vote of the electorate of the district.

SEC. 17. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

SEC. 18. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any other indebtedness to the United States, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with county taxes and not to exceed, however, the sum of ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all

resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes. The revenue from the tax levied pursuant to this action may also be used to assist in the financing of projects for any zone or zones.

SEC. 19. The board shall have the power, as provided for in this act, to cause taxes to be levied within any zone for the purpose of paying any obligation of the district created for the district and to accomplish the purpose of the district and of this act.

SEC. 20. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in the report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining the amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district, or any portion thereof, to be divided into a zone or zones, if in its opinion such division is necessary because of the varying benefits to the property within the district, together with a statement as to the amount of the sum to be raised from each of such zone or zones for the payment of principal and interest of the bonds of the zone or zones. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include any of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and shall show the separate boundaries of each zone and a statement of the amount to be raised from each zone.

SEC. 21. If after the hearing provided for in Section 6 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and floodwaters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes in the zones, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, the election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last Great Register of Plumas County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall be entitled to one vote for the first one thousand dollars ($1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars ($1,000) of assessed value or fraction thereof.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board

and the incurring of such bonded indebtedness, then the bonds of the district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

SEC. 22. Should the proposition be submitted to the electorate as provided in Section 21 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

SEC. 23. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within the district and the amount to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 20, but before the calling of the bond election as provided in Section 21 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of the municipality or political subdivision. Thereupon the charges against the zone or zones shall be canceled to the extent of the amount so agreed to be paid, and thereafter the electors residing within the zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by the municipality or other political subdivision.

It shall be wholly optional with the board whether or not to proceed as provided in this section.

SEC. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the California Districts Securities Commission but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 25. The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor of

a greater denomination than one thousand dollars ($1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 26. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Plumas, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Plumas County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Plumas, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the

regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 27. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 28. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

SEC. 29. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality

and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 30. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this act may be so used.

SEC. 31. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Plumas, and be paid out by him upon authority of the board and by proper warrant. All proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which the district was created as in this act provided.

SEC. 32. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected,

and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Plumas as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the amount to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the

general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by the Board of Supervisors of the County of Plumas, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

SEC. 33. After the first bond election in the district at which bonds shall be authorized, or after the district becomes indebted to the United States pursuant to Section 3 (u), the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting zones as provided in Section 32 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon If the district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

SEC. 34. Bonds issued by the district and property of the district shall be exempt from taxation as provided by Sections 1 and 1¾ of Article XIII of the State Constitution.

SEC. 35. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively neg-

ligible or be found to be one in favor of the owner of the property affected thereby.

SEC. 36. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

SEC. 37. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 38. This act shall be known as the "Plumas County Flood Control and Water Conservation District Act."

CHAPTER 2115

An act to add Section 235 to, and to repeal Section 12605 of, the Water Code, relating to weather modification.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 235 is added to the Water Code, to read:

Weather modification studies

235. The department, either independently or in co-operation with any person or any county, state, federal, or other agency, to the extent that funds are allocated therefor, may conduct a program of study, research, experimentation, and evaluation in the field of weather modification, including the production and control of rainfall by artificial means, and it may contract with public and private organizations and persons for research relative thereto.

Repeal

SEC. 2. Section 12605 of said code is repealed.

CHAPTER 2116

An act to add Sections 10084, 10085, 10140.5, 10143.5, 10144, 10512.5, 10514.5, and 10514.7 to, and to amend Sections 10131, 10132, 10134, 10140, 10501, 10502, 10506, and 10512 of, the Business and Professions Code, relating to the Real Estate Commissioner and the business of assisting persons in filing applications for lands owned by the State or Federal Government, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 10084 is added to the Business and Professions Code, to read:

Order to desist and refrain

10084. Whenever in the opinion of the commissioner any person has or is violating, or is about to violate, any of the provisions of this part or of Chapter 1 (commencing at Section 11000) of Part 2 of this division, the commissioner may order the person to desist and refrain from doing so. If, after such an order is made, a request for a hearing is filed in writing and hearing is not held within 60 days thereafter, the order is rescinded.

SEC. 2. Section 10085 is added to said code, to read:

Prohibition

10085. No person shall engage in any activity after receiving a notice in writing from the commissioner that in the opinion of the commissioner such activity violates a provision of this part or of Chapter 1 (commencing at Section 11000) of Part 2 of this division, unless the commissioner subsequently, in writing, withdraws his objections to the activity.

SEC. 3. Section 10131 of said code is amended to read:

Real estate broker

10131. A real estate broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, sells or offers for sale, buys or offers to buy, lists or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of real estate, who, for a compensation or in expectation of a compensation, negotiates loans on real estate, leases or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents or places for rent, or collects rent from real estate, or improvements thereon, for another or others, or who, other than as an officer or employee of the State or Federal Government, for a compensation or in expectation of a compensation, assists or offers to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government.

SEC. 4. Section 10132 of said code is amended to read:

Real estate salesman

10132. A real estate salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed real estate

broker to sell, or offer for sale, or to list, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to solicit for prospective purchasers of real estate, or to negotiate a loan on real estate, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any real estate, or improvements thereon, or to assist or offer to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government.

SEC. 5. Section 10134 of said code is amended to read:

Acts constituting broker or salesman

10134. One act of buying or selling real estate of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange real estate, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of real estate, or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom, or, other than as an officer or employee of the State or Federal Government, assisting or offering to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government, constitutes the person making such offer, sale or purchase, exchange or lease, or negotiating the loan, or so renting or placing for rent or collecting the rent or listing or soliciting, or assisting or offering to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government, a real estate broker or real estate salesman within the meaning of this part.

SEC. 6. Section 10140 of said code is amended to read:

False representations, etc.

10140. Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false statement or representation concerning any land or subdivision thereof, as defined in Chapter 1 (commencing at Section 11000) of Part 2 of this division, offered for sale or lease, or, if the land is owned by the State or Federal Government, which such person offers to assist another or others to file an application for the purchase or lease of, or to locate or enter upon, and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any said land or subdivision, as defined in Chapter 1 (commencing at Section 11000) of Part 2 of this division, contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or causes the same to be issued, circulated, published or distributed, or who, in any other respect, willfully violates or fails to comply with any of the provisions of this section, or who in any other respect willfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the commissioner under this section, is guilty

of a public offense, and shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment, and, if a real estate licensee, he shall be held to trial by the commissioner for a suspension or revocation of his license, as provided in the provisions of this part relating to hearings. The district attorney of each county in this State shall prosecute all violations of the provisions of this section in respective counties in which the violations occur.

SEC. 7. Section 10140.5 is added to said code, to read:

Government lands Advertisements

10140.5. Each advertisement or other statement which is published by a real estate broker or salesman offering to assist persons to file applications for the purchase or lease of, or to locate or enter upon, lands owned by the State or Federal Government shall, when published, indicate the name of the broker for whom it is published and state that he is licensed as a real estate broker by the State of California.

SEC. 8. Section 10143.5 is added to said code, to read:

Reports on transactions

10143.5. Any real estate broker who assists another or others, or whose real estate salesmen assist another or others, for a compensation, in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government shall report to the commissioner the names and addresses of all persons he or his salesmen have assisted in filing applications for land owned by the State or Federal Government and the amount of compensation received from such persons. The report shall be filed quarterly within 10 days after the end of each calendar quarter.

SEC. 9. Section 10144 is added to said code, to read:

Contract regulations

10144. The commissioner may prescribe by regulation the information which shall be contained in contracts or other agreements by a real estate broker, or a real estate salesman, to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government, including, but not limited to, information with regard to the services agreed to be performed and information with regard to the hazards which may prevent the person to be assisted in filing an application with the State or Federal Government ever receiving any state or federal land under the application.

SEC. 10. Section 10501 of said code is amended to read:

Mineral, oil and gas broker

10501. A mineral, oil and gas broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, sells or offers for sale, buys or offers to buy, lists, or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of mineral, oil or gas property, or who, for a compensation or in expectation of a compensation, negotiates loans on mineral, oil or gas property, leases or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents or places for rent, or collects rent or royalties from mineral, oil or gas property, for another or others or who, other than as an officer or employee of the State

or Federal Government, for a compensation or in expectation of a compensation, assists or offers to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, mineral, oil or gas property owned by the State or Federal Government.

SEC. 11. Section 10502 of said code is amended to read:

Mineral, oil and gas salesman

10502. A mineral, oil and gas salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed mineral, oil and gas broker to sell or offer for sale, or to list, or to buy or to offer to buy, or to negotiate the purchase or sale or exchange of mineral, oil or gas property, or to solicit for prospective purchasers of mineral, oil or gas property, or to negotiate a loan on mineral, oil or gas property, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any mineral, oil or gas property, or to assist or offer to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, mineral, oil or gas property owned by the State or Federal Government.

SEC. 12. Section 10506 of said code is amended to read:

Acts constituting Broker or salesman

10506. One act of buying or selling a mineral, oil or gas property of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange a mineral, oil or gas property, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of mineral, oil or gas property, or negotiating a loan on or leasing or renting or placing for rent a mineral, oil or gas property, or collecting rent therefrom, or, other than as an officer or employee of the State or Federal Government, assisting or offering to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, mineral, oil or gas property owned by the State or Federal Government, constitutes the person making such offer, sale or purchase, exchange or lease, or negotiating the loan, or so renting or placing for rent or collecting the rent or listing or soliciting, or assisting or offering to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, mineral, oil or gas property owned by the State or Federal Government, a mineral, oil and gas broker or salesman within the meaning of this part.

SEC. 13. Section 10512 of said code is amended to read:

False representations, etc.

10512. Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false statement or representation concerning any mineral, oil or gas property, or, if the mineral, oil or gas property is owned by the State or Federal Government, which such person offers to assist another or others to file an application for the purchase or lease of, or to locate or enter upon, and every person who, with knowledge that any

advertisement, pamphlet, prospectus or letter concerning any mineral, oil or gas property or any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or causes the same to be issued, circulated, published or distributed, or who in any other respect willfully violates or fails, omits, or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the commissioner under the provisions of this part relating to mineral, oil and gas brokerage, is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term not to exceed six months, or by a fine of not to exceed five hundred dollars ($500), and, if a mineral, oil and gas licensee, he shall be held to trial by the commissioner for a suspension or revocation of his mineral, oil and gas license, as provided in the provisions of this part relating to hearings. It shall be the duty of the district attorney of each county in this State to prosecute all violations of the provisions of this section in respective counties in which the violations occur.

SEC. 14. Section 10512.5 is added to said code, to read:

Government lands Advertisements

10512.5. Each advertisement or other statement which is published by a mineral, oil and gas broker or salesman offering to assist persons to file applications for the purchase or lease of, or to locate or enter upon, lands owned by the State or Federal Government shall, when published, indicate the name of the broker for whom it is published and state that he is licensed as a mineral, oil and gas broker by the State of California.

SEC. 15. Section 10514.5 is added to said code, to read:

Reports on transactions

10514.5. Any mineral, oil and gas broker who assists another or others, or whose mineral, oil and gas salesmen assist another or others, for a compensation, in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government shall report to the commissioner the names and addresses of all persons he or his salesmen have assisted in filing applications for land owned by the State or Federal Government and the amount of compensation received from such persons. The report shall be filed quarterly within 10 days after the end of each calendar quarter.

SEC. 16. Section 10514.7 is added to said code, to read:

Contract regulations

10514.7. The commissioner may prescribe by regulation the information which shall be contained in contracts or other agreements by a mineral, oil and gas broker, or a mineral, oil and gas salesman, to assist another or others in filing and application for the purchase or lease of, or in locating or entering upon, lands owned by the State or Federal Government, including, but not limited to, information with regard to the services agreed to be performed and information with regard to the hazards which may prevent the person to be assisted in filing an application with the State or Federal Government ever receiving any state or federal land under the application.

Urgency

SEC. 17. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Various persons now engaged in the business of assisting others to file applications for lands owned by the State or Federal Government appear to be misrepresenting and grossly overcharging for services which they perform and to be misrepresenting the availability of such lands. To eliminate these practices it is imperative that this act take effect immediately.

CHAPTER 2117

An act to amend Sections 10026, 10131, 10132, 10134, 10252, 10252.5, 10253, 10253.5, 10255 and 10305 of, and to add Sections 10027 and 10085 to, the Business and Professions Code, relating to definition of brokers, agents and salesmen and advance fee charges.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 10026 of the Business and Professions Code is amended to read:

"Advance fee"

10026. The term "advance fee" as used in this part is a fee claimed, demanded, charged, received, collected or contracted for a listing, advertisement or offer to sell or lease property, other than in a newspaper of general circulation, issued primarily for the purpose of promoting the sale or lease of business opportunities or real estate or for referral to business opportunity or real estate brokers or salesmen, or both, or soliciting borrowers or lenders for, or to negotiate loans on, business opportunities or real estate.

SEC. 2. Section 10027 is added to said code, to read:

"Listing"

10027. The term "listing" as used in this part includes, but is not limited to:

(a) The name or a list of the names, of the owners, landlords, exchangers, or lessors, or the location or locations, of property, or of an interest in property, offered for rent, sale, lease, or exchange.

(b) The name, or a list of the names, or the location or locations at which prospective or potential purchasers, buyers, lessees, tenants or changers of property may be found or contacted.

(c) An agreement by which a person who is engaged in the business of promoting the sale or lease of business opportunities or real estate agrees to render to an owner or lessee of such property any services, to promote the sale or lease of said property.

(d) An agreement by which a person who is engaged in the business of finding, locating or promoting the sale or lease of business opportunities or real estate, agrees to circularize, notify or refer business opportunity or real estate brokers or salesmen, or both, to said property which is offered for sale or lease.

SEC. 3. Section 10085 is added to said code, to read:

Advance fee agreements, misdemeanor

10085. The commissioner may require that any or all materials used in obtaining advance fee agreements, including but not limited to the contract forms, letters or cards used to solicit prospective sellers, and radio and television advertising be submitted to him at least five days before they are used. Should the commissioner determine that any such matter, when used alone or with any other matter, would tend to mislead he may, within five days of the date he receives same, order that it not be used, disseminated, nor published. Any person using, disseminating, or publishing any matter which the commissioner has ordered, pursuant to this section, not to be used, published, or disseminated shall be guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or both, for each such use, dissemination, or publication.

The commissioner may determine the form of the advance fee agreements, and all material used in soliciting prospective owners and sellers shall be used in the form and manner which he determines is necessary to carry out the purposes and intent of this part.

Any violation of any of the provisions of this part or of the rules, regulations, orders or requirements of the commissioner thereunder shall constitute grounds for disciplinary action against a licensee, or for proceedings under Section 10081 of this code, or both. These sanctions are in addition to the criminal proceedings hereinbefore provided.

SEC. 4. Section 10131 of said code is amended to read:

Real estate broker

10131. A real estate broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, sells or offers for sale, buys or offers to buy, lists or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of real estate, or who, for a compensation or in expectation of a compensation, solicits borrowers or lenders for or negotiates loans on real estate, leases or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents or places for rent, or collects rent from real estate, or improvements thereon, for another or others.

SEC. 5. Section 10132 of said code is amended to read:

Real estate salesman

10132. A real estate salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed real estate broker to sell, or offer for sale, or to list, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to solicit for prospective purchasers

of real estate, or to solicit borrowers or lenders for or negotiate a loan on real estate, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any real estate, or improvements thereon.

SEC. 6. Section 10134 of said code is amended to read:

Acts constituting broker or salesman

10134. One act of buying or selling real estate of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange real estate, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of real estate, or soliciting borrowers or lenders for or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom constitutes such person a real estate broker or real estate salesman within the meaning of this part.

SEC. 7. Section 10252 of said code is amended to read:

Business opportunity broker

10252. A business opportunity broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, sells or offers for sale, rents or offers to rent, or collects rent, buys or offers to buy, lists, leases or offers to lease, or solicits for prospective tenants or purchasers, or solicits borrowers or lenders for or negotiates loans on, or negotiates the purchase or sale or the renting, leasing or exchanging of a business, business opportunity, or interest therein, or the goodwill of an existing business for another or others.

SEC. 8. Section 10252.5 of said code is amended to read:

Same

10252.5. A business opportunity broker within the meaning of this part also includes any person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of business opportunities or real estate by advance fee listing, advertisement, or other offering to sell, lease, exchange or rent property.

SEC. 9. Section 10253 of said code is amended to read:

Business opportunity salesman

10253. A business opportunity salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed business opportunity broker to sell or offer for sale, to rent or offer to rent, or collect rent, or to list or offer to list, or to buy or to offer to buy, or to lease or offer to lease, or to solicit for prospective tenants or purchasers, or to solicit borrowers or lenders for or negotiate loans on, or to negotiate the purchase or sale or the renting, leasing, or exchanging of a business, business opportunity, or interest therein, or the goodwill of an existing business.

SEC. 10. Section 10253.5 of said code is amended to read:

Same

10253.5. A business opportunity salesman within the meaning of this part also includes a natural person who is employed by a licensed business opportunity broker to claim, demand, charge, receive, collect or contract for the collection of an advance fee in seeking to promote the sale, exchange, lease or

rent of business opportunities or real estate by advance fee listing, advertisement or other offering to sell, exchange, lease or rent property.

SEC. 11. Section 10255 of said code is amended to read:

Acts constituting broker or salesman

10255. One act of buying or selling a business opportunity of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange a business opportunity, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of business opportunities, or soliciting borrowers or lenders for or negotiating a loan on or leasing or renting or placing for rent a business opportunity, or collecting rent therefrom, or charging, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale of business opportunities or real estate by listing of offerings of such property in a publication issued primarily for such purpose or for referral to real estate or business opportunity brokers or salesmen, or both, constitutes the person so acting a business opportunity broker or salesman within the meaning of this part.

SEC. 12. Section 10305 of said code is amended to read:

Advertising agents: Advance fees

10305. Any person, hereinafter referred to as an "advertising agent," who contracts for or collects an advance fee from any other person, hereinafter referred to as the "principal," shall deposit any such amount or amounts, when collected, in a trust account with a trust company authorized to do business in California. Such funds are trust funds and not the funds of the agent. Amounts may be withdrawn therefrom for the benefit of the agent only when actually expended for the benefit of the principal or five days after the verified accounts mentioned hereinafter has been mailed to the principal.

A trust account shall be maintained by the advertising agent and the trust company for each advance fee contracted for. Said account shall show all amounts paid to and all amounts expended by the agent.

The commissioner may issue such rules and regulations as he deems necessary to regulate the method of accounting, and to accomplish the purpose of the provisions of this code relating to advance fees, including, but not limited to, establishing forms for and determining information to be included in such accountings. Each principal shall be furnished a verified copy of such accounting at the end of each calendar quarter and when the contract has been completely performed by the advertising agent. The Real Estate Commissioner shall be furnished a verified copy of any account or all accounts on his demand therefor.

Where advance fees actually paid by or on behalf of any principal are not handled in accordance with the preceding two paragraphs it shall be presumed that the advertising agent has violated Sections 506 and 506a of the Penal Code. The

principal may recover treble damages for amounts so misapplied and shall be entitled to reasonable attorneys' fees in any action brought to recover the same.

Severability

SEC. 13. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Legislative findings

SEC. 14. The Legislature finds the necessity for the enactment of the legislation contained in Chapter 1678, Statutes 1955 and in this act to be as follows:

That since 1948 a number of individuals and corporate entities, hereafter for convenience referred to as promoters, some operating with their principal or main offices in California, have themselves and through their salesmen and agents, engaged in the business of appraising the property, making false and fraudulent misrepresentations to the owners, lessees or renters of property, hereafter for convenience referred to as owners, for the purpose of inducing the owners to entrust money to, or to execute agreements to pay money to the promoters to be utilized by the promoters for promised services, such as advertising on a national scale in newspapers, magazines and radio, distribution of brochures, and to establish contact with brokers and to locate and find prospective buyers, in order to promote the sale, lease, rental or exchange of the property of the owners; that said promoters often misrepresent that there will be no charge for their services unless and until the property is sold to a buyer found by them but that an "advance fee," deposit or retainer is required from, or charged against, the owner, all of which will be used to pay the cost of promotional advertising and which will be deducted from the sales commission when the property is eventually sold; that the said promises are made by the promoters with no intent of making a bona fide effort to render such service, and with the intent to render merely token services; and the effectiveness and efficiency of their service is grossly misrepresented by the promoters.

That not all individuals nor corporate entities who receive advance fees engage in the aforesaid practices. Many are long established and legitimate businesses.

Newspapers and magazines of general circulation have not been found to engage in the aforesaid reprehensible practices.

That as a result of the aforesaid practices thousands of owners, both within and outside of California, have been deceived and defrauded by said promoters, and have lost millions of dollars.

That said promoters have sought to shield their activities under the guise of operating as mere finders or locators of buyers, or as being engaged exclusively in the advertising or publishing business, and to claim that they are not operating as real estate or business opportunity brokers or salesmen.

To protect the aforesaid owners of property, as well as the general public, and to insure the general welfare, it is necessary to subject the advance fee business to regulation and to limit the persons or entities who engage in the advance fee business to those of proven honesty and integrity, and to establish a fiduciary relationship between the promoters and the owners by requiring that they be licensed as real estate or business opportunity brokers and salesmen, and to require them to account to their principals for the expenditure of the funds entrusted to them.

Recently persons engaged in the advance fee promotion business have switched to the lending field from the selling field, and have applied the same modus operandi to inducing persons to sign advance fee contracts on the representation that the advance fee operator will aid and assist them to secure loans on their personal or real property, or both. These are often called "advance fee lenders" as distinguished from their prototype, the "advance fee seller." Each is equally in need of regulation and licensing.

CHAPTER 2118

An act to amend Sections 21019 and 21408 of the Public Utilities Code, relating to aviation.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 21019 of the Public Utilities Code is amended to read:

Penalty

21019. Any person violating any of the provisions of this part, other than Section 21407.5, or any of the rules or orders issued under this part, is punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment of not more than six months, or both.

SEC. 2. Section 21408 of said code is amended to read:

Additional penalty

21408. For any violation of Sections 21407 or 21407.5, in addition to the penalties provided by Sections 21019 or 21407.6, the court may prohibit the violator from operating an aircraft within the State for a period not exceeding one year. Violation of the prohibition of the court may be treated as a separate offense under this section or as a contempt of court. Upon a plea of guilty or conviction under Section 21407 or Section 21407.5, the commission shall cause a record of the plea or conviction and of the sentence imposed to be maintained. This section shall not be construed as warrant for the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license.

CHAPTER 2119

An act to amend Section 68540 of the Government Code, relating to assignment of judges.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 68540 of the Government Code is amended to read:

Extra compensation for judges

68540. (a) Whenever a judge of a superior court is assigned by the Chairman of the Judicial Council to sit in a superior court in another county, any extra compensation to which this judge is entitled under the Constitution for the time so served shall be paid by the county to which such judge is assigned.

Further, the county to which such judge is assigned shall reimburse the county in which such judge was elected or appointed by the Governor as a superior court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was assigned to the other court. This reimbursement shall be made from the same funds as the extra compensation is paid, and at such times and in such manner as the State Controller may by rule provide.

In computing the time served under this subdivision (a), there shall be counted the actual time so served, plus Saturday, Sunday and holiday time duly allocable thereto.

(b) The State shall pay the same proportion of the extra compensation of a judge of a municipal or justice court, assigned to a superior court, that it pays of the salary of a judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

SEC. 2. Section 68540 of said code is amended to read:

Same

68540. (a) Whenever a judge of a superior court is assigned by the Chairman of the Judicial Council to sit in a superior court in another county, any extra compensation to which this judge is entitled under the Constitution for the time so served shall be paid by the county to which such judge is assigned.

Further, the county to which such judge is assigned shall reimburse the county in which such judge was elected or appointed by the Governor as a superior court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was assigned to the other court. This reimbursement shall be made from the same funds as the extra compensation is paid.

(b) The State shall pay the same proportion of the extra compensation of a judge of a municipal or justice court, assigned to a superior court, that it pays of the salary of a

judge of the superior court to which the assignment is made, and the remainder of such extra compensation shall be paid by the county in and for which is held the superior court to which the assignment is made.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No 893 is enacted by the Legislature at its 1959 Regular Session, and Section 1 of this act shall become operative only if Section 2 of this act does not become operative.

Effect. Stats. 1959, Ch 1644

CHAPTER 2120

An act to add Article 1.5 (commencing at Section 685) to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to insurance retaliatory laws.

[Approved by Governor July 18, 1959 Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing at Section 685) is added to Chapter 1, Part 2, Division 1 of the Insurance Code, to read as follows:

Article 1.5. Retaliation

Retaliation

685. When by or pursuant to the laws of any other state or foreign country any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon California insurers, or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this State, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions, of whatever kind shall be imposed upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in California. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on California insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this article.

Exceptions

685.1. This article shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments heretofore imposed by another state or foreign country in connection with particular kinds of insurance, other than property insurance; except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration in determining the propriety and extent of retaliatory action under this article.

Domicile of alien insurer

685.2. For the purposes of this article the domicile of an alien insurer, other than insurers formed under the laws of Canada, shall be that state in which is located its principal place of business in the United States.

In the case of an insurer formed under the laws of Canada or a province thereof, its domicile shall be deemed to be that province in which its head office is situated.

Enforcement duties

685.3. To the extent permitted by the Constitution of this State there is hereby imposed upon the commissioner the duty of enforcing the execution of the provisions of Section 685. It shall be the duty of the commissioner to initiate the enforcement and execution of the provisions of Section 685 in respect to all matters which by the Constitution or laws of this State require further or final action by other officials of this State. In respect to any matter initiated by the commissioner, it shall be the duty of the Board of Equalization, Board of Control and State Controller to complete the enforcement and execution of the provisions of Section 685 in respect to such matter within the scope of the duties and powers of each as set forth in the Constitution and laws of this State.

Application to reciprocals, etc.

685.4. The provisions of this article shall also be applicable to reciprocals or interinsurance exchanges and fraternal benefit societies.

CHAPTER 2121

An act to create a flood control district to be called Siskiyou County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the development and sale of electric power; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the

powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. A flood control and water conservation district is hereby created, to be known and designated as "Siskiyou County Flood Control and Water Conservation District" and the boundaries and territory of the district are as follows:

All of that territory of the County of Siskiyou lying within the exterior boundaries thereof, exclusive of the area in Siskiyou County within the Upper Klamath River Basin, as delineated on the Official Map of the Upper Klamath River Basin approved September 6, 1956, and made a part of the Klamath River Basin compact between the States of Oregon and California, ratified by said states on April 17, 1957.

SEC. 2. "District" means Siskiyou County Flood Control and Water Conservation District.

"Board" means the board of directors of the district.

"County" means the County of Siskiyou.

"Counties" means the several counties of the State of California.

"State" means the State of California.

"Subterranean supply of waters" means (a) that amount of water percolated into natural underground reservoirs, from surface reservoirs owned or controlled by the district, to replenish and augment the supply therein, (b) that amount of the underflow water of a surface watercourse to the extent augmented by the release of water from a surface reservoir owned or controlled by the district, and (c) any underflow of a surface watercourse being put to beneficial use within the district on the effective date of this act.

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm, flood, and other waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof, except that such right shall be exercised only as against property located within the county.

In condemnation proceedings, the district shall proceed under the provisions of Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district; provided, however, that no property shall be taken unless it is taken upon a finding of a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or altering or otherwise changing existing works or structures shall be paid by the district; provided, however, that all costs of relocating or otherwise changing any portion of a state highway shall be paid for from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, drains, tunnels, poles, posts, wires, lamps, powerplants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and tax collector, and define their powers and duties, and fix and determine the amount of bond required of each employee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish the same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface water and water rights, useful or necessary to make use of water for any of the purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses.

(r) To control flood and storm waters within the district and the flood and storm waters or streams outside the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of water in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, on behalf of the landowners therein, or otherwise to assume the cost and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of the common benefit of any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions or proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use, the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(s) To co-operate and act in conjunction with the United States or with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with

any public or private corporation, or with the County of Siskiyou, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Siskiyou County Flood Control and Water Conservation District; to acquire by negotiation only the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water owned or controlled by the district or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit owned and controlled by the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual or any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the

Siskiyou County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(v) To construct, operate, and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy.

(w) Nothing herein contained shall be deemed to permit the district or its board of directors to acquire or interfere in existing water rights and water uses and facilities for distribution of the same on an involuntary basis, but nothing herein shall be deemed to prohibit negotiating and acquisition of existing rights, uses, and privileges in water by negotiation.

SEC. 4. Before the district may begin to transact business or exercise its powers, the Board of Supervisors of the County of Siskiyou, on its own motion or whenever a petition requesting that the district transact business and exercise its powers signed by not less than 10 percent of the qualified electors of the County of Siskiyou is presented to such board of supervisors, may adopt a resolution declaring that there is need for the district to function, or it may call a special election for the purpose of submitting to the voters of the county the proposition of whether the district should function.

From and after the date of the adoption of the resolution, or the date upon which the vote on the proposition is declared by the board of supervisors, if a majority of the voters voting on the proposition voted in its favor, the district shall begin to function and may exercise its powers.

SEC. 5. The board of directors of the district, by resolutions thereof adopted from time to time, may establish zones within the district without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The board may not form a zone covering areas of land situated both inside and outside the corporate limits of a municipality. Proceedings for the establishment of such zones may be conducted concurrently with and a part of the proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 6 of this act.

SEC. 6. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement for the common benefit of such zone or participating zones. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon

the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by either a majority in number of the registered voters or freeholders residing within such zone or participating zones, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 7. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint for each zone at the time of adoption of the resolution of intent, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Siskiyou County, to represent before the board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board. The advisory committee for each zone shall hold office until the zone project is completed or abandoned. The board shall take no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written consent is filed with the board. At the completion of a zone project the board shall appoint an operating advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Siskiyou County to advise the board on matters of maintenance, operation, extensions, repairs and any work or improvements and none of these matters shall be attempted by the board unless and until a two-thirds majority of the operating advisory committee shall consent thereto in writing and such written consent is filed with the board. The members of the first operating advisory committee appointed for a zone shall be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the operating advisory committee shall be filled by the board for the unexpired term.

SEC. 8. Upon the petition of 200 qualified electors of the district, the district may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at

Section 58300) of Chapter 1 of Title 6 of the Government Code, except for the number of petitioners required, and the district shall be considered a district within the meaning of all the provisions of such article.

SEC. 8.5. Land may be annexed to the district on petition of 10 percent of the qualified electors in the area to be annexed in the manner provided in Article 8 (commencing with Section 58230) Chapter 1, Division 1, Title 6 of the Government Code. An election on such annexation shall be held if 30 percent or more of the qualified voters in the area to be annexed protest such annexation.

SEC. 9. The Board of Supervisors of Siskiyou County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper in their discretion to accomplish the purpose of this act.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board of supervisors shall serve as a director without compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

SEC. 10. No director of the district shall in any manner be interested directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom. For any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

SEC. 11. The county clerk, county assessor and tax collector, county auditor, county treasurer, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless

otherwise provided by the board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

SEC. 12. All ordinances, resolutions and other legislative acts for the district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State of California for the exercise of such powers in relation to counties.

SEC. 13. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

SEC. 14. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act and all such property is exempt from taxation or assessment by the State, any county, city, or district. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or waterworks shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

SEC. 15. There is granted to the district the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made

it shall endorse its approval upon the plat and issue to the district a permit to such use such right-of-way and lands.

SEC. 16. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2.500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3 of this act, or to a contract authorized by a vote of the electorate of the district.

SEC. 17. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote

of the electors of the district at an election held for such purpose.

SEC 18. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any other indebtedness to the United States, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with county taxes and not to exceed, however, the sum of ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes. The revenue from the tax levied pursuant to this action may also be used to assist in the financing of projects for any zone or zones.

SEC. 19. The board shall have the power, as provided for in this act, to cause taxes to be levied within any zone for the purpose of paying any obligation of the district created for the district and to accomplish the purpose of the district and of this act.

SEC. 20. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in the report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining the amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district, or any portion thereof, to be divided into a zone or zones, if in its opinion such division is necessary because of the varying benefits to the property within the district, together with a statement as to the amount of the sum to be raised from each of such zone or zones for the payment of principal and interest of the bonds of the zone or zones. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include any of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and shall show the separate boundaries of each zone and a statement of the amount to be raised from each zone.

SEC. 21. If after the hearing provided for in Section 6 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes in the zones, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, the election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last Great Register of Siskiyou County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall

be entitled to one vote for the first one thousand dollars ($1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars ($1,000) of assessed value or fraction thereof.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of the district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

SEC. 22. Should the proposition be submitted to the electorate as provided in Section 21 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

SEC. 23. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within the district and the amount to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 20, but before the calling of the bond election as provided in Section 21 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of the municipality or political subdivision Thereupon the charges against the zone or zones shall be canceled to the extent of the amount so agreed to be paid, and thereafter the electors residing within the zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by the municipality or other political subdivision.

It shall be wholly optional with the board whether or not to proceed as provided in this section.

SEC. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of

interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the California Districts Securities Commission but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 25. The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 26. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Siskiyou, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Siskiyou County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The

action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Siskiyou, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 27. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 28. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds

so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

SEC. 29. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 30. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this act may be so used.

SEC. 31. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Siskiyou, and be paid out by him upon authority of the board and by proper warrant. All proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which the district was created as in this act provided.

SEC. 32. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds,

a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Siskiyou as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the amount to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first weekday of September, or if such weekday falls upon a holiday, then upon the

first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by the Board of Supervisors of the County of Siskiyou, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund

SEC. 33. After the first bond election in the district at which bonds shall be authorized, or after the district becomes indebted to the United States pursuant to Section 3 (u), the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting zones as provided in Section 32 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If the district has been divided into zones, the taxes to be

levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

SEC. 34. Bonds issued by the district and property of the district shall be exempt from taxation as provided by Sections 1 and 1¾ of Article XIII of the State Constitution.

SEC 35. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

SEC. 36. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

SEC. 37. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 38. This act shall be known as the "Siskiyou County Flood Control and Water Conservation District Act."

CHAPTER 2122

An act to create the Nevada County Water Agency, to develop and promote the beneficial use and regulation of the water resources of Nevada County, prescribing the agency's powers and duties, providing for its organization, operation and management and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for the issuance of bonds payable solely from revenues, providing for the levy and collection of taxes for the payment of general agency expenses, and for co-operation and contracts with any entity.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. A county water agency is hereby created to be known as the Nevada County Water Agency. Said agency shall

consist of all the territory lying within the exterior boundaries of the County of Nevada.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Nevada County Water Agency.

(b) "County" is the County of Nevada of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, flood control districts, and any other districts or political subdivisions of the State.

(g) "Public agency" means the United States, the State or any district.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Commission" means "Districts Securities Commission."

SEC. 3. The Nevada County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 4. The agency shall have perpetual succession.

SEC. 5. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 6. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 7. The agency shall have the power of eminent domain to acquire within or without the agency by condemnation in

the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7, commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulations and control of the State of California in the manner prescribed by law. Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Nevada shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 8. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, lease, or otherwise, with or without the privilege of purchasing, real or personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

SEC. 9. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own supervision.

SEC. 10. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 11. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy, or to the Federal or State Government.

SEC. 12. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 13. The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expense of any action or proceeding involving or affecting the ownership or use of waters or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situate therein or involving the wasteful use of water therein, or to prevent the interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants or to prevent unlawful exportation of water from said agency, or to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may

endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

SEC. 14. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights useful or necessary to make use of water for any purposes authorized by this act.

SEC. 15. The agency shall have the power to operate, repair, improve, maintain, renew, replace, and extend all works and property of the agency.

SEC. 16. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency.

SEC. 17. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy, along, under or across any public road, street, alley, avenue, highway, or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be or to an extent which does not unnecessarily impair their usefulness.

SEC. 18. There is hereby granted to the agency the right-of-way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right-of-way and lands.

SEC 19. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road,

highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 7 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fails to agree as to the character or location or new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

SEC. 20. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment and purposes of the agency.

SEC. 21. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 22. The agency shall have the power to enter into contracts with any public or private entity formed and existing exclusively to provide water service within the agency whenever such contract appears to the board to be in the public interest.

SEC. 23. The agency shall have power to borrow money, incur indebtedness and issue revenue bonds or other evidence of such indebtedness in the manner provided herein. The agency shall have no power to issue general obligation bonds.

SEC. 23.5. When authorized by the board the agency shall have the power to borrow money with repayment to commence at a future date from revenues of the agency.

SEC. 24. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or transferred for use outside the agency unless the board determines that the water or works involved will be needed for use within the agency. Nothing

contained in this act shall deprive a county in which water originates of any water necessary for the development of such county.

SEC. 25. The agency may enter into contracts with any districts for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such district or the furnishing or sale by the agency to such district or by such district to the agency of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, a water supply, water rights, or water storage facilities or any interests in any thereof for any purpose by the agency to any district or by any district to the agency.

(d) The operation of works and the delivery of water by the agency to any district or by any district to the agency.

SEC. 26. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency to any district during the period in which said district is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

SEC. 27. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress theretofore or hereafter enacted permitting co-operation or contract for the purposes of construction or works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 28. All money collected in pursuance of contract with the United States shall be paid into the county treasury to the credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under contract.

SEC. 29. The agency may co-operate and set in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person, in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or

for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any property works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency. Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, mutual water company and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to act.

(b) Carry out the terms of such contracts.

SEC. 30. The board of supervisors of Nevada County shall be ex officio the board of directors of the agency.

SEC. 31. Each director shall receive such sum as may be fixed by the board not exceeding twenty dollars ($20) for each meeting of the board attended by him, not exceeding three meetings in any calendar month.

SEC. 32. If allowed by the board a director shall also receive for performing duties for the district other than attending board meetings:

(a) Not to exceed twenty dollars ($20) for each day.

(b) Traveling and other expenses incurred by him in his employment.

SEC. 33. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless a majority of all members concur therein.

SEC. 34. There shall be created an advisory council to advise the board of directors. Said council shall consist of one member to be appointed by the governing body of each district within the agency as defined herein.

SEC. 35. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by

imprisonment in the county jail for not exceeding six months, or both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract in which a director has a remote interest as that therein is defined in Section 1091 of the Government Code as now enacted or as hereinafter amended.

SEC. 36. No director shall be liable for any act or omission of any appointee of such employee appointed or employed by him in his official, capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 37. Nothing contained in Section 36 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the Government Code.

SEC. 38. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 39. All officers of the county, and their assistants, deputies, clerks, and employees, shall be ex officio officers, assistant, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for this county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 40. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act. The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective officers or positions at the pleasure of the board.

SEC. 41. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as

herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county. The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 42. Claims against the agency shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance of disallowance of claims against counties.

SEC. 43. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 44. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000) shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into several convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper or general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property, the board may have the work done by force account without advertising for bids. In such event a majority vote of all board members shall be required. The board may purchase in the open market without

advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 45. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate for any lawful purpose of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency for such purposes except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the taxable property within the agency. Such taxes shall be levied and collected with and not separately from taxes for county purposes, and the revenue derived from said agency taxes shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for any lawful purposes of the agency.

SEC. 46. The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

SEC. 47. Whenever any real property situated in the agency has been sold for taxes due to the agency and has been redeemed, the money paid for redemption shall be apportioned and paid to the agency by the county auditor receiving it in accordance with the provisions of Chapter 1c (commencing at Section 4656) of Part 8 of Division 1 of the Revenue and Taxation Code.

SEC. 48. The agency may borrow money to provide funds to pay all costs of any public improvement as defined and authorized under Sections 11 to 17 inclusive, herein, by the issuance of revenue bonds. Such revenue bonds shall be issued pursuant to the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Division 2 of Title 5 of the Government Code, except as otherwise provided in this act. However, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 11, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydro-electric energy.

(a) Such revenue bonds shall constitute special obligations and evidence a special indebtedness of the agency which shall be a charge upon, and payable, as to the principal thereof, interest thereon, and any premiums upon the redemption of any thereof, solely from, such revenues and funds as are specified therein and in the proceeding for their issuance. They

shall not constitute general obligations of the agency and they shall neither constitute obligations nor evidence any indebtedness of any other public agency of which the agency may be a part, or of the State.

(b) All such bonds shall recite upon their face the substance of the preceding portions of this section and shall also recite upon their face that they are issued under this provision.

SEC. 49. Improvement districts may be formed within the agency in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts.

SEC. 50. Land not a part of the agency whether or not contiguous to it may be included within the agency in the same manner as provided under Chapter 2 (commencing at Section 26875) of Part 11 of Division 11 of the Water Code.

SEC. 51. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water or electric energy. The Legislature, hereby expressly declares its intent to permit within the limits of the Nevada County Water Agency, the existence of more than one district, municipality or combination thereof, having similar power over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use, development of water or electric energy.

There shall be no encroachment or overlapping by the agency of water applications, water rights, or proposed projects for the development of water for irrigation and domestic uses and electric energy of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency.

Revenues from electric energy shall be used by the agency for the benefit of the entire agency, and no financial obligation shall be placed upon the areas within the boundaries of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water or electric energy unless a direct benefit is derived by the lands located therein.

SEC. 52. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof or any electric energy or the use thereof.

SEC. 53. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing at Section 58950) of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

SEC. 54. The Legislature hereby finds that water problems in the County of Nevada require countywide water conservation, flood control and development of water resources; that all land within the county will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the Nevada County Water Agency; that the county has caused to be made private investigations and engineering surveys of the county's water resources, water consumption and future water needs; state and federal engineers have also made such surveys; a public appointed County Water Resources Board has conducted water studies for years; that such investigations have shown that water condition in Nevada County are peculiar to it and that these problems are not general nor statewide; that the county cannot be supplied with water from a common source or by a common system of works; that county water districts, municipalities, irrigation districts and soil conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county, and for such reason it is necessary to have a political entity at least coextensive with the geographical limits of the entire county. It is therefore hereby declared that a general law cannot be made applicable to said county, and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 55. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 56. This act may be designated and referred to as the Nevada County Water Agency Act, and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 2123

An act to create a flood control district to be called Sierra County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the development and sale of electric power; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. A flood control and water conservation district is hereby created, to be known and designated as "Sierra County Flood Control and Water Conservation District" consisting of all the territory of the County of Sierra lying within the exterior boundaries thereof.

SEC. 2. "District" means Sierra County Flood Control and Water Conservation District.

"Board" means the board of directors of the district.

"County" means the County of Sierra.

"Counties" means the several counties of the State of California.

"State" means the State of California.

"Subterranean supply of waters" means (a) that amount of water percolated into natural underground reservoirs, from surface reservoirs owned or controlled by the district, to replenish and augment the supply therein, (b) that amount of the underflow water of a surface watercourse to the extent augmented by the release of water from a surface reservoir owned or controlled by the district, and (c) any underflow of a surface watercourse being put to beneficial use within the district on the effective date of this act.

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm, flood, and other waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof. No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Sierra shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

In condemnation proceedings, the district shall proceed under the provisions of Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district; provided, however, that no property shall be taken unless it is taken upon a finding of a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water

through or along such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes All costs of relocating or altering or otherwise changing existing works or structures shall be paid by the district; provided, however, that all costs of relocating or otherwise changing any portion of a state highway shall be paid for from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, drains, tunnels, poles, posts, wires, lamps, powerplants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and tax collector, and define their powers and duties, and fix and determine the amount of bond required of each employee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish the same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California

or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface water and water rights, useful or necessary to make use of water for any of the purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses.

(r) To control flood and storm waters within the district and the flood and storm waters or streams outside the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of water in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, on behalf of the landowners therein, or otherwise to assume the cost and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of the common benefit of any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions or proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use, the surface or subsurface water used or useful in said

district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(s) To co-operate and act in conjunction with the United States or with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Siskiyou, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Sierra County Flood Control and Water Conservation District; to acquire by negotiation only the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water owned or

controlled by the district or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit owned and controlled by the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual or any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Sierra County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(v) To construct, operate, and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy.

(w) Nothing herein contained shall be deemed to permit the district or its board of directors to acquire or interfere in existing water rights and water uses and facilities for distribution of the same on an involuntary basis, but nothing herein shall be deemed to prohibit negotiating and acquisition of existing rights, uses, and privileges in water by negotiation.

SEC. 4. Before the district may begin to transact business or exercise its powers, the Board of Supervisors of the County of Sierra, on its own motion or whenever a petition requesting that the district transact business and exercise its powers signed by not less than 10 percent of the qualified electors of

the County of Sierra is presented to such board of supervisors, may adopt a resolution declaring that there is need for the district to function, or it may call a special election for the purpose of submitting to the voters of the county the proposition of whether the district should function.

From and after the date of the adoption of the resolution, or the date upon which the vote on the proposition is declared by the board of supervisors, if a majority of the voters voting on the proposition voted in its favor, the district shall begin to function and may exercise its powers.

SEC. 5. The board of directors of the district, by resolutions thereof adopted from time to time, may establish zones within the district without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The board may not form a zone covering areas of land situated both inside and outside the corporate limits of a municipality. Proceedings for the establishment of such zones may be conducted concurrently with and a part of the proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 6 of this act.

SEC. 6. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement for the common benefit of such zone or participating zones. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating

zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by either a majority in number of the registered voters or freeholders residing within such zone or participating zones, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 7. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint for each zone at the time of adoption of the resolution of intent, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Sierra County, to represent before the board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board. The advisory committee for each zone shall hold office until the zone project is completed or abandoned. The board shall take no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written consent is filed with the board. At the completion of a zone project the board shall appoint an operating advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Sierra County to advise the board on matters of maintenance, operation, extensions, repairs and any work or improvements and none of these matters shall be attempted by the board unless and until a two-thirds majority of the operating advisory committee shall consent thereto in writing and such written consent is filed with the board. The members of the first operating advisory committee appointed for a zone shall

be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the operating advisory committee shall be filled by the board for the unexpired term.

SEC. 8. Upon the petition of 200 qualified electors of the district, the district may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at Section 58300) of Chapter 1 of Division 1 of Title 6 of the Government Code, except for the number of petitioners required, and the district shall be considered a district within the meaning of all the provisions of such article.

SEC. 9. The Board of Supervisors of Sierra County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper in their discretion to accomplish the purpose of this act.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board of supervisors shall serve as a director without compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

SEC. 10. No director of the district shall in any manner be interested directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom. For any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

SEC. 11. The county clerk, county assessor and tax collector, county auditor, county treasurer, district attorney, their assistants, deputies, clerks and employees shall be ex officio

such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by the board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

SEC. 12. All ordinances, resolutions and other legislative acts for the district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State of California for the exercise of such powers in relation to counties.

SEC. 13. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

SEC. 14. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act and all such property is exempt from taxation or assessment by the State, any county, city, or district. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or waterworks shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

SEC. 15. There is granted to the district the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the

State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to such use such right-of-way and lands.

SEC. 16. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3 of this act, or to a contract authorized by a vote of the electorate of the district.

SEC. 17. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote

of the electors of the district at an election held for such purpose.

SEC. 18. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any other indebtedness to the United States, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with county taxes and not to exceed, however, the sum of ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes. The revenue from the tax levied pursuant to this action may also be used to assist in the financing of projects for any zone or zones.

SEC. 19. The board shall have the power, as provided for in this act, to cause taxes to be levied within any zone for the purpose of paying any obligation of the district created for the district and to accomplish the purpose of the district and of this act.

SEC. 20. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in the report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining the amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district, or any portion thereof, to be divided into a zone or zones, if in its opinion such division is necessary because of the varying benefits to the property within the district, together with a statement as to the amount of the sum to be raised from each of such zone or zones for the payment of principal and interest of the bonds of the zone or zones. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include any of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and shall show the separate boundaries of each zone and a statement of the amount to be raised from each zone.

SEC. 21. If after the hearing provided for in Section 6 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes in the zones, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, the election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last Great Register of Sierra County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall

be entitled to one vote for the first one thousand dollars ($1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars ($1,000) of assessed value or fraction thereof.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of the district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

SEC. 22. Should the proposition be submitted to the electorate as provided in Section 21 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

SEC. 23. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within the district and the amount to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 20, but before the calling of the bond election as provided in Section 21 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of the municipality or political subdivision. Thereupon the charges against the zone or zones shall be canceled to the extent of the amount so agreed to be paid, and thereafter the electors residing within the zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by the municipality or other political subdivision.

It should be wholly optional with the board whether or not to proceed as provided in this section.

SEC. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the

interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the California Districts Securities Commission but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 25. The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds

SEC. 26. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Sierra, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Sierra County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by

proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Sierra, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 27. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC 28. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase

of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

SEC. 29. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 30. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this act may be so used.

SEC. 31. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Sierra, and be paid out by him upon authority of the board and by proper warrant. All proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which the district was created as in this act provided.

SEC. 32. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet

all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Sierra as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the amount to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first weekday of September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by the Board of Supervisors of the County of Sierra, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

SEC. 33. After the first bond election in the district at which bonds shall be authorized, or after the district becomes indebted to the United States pursuant to Section 3(u), the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting zones as provided in Section 32 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon.

If the district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

SEC. 34. Bonds issued by the district and property of the district shall be exempt from taxation as provided by Sections 1 and 1¾ of Article XIII of the State Constitution.

SEC. 35. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

SEC. 36. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

SEC. 37. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 38. This act shall be known as the "Sierra County Flood Control and Water Conservation District Act."

CHAPTER 2124

An act to add Section 6501.3 to, and to amend Sections 6827 and 7057 of, the Public Resources Code, relating to oil and gas leases.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6501.3 is added to the Public Resources Code, to read:

Leases of state lands

6501.3. Any interests in lands, or lands in fee simple, acquired by the commission or by any department, board, or other commission, of the State by purchase, donation, lease, condemnation, or otherwise, may, with the approval of the Department of Finance, be made available to any lessee of the State by the commission or the department, board, or other

commission of the State, for the purposes contained in this chapter and upon such terms and conditions as may be determined by the state agency acquiring the land. This section does not, however, authorize the commission or any department, board, or other commission of the State to make any interests in lands, or lands in fee simple, acquired by the State for beach or park purposes available to any lessee of the State.

SEC 2. Section 6827 of said code is amended to read.

Oil and gas leases

6827. Leases for the extraction and removal of oil and gas deposits may be made by the commission to the highest qualified bidder, or joint bidders, as provided in this chapter. Such a lease shall include all oil and gas deposits in the leased land and be for a term of 20 years and for so long thereafter as gas or oil is produced in paying quantities from the leased land, or lessee shall be diligently conducting producing, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land. Any lease heretofore issued under this chapter for a term of 20 years, or any renewal or extension thereof, may at any time or times prior to its expiration be extended upon such terms and conditions and for such period of time as the commission deems for the best interests of the State or as the Legislature may provide; provided further, that upon the lessee's timely application therefor the commission may issue a new lease in exchange for any lease issued for a term of 20 years, or any renewal or extension thereof; such new lease shall be issued at the same royalty and upon the same terms and conditions as the lease for which it is exchanged, unless the commission and the lessee shall otherwise agree, except that the term of such exchange lease shall be for a term of five years and for so long thereafter as oil or gas is produced in paying quantities, or lessee shall be conducting producing, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land.

When state lands, including tide and submerged lands, are offered for lease by the commission, the commission shall specify a sliding scale royalty on oil commencing at not less than $16\frac{2}{3}$ percent up to a maximum percentage specified in the invitation to bid to be paid on the average production of oil per well per day under such lease, and a royalty of not less than $16\frac{2}{3}$ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands. Such royalties shall be paid in kind or as a percentage of the current market price at the well of, and of any premium or bonus paid on, the production removed or sold from the leased land, subject to an allowance for oil treatment and dehydration of not to exceed five cents ($0.05) per barrel for royalty oil, and an annual rental payable in advance of not less than one dollar ($1) for each acre of the land subject to the lease at the rental date. Unless the commission decides to reject all bids pursuant

to Section 6836, the lease of the parcel or tract which is the subject of the bid shall be awarded to the qualified bidder who undertakes to pay the highest cash bonus in addition to satisfying all other provisions of the lease.

As alternatives to the procedure set forth in the preceding paragraph, the commission, if it so provides in the invitation to bid, may either: (1) specify a sliding scale royalty on oil commencing at $16\frac{2}{3}$ percent up to a maximum percentage specified in the invitation to bid, to be paid on the average production of oil per well per day under such lease, and a royalty of not less than $16\frac{2}{3}$ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands, and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who bids the highest factor to be applied to the scale of oil royalties specified in the offer to bid, in addition to satisfying all other provisions of the lease, unless the commission decides to reject all bids pursuant to Section 6836; or (2) specify that bidding shall be on the basis of a flat rate of royalty and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who undertakes to pay the highest flat rate of royalty, but not less than $16\frac{2}{3}$ percent, on oil, to be paid on the production of oil under such lease, and a royalty of not less than $16\frac{2}{3}$ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands, unless the commission decides to reject all bids pursuant to Section 6836. Under either of such alternatives, the royalties shall be paid in kind or as a percentage of the current market price at the well of the production removed or sold from the leased lands, subject to an allowance for oil treatment and dehydration of not to exceed five cents ($0.05) per barrel for royalty oil, and an annual rental payable in advance of not less than one dollar ($1) for each acre of the land subject to the lease at the rental date.

If, at any time or from time to time, before or after the expiration of the primary term of such lease, the leased lands cease to produce oil or gas, the lease shall, nevertheless, continue in full force and effect if within six months after the cessation of production, or such longer period of time as the commission may authorize, lessee shall commence and thereafter prosecute with reasonable diligence drilling, deepening, repairing, redrilling or other operations for the purpose of restoring production of oil or gas from the leased lands.

SEC 3. Section 7057 of said code is amended to read:

Oil and gas leases of city property

7057. The property of any city may be leased for the purpose of producing or effecting the production of minerals, oil, gas or other hydrocarbon substances for a period not to exceed 35 years unless such property shall have been

dedicated or acquired as a park, highway, street, walk or public playground, in which event such property may be leased for such purposes provided that the use of such property for park, highway, street, walk or public playground purposes shall not be substantially interfered with thereby; provided however, that if in the judgment of the governing body of any such park, highway, street, walk or public playground, drilling for oil or gas would not substantially interfere with the use of such property for park, highway, street, walk or playground purposes, then any such lease on any such property shall provide that drilling for oil or gas beneath the surface of such property shall be done by means of slant drilling from surface locations outside the outer boundaries of any such property, or from designated locations inside the outer boundaries of such property, which inside locations will not interfere substantially with the use of such property for such park, highway, street, walk or playground purposes. Such governing body shall prescribe such terms and conditions in such lease to the end that any drilling and producing operations will interfere as little as is possible with the use of the property for such park, highway, street, walk or playground purposes.

The amendment of this section made at the 1959 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 2125

An act to amend Section 35002 of the Government Code, relating to annexations to cities.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35002 of the Government Code is amended to read as follows:

35002. No petition seeking the annexation of territory to a city shall be circulated or filed, nor shall any public officer accept any such petition for filing, nor shall any legislative body initiate proceedings to annex on its own motion, until a written description of the proposal for the annexation of territory to a city has been filed with the secretary of the boundary commission of the county and the boundary commission has prepared, or caused to be prepared, a report to the proponents upon the annexation proposal with respect to the definiteness and certainty of the proposed boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and other similar matters affecting the proposed boundaries.

At the time of filing the proposal for the annexation with the boundary commission, the proponents shall file with the county clerk or registrar of voters, if such latter office has been established, a map of the proposal area.

If at the hearing set by the legislative body of the city the boundaries of the proposal area are changed by such body, the proponents shall within 10 days after the final date set by law for the boundary commission to report its findings on such changes, furnish the county clerk or registrar of voters a revised map showing such changes.

Notice of receipt of a proposal for the annexation of territory to any city shall be given within 10 days after the filing thereof by the clerk of the boundary commission to the legislative bodies of all cities the territorial limits of which lie within three miles of any of the territory proposed to be annexed. Such notice shall be given by mail addressed to the legislative bodies of the cities entitled thereto and shall in general terms indicate the area proposed to be annexed. Failure to give such notice shall not operate to invalidate an annexation proceeding.

If the boundary commission does not report upon the annexation proposal within 20 days after the written description thereof is filed with the secretary of the boundary commission, the annexation proposal shall be deemed correct.

If an annexation proceeding is initiated pursuant to the Annexation Act of 1913, the written description of the proposal for the annexation of territory shall be filed with the secretary of the boundary commission after Section 35106 has been complied with and before the petition for annexation is circulated.

CHAPTER 2126

An act to amend Sections 9, 10, 13.1, 13.4, and 13.5 of, and to add Sections 3.6 and 13.15 to, the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes 1949), relating to the Sonoma County Flood Control and Water Conservation District.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 9 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes 1949) is amended to read:

Sec. 9. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized

to hold, use, acquire, manage, occupy and possess said property, as provided herein. If the board determines by resolution duly passed and entered in its minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to water rights held by the district shall not be conveyed or alienated except by vote of the electors at an election held for that purpose. Nothing contained in this section, however, shall be deemed or construed to prevent the board by majority vote thereof from entering into a contract or contracts binding the district to provide a firm supply of water either within or without the boundaries of the district to any person, firm, corporation, municipal corporation or any other agency whatsoever without either a vote of the electorate or compliance with the law relating to the sale of property of counties.

SEC. 2. Section 10 of said act is amended to read:

Sec. 10. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand five hundred dollars ($2,500) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work authorized and required under circumstances referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars

($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States or the State of California or other governmental agency under the authority of Section 3, or to a contract authorized by a vote of the electorate of the district.

Nothing contained in this section shall be deemed to preclude the district from, and the district is hereby authorized to, rent or otherwise contract for equipment with or without an operator and use the same upon works of the district; provided, such contract is approved by the board.

SEC. 3. Section 13.1 of said act is amended to read:

Sec. 13.1. The board may establish zones, or annex new territory to an existing zone, within the district to undertake any project or works of improvement. As used in Sections 13.1 to 13.9, inclusive, of this act, "works of improvement" includes, without limitation as to the generality thereof, construction of new works, and repair, or reconstruction of existing works.

Proceedings for the establishment of a zone or annexation of territory to a zone may be instituted by the board, by resolution, on its own initiative and shall be instituted by the board upon receipt of a petition requesting the formation, or annexation to, of a zone and signed by not less than 25 percent of the owners of real property in the territory proposed to be included within the zone as shown by the last equalized assessment roll of the county. The petition may consist of any number of separate instruments, each of which must comply with all of the requirements of a petition except as to number of signatures.

The procedure for undertaking projects or works of improvement through the creation of zones or annexation to zones is an alternate method for undertaking district projects and shall not affect or limit any other provisions of law authorizing or providing for undertaking such projects or works of improvement by the district as a whole.

A zone may be created and exist within a zone under this act. A zone including all or any part of an existing zone may be created and exist without destruction of such existing zone, except that the aggregate zone tax on such land included within two or more zones shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation, exclusive of any tax to pay principal and interest on bonded indebtedness of a zone, unless such excess tax is authorized by a majority of votes cast at an election held as follows within such area of land included within two or more zones. The board may, by resolution, call an election within an area included within two or more zones created under this act for the purpose of proposing the question whether or not assessments in excess of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation shall be levied within

such area so included within two or more zones, prescribing the notice, time, place and manner of conducting the election which shall be as nearly as practicable in conformity with the provisions of the Elections Code relating to general elections. Notice of the time, places and purpose of the election shall be given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places within such area.

Where all or any part of an area within a second or subsequent zone is also within the boundaries of a pre-existing zone or zones, the limit of the assessment for such zone shall not exceed an amount equal to the difference between the assessments of the pre-existing zone or zones and twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation unless a higher rate is authorized by a majority of the vote cast at an election held as provided in this section within the area of the land included in two or more zones. The question of whether or not assessments may be made in excess of twenty-five cents ($0 25) on each one hundred dollars ($100) may be submitted to the voters at the time of the formation of the zone or at any time thereafter.

Withdrawal of territory from a zone or termination after payment of all debts of a zone may be accomplished on order of the board after notice and hearing before the board and findings by the board as hereinafter indicated after receiving of a petition therefor signed by owners of not less than 25 percent of the assessed valuation or by not less than 25 percent of the owners of real property in the territory proposed to be withdrawn or the zone proposed to be terminated as the case may be, and determination by the board that the territory proposed to be withdrawn will receive no benefit from remaining within the zone or that the land included within a zone will receive no benefit from continuation of the zone as the case may be. Within 30 days after receiving such a petition bearing the requisite number of signatures the board shall adopt a resolution of intention to consider the withdrawal of territory or termination of zone as petitioned for setting forth the name of the zone and describing the territory proposed to be withdrawn or stating the proposal to terminate the zone as the case may be and stating the time and place for a public hearing at which the board will consider such proposal, which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution. The clerk of the board shall publish the resolution which shall constitute a notice of hearing at least once not closer than seven days prior to the date of the hearing in a newspaper of general circulation printed and published within the district. Copies of such resolution entitled "Notice of Hearing" in bold letters at least one inch in height shall also be posted in not less than three public places within the zone at least two weeks before the date set for hearing. If written protest is filed with the clerk by the owners of real property within the zone in excess of 50 percent of the owners

of land within the zone as shown by the last equalized assessment roll of the county, the proceeding shall be abandoned. In the absence of such protest the board shall hear all persons interested in or protesting the proposal and if in the opinion of the board the territory proposed to be withdrawn will receive no benefit from remaining in the zone or the land included within a zone will receive no benefit from continuation of the zone as the case may be the board shall enter its order withdrawing such territory from the zone or terminating the zone as the case may be. Any territory withdrawn from a zone shall remain liable for assessment pursuant to Section 28 of this act for payment of interest and principal on any bonded indebtedness of the zone and discharge of contractual obligations existing or authorized prior to such withdrawal, except that land removed from one zone and attached to another zone pursuant to the authority of Section 13.15 of this act may be relieved of liability for assessment for discharge of contractual obligations other than bonded indebtedness of the zone from which said land is so removed by such boundary adjustment.

The board shall be and it is hereby designated as, and empowered to act as, ex officio the board of directors of any zone created under this act and shall exercise the powers of any zone created under this act, and may perform all other acts necessary or proper, in its discretion, to accomplish the purposes of such a zone created under this act.

SEC. 4. Section 13.4 of said act is amended to read:

Sec. 13.4. Prior to the hearing on the proposal to establish any zone or annex territory to a zone, the board shall direct the chief engineer of the district to make and file a report with the board which shall show a general description of the type of project or works of improvement for which the zone is to be created or extended.

The report shall be considered by the board which may either accept the report as filed or refer it back to the chief engineer of the district for consideration of such modification or change as the board deems necessary in the best interests of the district.

SEC. 5. Section 13.5 of said act is amended to read:

Sec. 13.5. Within 30 days after receiving an engineer's report on the proposal to establish a zone or annex additional territory to a zone, which report is satisfactory to the board, the board shall adopt a resolution of intention to establish a zone or annex additional territory to a zone as the case may be, which resolution shall contain the following:

(a) A statement that a zone is proposed to be established or expanded as the case may be under the terms of this act and describing the boundaries of the territory proposed for inclusion in the zone.

(b) A statement as to the name proposed for the zone in substantially the following form: "Sonoma County Flood Control and Water Conservation District, Zone No. _____."

(c) A general description of the type of project or works of improvement for which the zone is to be created and a general estimate of the rate of assessment which must be levied to secure funds for the type of project or works of improvement proposed, which will be levied annually upon all taxable real property within the zone.

(d) A statement of the time and place for a public hearing at which the board will consider the establishing or expanding of the zone which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution.

SEC. 6. Section 3.6 is added to said act, to read:

Sec. 3.6. The district may construct works and do any and all acts necessary to divert, transport, sell, or otherwise furnish water for beneficial uses within or without the district.

SEC. 7. Section 13.15 is added to said act, to read:

Sec. 13.15. Proceedings heretofore had under this act creating the following described zones within the Sonoma County Flood Control and Water Conservation District are hereby ratified, confirmed and validated and, in addition thereto, said zones are hereby declared to exist for the purposes of and with the powers necessarily incident to the undertaking within the boundaries of said zone of any projects or works of improvement authorized to be undertaken by the Sonoma County Flood Control and Water Conservation District or which could be authorized to be undertaken by a zone created under this act notwithstanding any defect in or lack of ability to obtain such broad powers for such zones through said proceedings heretofore had; provided, that the zone assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0 25) on each one hundred dollars ($100) of assessed valuation for any and all of such zone projects or works of improvement exclusive of the tax necessary to pay principal and interest on such zone bonded indebtedness unless the excess has been authorized at an election as provided in Section 13.9 of this act.

Such zones created and declared are particularly described as follows:

Zone No. 1-A, Laguna-Mark West. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to the Russian River through Mark West Creek and/or the Laguna de Santa Rosa together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 1-A, Laguna-Mark West" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 3, Sonoma County Records.

Zone No. 2-A, Petaluma Basin. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to San Pablo Bay through Petaluma Creek otherwise known as

Petaluma River together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No 2-A, Petaluma Basin" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 8, Sonoma County Records.

Zone No. 5-A, Lower Russian River. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to the Russian River downstream from State Highway 101 bridge at Healdsburg together with certain neighboring closely abutting lands thereof excluding the lands tributary to the Russian River through Mark West Creek and Laguna de Santa Rosa and through Dry Creek, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 5-A, Lower Russian River" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 14, Sonoma County Records.

Zone No. 7-A, North Coastal. Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, northerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 7-A, North Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 19, Sonoma County Records.

Zone No. 8-A, South Coastal. Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, southerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 8-A, South Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 21, Sonoma County Records.

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that fifty percent (50%) or more of the area of a particular parcel of land in one ownership lies within another of the foregoing zones instead of the zone within which it has theretofore been contained and upon request for adjustment of zone boundaries made by the owners of record of such parcel, subdivide said parcel and appropriately adjust the boundaries of said zones

to include within each the land lying within the principal watersheds thereof or transfer the entire parcel into the zone within which more than fifty percent (50%) of the area of such parcel is contained notwithstanding any other provision of this act.

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that all of the area of a particular parcel of land in one ownership lies outside of the watershed of the zone within which it is contained and upon request of the owner of record thereof that said land be excluded from such zone, exclude said land from said zone notwithstanding any other provision of this act.

CHAPTER 2127

An act to create a flood control district to be called Lassen-Modoc County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the development and sale of electric power; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. A flood control and water conservation district is hereby created, to be known and designated as "Lassen-Modoc County Flood Control and Water Conservation District" consisting of all the territory of the County of Lassen lying within the exterior boundaries thereof and all of the area of Modoc County situated within the drainage area of the Pit River.

SEC. 2. "District" means Lassen-Modoc County Flood Control and Water Conservation District.

"Board" means the board of directors of the district.

"County" means the County of Lassen.

"Counties" means the several counties of the State of California.

"State" means the State of California.

"Subterranean supply of waters" means (a) that amount of water percolated into natural underground reservoirs, from surface reservoirs owned or controlled by the district, to replenish and augment the supply therein, (b) that amount of the underflow water of a surface watercourse to the extent augmented by the release of water from a surface reservoir owned or controlled by the district, and (c) any underflow of a surface watercourse being put to beneficial use within the district on the effective date of this act.

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm, flood, and other waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof, except that such right shall be exercised only as against property located within the district.

In condemnation proceedings, the district shall proceed under the provisions of Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way,

easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district; provided, however, that no property shall be taken unless it is taken upon a finding of a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or altering or otherwise changing existing works or structures shall be paid by the district; provided, however, that all costs of relocating or otherwise changing any portion of a state highway shall be paid for from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, drains, tunnels, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and tax collector, and define their powers and duties, and fix and determine the amount of bond required of each employee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish the same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface water and water rights, useful or necessary to make use of water for any of the purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, recreational and all other beneficial uses.

(r) To control flood and storm waters within the district and the flood and storm waters or streams outside the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of water in natural underground reservoirs and otherwise to

reduce the waste of water and to protect life and property from floods within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, on behalf of the landowners therein, or otherwise to assume the cost and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of the common benefit of any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions or proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use, the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

(s) To co-operate and act in conjunction with the United States or with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the Counties of Lassen and Modoc, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold the capital stock of any mutual water company or corporation, domestic or foreign, owning

water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Lassen-Modoc County Flood Control and Water Conservation District; to acquire by negotiation only the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water owned or controlled by the district or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit owned and controlled by the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual or any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Lassen-Modoc County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purpose, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(v) To construct, operate, and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy.

(w) Nothing herein contained shall be deemed to permit the district or its board of directors to acquire or interfere in existing water rights and water uses and facilities for distribution of the same on an involuntary basis, but nothing herein shall be deemed to prohibit negotiating and acquisition of existing rights, uses, and privileges in water by negotiation.

SEC. 4. Before the district may begin to transact business or exercise its powers, the Board of Supervisors of the County of Lassen, on its own motion or whenever a petition requesting that the district transact business and exercise its powers signed by not less than 10 percent of the qualified electors of the County of Lassen is presented to such board of supervisors, may adopt a resolution declaring that there is need for the district to function, or it may call a special election for the purpose of submitting to the voters of the county the proposition of whether the district should function.

From and after the date of the adoption of the resolution, or the date upon which the vote on the proposition is declared by the board of supervisors, if a majority of the voters voting on the proposition voted in its favor, the district shall begin to function and may exercise its powers.

SEC. 5. The board of directors of the district, by resolutions thereof adopted from time to time, may establish zones within the district without reference to the boundaries of other zones, setting forth in such resolutions, descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from the zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The board may not form a zone covering areas of land situated both inside and outside the corporate limits of a municipality. Proceedings for the establishment of such zones may be conducted concurrently with and a part of the proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 6 of this act.

SEC. 6. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or

otherwise improving any work or improvement for the common benefit of such zone or participating zones. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by either a majority in number of the registered voters or freeholders residing within such zone or participating zones, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 7. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint for each zone at the time of adoption of the resolution of intent, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Lassen County or Modoc County, to represent before the board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the

meeting. Vacancies in the advisory committees shall be filled by appointment by the board. The advisory committee for each zone shall hold office until the zone project is completed or abandoned. The board shall take no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written consent is filed with the board. At the completion of a zone project the board shall appoint an operating advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Lassen County or Modoc County to advise the board on matters of maintenance, operation, extensions, repairs and any work or improvements and none of these matters shall be attempted by the board unless and until a two-thirds majority of the operating advisory committee shall consent thereto in writing and such written consent is filed with the board. The members of the first operating advisory committee appointed for a zone shall be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the operating advisory committee shall be filled by the board for the unexpired term.

SEC. 8. Upon the petition of 200 qualified electors of the district, the district may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at Section 58300) of Chapter 1 of Title 6 of the Government Code, except for the number of petitioners required, and the district shall be considered a district within the meaning of all the provisions of such article.

SEC. 9. The members of the Board of Supervisors of Lassen County and the members of the Board of Supervisors of Modoc County whose supervisorial districts includes the area within Modoc County which is a part of the district, shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper in their discretion to accomplish the purpose of this act.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board shall serve as a director without compensation, but shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The directors shall elect a chairman, who shall pre-

side at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

SEC. 10. No director of the district shall in any manner be interested directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom. For any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

SEC. 11. The county clerk, county assessor and tax collector, county auditor, county treasurer, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by the board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

SEC. 12. All ordinances, resolutions and other legislative acts for the district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State of California for the exercise of such powers in relation to counties.

SEC 13. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

SEC. 14. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act and all such property is exempt from taxation or assessment by the State, any county, city, or district. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes

of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or waterworks shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

SEC. 15. There is granted to the district the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to such use such right-of-way and lands.

SEC. 16. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by

force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3 of this act, or to a contract authorized by a vote of the electorate of the district.

SEC. 17. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

SEC. 17.5. Whenever the board is to levy taxes within the district pursuant to this act the board shall avail itself of the assessments shown by the equalized assessment rolls of Lassen County, and of Modoc County to the extent of the territory of the district within Modoc County, and shall take such assessments as a basis for district taxation and shall have its taxes collected by the county officials of Lassen and of Modoc Counties.

The county auditor of each county shall on or before the second Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in this section as equalized.

The board shall on or before the first weekday in September, or if such weekday falls upon a holiday, then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property transmitted to the board by the county auditors, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed.

The board shall immediately after fixing the rate of taxes as provided in this section, transmit to the county auditors of Lassen and Modoc Counties a statement of the rate of taxes fixed by the board. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, ascertained as provided in this act, shall be paid to the treasurer of the district

under the general requirements and penalties provided by law for the settlement of other taxes.

Whenever any real property situated in the district has been sold for taxes due to the district and has been redeemed, the money paid for redemption shall be appropriated and paid to the district by the county auditor receiving it in accordance with the provisions of Chapter 1c (commencing at Section 4656) of Part 8 of Division 1 of the Revenue and Taxation Code.

All taxes levied under this act are a lien on the property on which they are levied. Unless the board has by ordinance provided otherwise, the enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of county taxes, all of the provisions of law relating to the enforcement of the latter being made a part of this act so far as applicable.

SEC. 18. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any other indebtedness to the United States, upon the taxable property in said district Said tax shall be levied and collected as provided in Section 17.5 of this act and shall not exceed, however, the sum of ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment rolls last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes. The revenue from the tax levied pursuant to this action may also be used to assist in the financing of projects for any zone or zones.

SEC. 19. The board shall have the power, as provided for in this act, to cause taxes to be levied within any zone for the purpose of paying any obligation of the district created for the district and to accomplish the purpose of the district and of this act.

SEC. 20. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the

bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in the report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining the amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district, or any portion thereof, to be divided into a zone or zones, if in its opinion such division is necessary because of the varying benefits to the property within the district, together with a statement as to the amount of the sum to be raised from each of such zone or zones for the payment of principal and interest of the bonds of the zone or zones. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include any of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and shall show the separate boundaries of each zone and a statement of the amount to be raised from each zone.

SEC. 21. If after the hearing provided for in Section 6 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and floodwaters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes

in the zones, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, the election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last Great Register of Lassen County or Modoc County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall be entitled to one vote for the first one thousand dollars ($1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars ($1,000) of assessed value or fraction thereof.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of the district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

SEC. 22. Should the proposition be submitted to the electorate as provided in Section 21 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

SEC. 23. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within the district and the amount to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 20, but before the calling of the bond election as provided in Section 21 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of the municipality or political subdivision. Thereupon the charges against the zone or zones shall be canceled to the extent of the amount so agreed to be paid, and

thereafter the electors residing within the zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by the municipality or other political subdivision.

It shall be wholly optional with the board whether or not to proceed as provided in this section.

SEC. 24. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 50 years from said date. The board shall fix the place or places (which may be within or without the State of California and which shall be designated in the bonds) where the bonds, together with the interest thereon, shall be payable. The principal amount of general obligation bonds issued shall not exceed in the aggregate that amount allowed by the California Districts Securities Commission but in no event to exceed 15 percent of the assessed value of all the real and personal property of the zone or zones involved.

SEC. 25 The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 26. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Lassen, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least

once a week for three weeks in some newspaper of general circulation published in Lassen County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Lassen, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

SEC. 27. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and

interest thereon shall be paid to the proper registered owner thereof.

SEC. 28. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

SEC. 29. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 30. Any bonds which shall be issued under the pro visions of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the bonds issued under this act may be so used.

SEC. 31. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Lassen, and be paid out by him upon authority of the board and by proper warrant. All proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which the district was created as in this act provided.

SEC. 32. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessments on the equalized rolls of the County of Lassen, and the County of Modoc to the extent of the territory of the district within Modoc County, as the basis for district taxes and for its taxes collected by the county officials of each county. On or before the first of August the board shall file with the auditors of Lassen and Modoc Counties a certified copy of the map or plat showing the zones and the amount to be raised from each zone. The auditor of each county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property in such county within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in such county within each of said zones respectively.

The board shall, on or before the first weekday of September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditors of Lassen and Modoc Counties a statement of the rate of taxes so fixed by said board for each zone in the respective counties into which the district may be divided and the county auditors of Lassen and Modoc Counties shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the Counties of Lassen and Modoc for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by the Board of Supervisors of the County of Lassen, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by each county shall be placed to the credit of the county salary fund.

SEC 33. After the first bond election in the district at which bonds shall be authorized, or after the district becomes

indebted to the United States pursuant to Section 3 (u), the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting zones as provided in Section 32 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If the district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

SEC. 34. Bonds issued by the district and property of the district shall be exempt from taxation as provided by Sections 1 and 1¾ of Article XIII of the State Constitution.

SEC. 35. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

SEC. 36. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

SEC. 37. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 38. This act shall be known as the "Lassen-Modoc County Flood Control and Water Conservation District Act."

CHAPTER 2128

An act to add Sections 12627.3 and 12627.4 to the Water Code, relating to water seepage and erosion.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 12627.3 is added to the Water Code, to read:

Costs

12627.3. It is declared to be the policy of the State that the costs of solution of seepage and erosion problems which arise or will arise by reason of construction and operation of water projects should be borne by the project.

SEC. 2. Section 12627.4 is added to said code, to read:

Consideration of problems

12627.4. The department, in making investigations and plans for water projects and in making recommendations thereon to the Governor and the Legislature, shall include therein consideration of seepage and erosion problems which may arise in connection with the construction and operation of the proposed project, the effect of the proposed project thereon, and plans for the solution thereof as a part of the project development.

CHAPTER 2129

An act to add Sections 11728, 11729, and 11730 to the Health and Safety Code, relating to the rehabilitation and testing of narcotic addicts, and making an appropriation therefor.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11728 is added to the Health and Safety Code, to read:

Legislative declaration of policy

11728. The rehabilitation of narcotic addicts and the prevention of continued addiction to narcotics is a matter of statewide concern. It is the policy of the State to encourage each county and city and county to make use of synthetic opiate anti-narcotics in action and other testing procedures to determine narcotic addiction or the absence thereof, and to foster research in means of detecting the existence of narcotic addiction and in medical methods and procedures for that purpose.

SEC. 2. Section 11729 is added to said code, to read:

Department of Justice Promotion

11729. The Department of Justice is directed to promote and sponsor the use by agencies of local government of the provisions of this article. The department may assist such agencies to establish facilities for, and to train personnel to

conduct testing procedures pursuant to Section 11722, and may conduct demonstrations thereof for limited periods. For these purposes the department may procure such medical supplies, equipment, and temporary services of physicans and qualified consultants as may reasonably be necessary. Subject to the availability of funds appropriated for the purpose, the department may contract with any county or city and county which undertakes to establish facilities and a testing program pursuant to Section 11722, and such contract may provide for payment by the State of such costs of initially establishing and demonstrating such program as the department may approve.

SEC. 3. Section 11730 is added to said code, to read:

Records, etc.

11730. The Department of Justice shall provide for such records, studies and research as may be necessary to evaluate the functional efficacy of this article as a method of treatment, rehabilitation and control of narcotic addicts and the use of diagnostic drugs and other testing procedures in such treatment. The department shall submit a report to the Legislature concerning the effect of this article in operation at the commencement of each session of the Legislature.

Appropriation

SEC. 4. There is hereby appropriated to the Department of Justice out of the General Fund in the State Treasury the sum of fifty thousand dollars ($50,000) to be expended during the 1959-60 Fiscal Year, for the rehabilitation, testing, and control of narcotic addicts as provided in Sections 11723 to 11725, inclusive, of the Health and Safety Code.

CHAPTER 2130

An act to add Section 10853 to the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to corporal punishment of pupils.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 10853 is added to the Education Code, to read:

10853. The governing board of any school district shall adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure.

CHAPTER 2131

An act to create the Yuba-Bear River Basin Authority, to develop and promote the regulation of the water resources of the Yuba and Bear Rivers watersheds for beneficial use in the Counties of Placer, Nevada, and Sierra, prescribing the authority's powers and duties, providing for its organization, operation and management and authorizing the acquisition of property and works to carry out the purposes of the authority, authorizing the incurrence of indebtedness, providing for the issuance of bonds, providing for the levy and collection of taxes, and for co-operation and contracts with any entity.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. A water district is hereby created to be known as the Yuba-Bear River Basin Authority. Said authority shall consist of all the territory lying within the exterior boundaries of the Counties of Placer, Nevada, and Sierra.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Authority" is the Yuba-Bear River Basin Authority.

(b) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(c) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(d) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, all conduits, and other facilities useful in the control, conservation, diversion, transmission and use of water; power generation and transmission facilities; any and all facilities necessary or desirable in making beneficial use of water for recreation and fish and wildlife enhancement and protection, including, without limiting the generality of the foregoing, roads, campsites, bathing facilities, fish facilities and boat launching facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(e) "District" means any of the following: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, flood control districts, and any other districts or political subdivisions of the State.

(f) "Public agency" means the United States, the State or any districts.

(g) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of any county within the authority qualified under the laws of the State of California to vote in the county at general elections.

(h) "May" is permissive and "shall" is mandatory.

(i) "Board" means the board of directors of the authority.

SEC. 3. The Yuba-Bear River Basin Authority is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the authority shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 4. The function of the authority is to fully develop the water resources of the Yuba and Bear River watersheds and provide a water supply therefrom and incidental facilities for any present or future beneficial use of the lands or inhabitants within the authority, including but not limited to irrigation, domestic, fire protection, municipal, recreation, fish and wildlife enhancement and protection, commercial, industrial, and all other beneficial uses and purposes; and all such beneficial uses and purposes shall be considered by the authority in planning its projects. The authority shall have the power as limited in this act to do any and every lawful act which will enable it to perform this function, but it shall not have the power to develop the water resources of any watershed other than the Yuba and Bear River watersheds. This latter restriction shall be a limitation on all the power of the authority set forth in this act.

SEC. 5. The authority shall have perpetual succession.

SEC. 6. The authority shall have the power to adopt a seal and alter it at its pleasure.

SEC. 7. The authority shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 8. The authority shall have the power of eminent domain to acquire within or without the authority by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7, commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the authority, except that the authority shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulations and control of the State of California in the manner prescribed by law. Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is

for a more necessary public use than that to which it already has been appropriated. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the authority shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

The power of eminent domain vested in the authority shall include the power to condemn in the name of the authority either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the authority. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the authority. No action in eminent domain to acquire property or interests therein outside the boundaries of the authority shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 9. The authority shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, lease, or otherwise, with or without the privilege of purchasing, real or personal property of any kind, or any interest in real or personal property, within or without the authority, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

SEC. 10. The authority shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the authority under its own supervision.

SEC. 11. The authority shall have the power to construct, operate and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale of electric energy at retail, or the Federal or State Government.

SEC. 12. The authority shall provide adequate control of the flood and storm waters of the Yuba and Bear Rivers and their tributaries in order to protect life, property, the watercourses and public highways in said authority from such flood and storm waters, and shall have the power to conserve the waters so controlled for beneficial and useful purposes of said

authority by spreading, storing, retaining and causing it to percolate into the soil within said authority or in any other manner.

SEC. 13. The authority shall have the power to store water in surface or underground reservoirs for the common benefit of the authority; to conserve and reclaim water for present and future use within the authority; to appropriate and acquire water and water rights, and to conserve and utilize water for any purpose useful to the authority; to commence, maintain, intervene in, defend or compromise, in the name of the authority in behalf of the landowners therein, or otherwise, and to assume the costs and expense of any action or proceeding involving or affecting the ownership or use of waters or water rights of the Yuba or Bear River watersheds used or useful for any purpose of the authority or of common benefit to any land situate therein or involving the wasteful use of water therein, or to prevent the interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters of the Yuba or Bear River watersheds used or useful for any purpose of the authority or of common benefit to the lands within the authority or to its inhabitants or to prevent unlawful exportation of water of the Yuba or Bear River watersheds from said authority, or to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water of the Yuba or Bear River watersheds, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of such waters, except that the authority shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the authority.

SEC. 14. The authority shall have the power to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights useful or necessary to make use of water for any purposes authorized by this act.

SEC. 15. The authority shall have the power to operate, repair, improve, maintain, renew, replace, and extend all works and property of the authority.

SEC. 16. The authority shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said authority relating to the Yuba and Bear River watersheds.

SEC. 17. The authority shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy, along, under or across any public road, street, alley, avenue,

highway, or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property and the authority shall restore at its own expense any such crossings and intersections to their former state as nearly as may be or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right-of-way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the authority in forming said intersections and crossings and grant the rights therefor.

SEC. 18. There is hereby granted to the authority the right-of-way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the authority, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the authority a permit to use such right-of-way and lands.

SEC. 19. (a) If by any judgment in condemnation or agreement the authority is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the authority, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 17 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the authority and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the authority, the character and location of such new improvements or works and any other controversy relating

thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

SEC. 20. In connection with the construction and operation of the works of the authority, the authority shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 21. The authority shall have the power to enter into contracts with any public or private entity formed and existing to provide water service within the authority whenever such contract appears to the board to be in the public interest.

SEC 22. When authorized by the board the authority shall have the power to borrow money with repayment to commence at a future date from revenues of the authority.

SEC. 23. No water may be furnished or sold, nor may rights to the use of the works of the authority be leased or otherwise transferred, by the authority for use outside the authority boundaries, except for interim use under a contract for a term not to exceed 25 years and unless the board determines that the water or works involved will not be needed for use within the authority during the term of such contract. The provisions of this section shall be a limitation on all other sections of this act which authorize contracts by the authority with other entities for furnishing or selling water or the lease of, or other transfer of rights to, the works of the authority.

SEC. 24. Nothing contained in this act shall deprive a county in which water originates of any water necessary for the development of such county.

SEC. 25. The authority may enter into contracts with any districts for any of the following purposes:

(a) The lease, purchase, or other acquisition by the authority of any of the works of such district.

(b) The construction of works by the authority for the conservation, regulation or transmission of water for the benefit of such district or the furnishing or sale by the authority to such district or by such district to the authority of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, a water supply, or water storage facilities or any interests in any thereof for any purpose by the authority to any district or by any district to the authority.

(d) The operation of works and the delivery of water by the authority to any district or by any district to the authority.

SEC. 26. The authority in its discretion may suspend delivery of water conserved by the authority or obtained by or

on behalf of the authority to any district during the period in which said district is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the authority.

SEC. 27. The authority shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction or works, whether for irrigation, drainage, or flood control, or other beneficial purposes, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the authority, and for said purposes the authority shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 28. All money collected in pursuance of a contract with the United States shall be held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

SEC. 29. The authority may co-operate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person in planning of projects, in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the authority, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses, fish and wildlife enhancement and protection, and the generation of electric energy, and for the use, operation and management and ownership of such works The authority also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, construction, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, constructed, operated or managed by the authority. Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, mutual water company and any other district or political subdivision of the State empowered by law to appropriate water and make water available for beneficial use may:

(a) Co-operate, act in conjunction wh and enter into contracts with the authority for all the prposes for which the authority is empowered to act.

(b) Carry out the terms of such contcts.

SEC. 30. The board of directors of te authority shall consist of three members, one appointed y each of the boards of supervisors of the counties within te authority. Each director shall serve at the pleasure of th board of supervisors of the county he represents.

SEC. 31. Each director shall receivesuch sum as may be fixed by the board not exceeding twety dollars ($20) for each meeting of the board attended b him, not exceeding three meetings in any calendar month.

SEC. 32. If allowed by the board a director shall also receive for performing duties for the aunority other than attending board meetings:

(a) Not to exceed twenty dollars ($2) for each day.

(b) Traveling and other expenses inurred by him in his employment.

SEC. 33. The board of directors shll elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless a majority of all members concur therein.

SEC. 34. No director of the authority shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profts to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract in which a director has a remote interest as that term is defined in Section 1091 of the Government Code as now enacted or as hereinafter amended.

SEC. 35. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the authority shall be liable for any act or omission of any agent or employee appointed or employed by him except when the officer, agent or employee making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render

the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 36. Nothing contained in Section 35 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the Government Code.

SEC. 37. If a judgment is entered against a director, officer, agent, or employee of the authority for any act or omission in his official capacity, except in case of actual fraud or malice the authority shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 38. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act. The board may appoint a secretary and such other officers, agents and employees for the board or authority as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective offices or positions at the pleasure of the board.

SEC. 39. All ordinances, resolutions and other legislative acts of the authority shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of a county. The initiative and referendum powers are hereby granted to the electors of the authority to be exercised in relation to the enactment or rejection of authority ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 40. Claims against the authority shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

SEC. 41. The legal title to all property acquired under the provisions of this act shall be in the authority and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the authority is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties, except as otherwise provided in this act.

SEC. 42. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000) shall be let to the

lowest responsible bidder or bidders as proided in this section. The board shall first determine whether he contract shall be let as a single unit for the whole of the work, or divided into several convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the authority inviting sealed proposals for the construction or performance of the improvement work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property, the board may have the work done by force account without advertising for bids. The authority may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 43. If from any cause, the revenues of the authority shall be, or in the judgment of the board are likely to be, inadequate for any lawful purpose of the authority, the board shall have the power in any year to provide for the levy of an ad valorem tax upon all taxable property in the authority for such purposes, except that the aggregate taxes or assessments levied for any one fiscal year pursuant to this section shall not exceed one cent ($0.01) on each one hundred dollars ($100) of the assessed valuation of the taxable property within the authority, exclusive of any tax levied in any zone or participating zone of the authority.

The board, on or before the last day of May of each year, shall estimate the amount of money required by the authority pursuant to this section. The board shall add thereto a sum not to exceed 10 percent thereof for anticipated delinquencies. The board shall divide the total amount so found in proportion to the value of the taxable property in the authority lying in each county. The value shall be determined from the last assessment rolls of the counties On or before the first week of June of each year the board shall furnish to each board of supervisors a written statement of the amount apportioned to the county.

The boards of supervisors of each of the counties in which the authority is situated shall, upon receipt of the determination of such amount, cause a sufficient tax to be levied on

the taxable property in each such county to raise such amount. The tax levied by the boards of supervisors for the purposes of the authority shall be known as the authority assessment and shall be assessed and levied, except as otherwise indicated, at the same time and in the same manner as prescribed by law for county taxes. The amounts collected from the authority assessment shall be transmitted to the authority and deposited by it in the treasury of the authority.

SEC. 44. The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the authority and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

SEC. 45. Whenever any real property situated in the authority has been sold for taxes due to the authority and has been redeemed, the money paid for redemption shall be apportioned and paid to the authority by the county auditor receiving it in accordance with the provisions of Chapter 1c (commencing at Section 4656) of Part 8 of Division 1 of the Revenue and Taxation Code.

SEC. 46. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the authority or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the authority is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds, all in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code; provided, however, that, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 11 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy. The proceeds from the sale of such bonds may be used to pay any county within the authority for taxes collected prior thereto within such county pursuant to Section 43 of this act, except taxes levied in any zone or participating zones of the authority.

SEC. 47. The revenues produced each year by any enterprise of the authority shall be used to pay principal and interest due that year on outstanding revenue bonds sold to finance its construction, to pay all other charges to protect or secure such revenue bonds, and to provide for necessary and reasonable maintenance and operation costs of the enterprise, which costs include the reasonable expenses of management, repair

and other expenses necessary to maintain and preserve the enterprise in good repair and working order. Subject to any limiting covenants in the resolution providing for issuance of such revenue bonds, any surplus revenues remaining shall be apportioned each year as follows: Ten percent thereof shall be allocated among the counties within the authority in such amounts as may be determined by the board, to be used by the counties for development of their water resources for any beneficial use or purpose including recreation and fish and wildlife enhancement and protection. Ninety percent shall remain with the authority and may be used for any lawful purpose of the authority, which, without limiting the generality of the foregoing, shall include the right and authority to expend any or all of such surplus as contributions in carrying out the function of the authority as set forth in Section 4 of this act.

If and when the water resources of the Yuba and Bear River watersheds have been fully developed, all of such surplus revenues may be allocated to the counties within the authority at such times and in such amounts as may be determined by the board, to be used by the counties for any lawful purpose in which there is a general statewide interest.

SEC. 48. All revenue bonds issued by the authority may be certified as legal investments, pursuant to the Districts Securities Commission Law, Division 10 (commencing at Section 20000), of the Water Code, in the manner and to the extent provided in Sections 54433 and 54434 of the Government Code.

SEC. 49. The authority, at any time after the authorization of bonds or after the execution of any contract, may bring an action in the superior court of the State of California in and for any of the counties within the authority to determine the validity of the bonds or of the contract. The action is in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the authority and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or the contract.

If no proceedings have been brought by the authority pursuant to this section, any authority assessee or taxpayer may at any time within thirty (30) days after the authorization of any bonds or execution of any contract bring an action in the Superior Court of the State of California in and for any of the counties within the authority to determine the validity of the bonds or contract. The authority shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together in the court which first acquired jurisdiction. The rules of pleading and practice in the

Code of Civil Procedure not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC. 50. Neither the establishment of the authority nor any provision of this act shall affect, restrict nor supersede the existence, property, right or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the authority for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water or electric energy. The Legislature, hereby expressly declares its intent to permit within the limits of the Yuba-Bear River Basin Authority, the existence of more than one district, municipality or combination thereof, having similar power over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use, development of water or electric energy.

SEC. 51. The authority may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at Section 58300) of Chapter 1 of Division 1 of Title 6 of the Government Code, and the authority shall be considered a district within the meaning of all of the provisions of said article.

SEC. 52. The Legislature hereby finds that water problems involving the Yuba and Bear River watersheds in the Counties of Placer, Nevada, and Sierra require flood control, regional water conservation, and development of water resources; that all land within said counties will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the Yuba-Bear River Basin Authority; and the counties have caused to be made private investigations and engineering surveys of the counties' water resources, water consumption and future water needs; state and federal engineers have also made such surveys; public appointed county water resources boards have conducted water studies for years; that county water districts, municipalities, irrigation districts and soil conservation districts now exist within portions of the counties, have

acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods in the Yuba and Bear River watersheds in said counties, and for such reason it is necessary to have a political entity at least coextensive with the geographical limits of the counties. It is therefore hereby declared that a general law cannot be made applicable to said counties, and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 53. If any provision of this act is declared unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC 54. This act may be designated and referred to as the Yuba-Bear River Basin Authority Act, and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 2132

An act to add Section 19613.9 to the Education Code, and to add Section 16635.1 to the Education Code as enacted by the Legislature at its 1959 Regular Session, relative to the use of tax funds for capital expenditures for child care centers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1959 Filed with Secretary of State July 20, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 19613 9 is added to the Education Code, to read:

19613.9. Any tax funds raised pursuant to Sections 19613.6 or 19613 8 may be used to purchase land or buildings, to erect new buildings, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for child care centers.

Use of tax funds

SEC. 2. Section 16635.1 is added to the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

16635.1. Any tax funds raised pursuant to Sections 16633 or 16635 may be used to purchase land or buildings, to erect new buildings, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for child care centers.

Same

SEC. 3. Section 2 of this act shall become operative at the same time as the Education Code as enacted by the Legislature at its 1959 Regular Session, at which time Section 19613.9

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of the Education Code as added by Section 1 of this act is repealed.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are:

Section 19613.6 of the present Education Code and Section 16633 of the revised Education Code permit any school district maintaining a child care center to "include in its budget the amount necessary to carry out its child care center program pursuant to this chapter."

Section 19613.8 of the present Education Code and Section 16635 of the revised Education Code permit any school district to include in its budget the amount necessary for "additional services or facilities of the child care centers established and maintained in such school district." These two latter sections also provide that a county may jointly with a school district, or severally, levy a tax to provide funds for additional services or facilities for child care centers.

There is serious question that the language of any of the above-mentioned code sections would permit the expenditure of amounts raised by local taxes for capital expenditures for child care centers.

In heavily populated areas throughout the State there are great numbers of working mothers and an increasing demand for the maintenance of child care centers. In many school districts embracing these areas older school facilities which have been used for child care centers are being demolished to make way for new buildings constructed strictly for use for school classes. It is therefore necessary in order to continue the child care center program for such school districts to purchase land and place buildings thereon solely for use as child care centers. Unless the Legislature adopts a law expressly permitting capital expenditures from tax funds levied for child care center purposes, school districts cannot acquire land or construct buildings for child care centers as Section 19608 of the present Education Code and Section 16621 of the revised Education Code prohibit the use of funds of a district derived from the receipts of district taxes from being expended for child care centers. In order to make the receipts of district taxes available for the purposes enumerated in the code sections hereinbefore set forth it is necessary that this act take effect immediately. Otherwise, no items of capital expenditures for child care centers can be included in 1959-1960 school district budgets and no taxes for such purposes can be levied in the Fiscal Year 1959-1960.

CHAPTER 2133

An act to amend Section 9359.8 of the Government Code, relating to Legislators' Retirement Law.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 9359.8 of the Government Code is amended to read:

9359.8. Upon the death of any member before retirement, his accumulated contributions shall be paid to his beneficiary, if he has designated one, and if not, to his estate. There shall also be paid to his beneficiary or estate an amount equal to one-twelfth of the annual compensation of the office last held by him as a legislator during the 12 months immediately preceding his death or that would have been applicable under Section 9359.1, whichever is greater, multiplied by the number of completed years of service and prior service for which he is entitled to elect to receive credit, but not to exceed one-half of such annual compensation if the decedent was an elective officer of the State whose office is provided for by the Constitution other than a Member of the Legislature. The benefits provided by this section are in addition to any benefits provided by Division 4 of the Labor Code.

The benefit accorded by this section is not payable if the deceased member's spouse survives him and is entitled to receive an allowance for life pursuant to the provisions of this chapter.

CHAPTER 2134

An act to amend Section 22406 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session, relating to the speed of trucks and truck tractors.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 22406 of the Vehicle Code as enacted by the Legislature at the 1959 Regular Session is amended to read:

22406. Any motor truck or truck tractor having three or more axles or any motor truck or truck tractor with any trailer or semitrailer, or any combination thereof, shall not be driven on any highway at a speed in excess of 45 miles per hour except that a maximum speed limit of 50 miles per hour shall apply to such vehicles on highways of four or more lanes.

This section does not apply to any bus having three or more axles.

CHAPTER 2135

An act to add Section 146b to the Penal Code, relating to simulating official inquiries.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 146b is added to the Penal Code, to read:

146b. Every person who, with intent to lead another to believe that a request or demand for information is being made by the State, a county, city, or other governmental entity, when such is not the case, sends to such other person a written or printed form or other communication which reasonably appears to be such request or demand by such governmental entity, is guilty of a misdemeanor.

CHAPTER 2136

An act providing for the formation of municipal water districts and prescribing the powers, duties, and functions of such districts.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. A municipal water district may be formed in all or any part of one or more municipalities with or without unincorporated territory for the purpose of the acquisition, construction, improvement or extension and financing of waterworks, water systems or water distribution system for supplying said district and the inhabitants thereof with water for domestic, agricultural, industrial or other water purposes which a municipality is authorized by law to acquire, construct or extend, and to provide for the incurring of indebtedness and the issuance of bonds therefor to pay all of the costs and incidental expenses thereof, including costs of issuance and working capital and interest estimated to accrue during and for a period of not to exceed 12 months after the completion of the acquisitions or the construction, whichever shall be longer. Such districts shall be formed and such bonds shall be issued and sold in the manner and under the proceedings hereinafter set forth.

SEC. 2 Whenever a petition verified by one or more persons and signed by not less than 10 percent of the qualified electors residing in territory located wholly within one municipality which is proposed to be formed into a municipal

water district, setting forth a general description of the waterworks, water system or water distribution system to be acquired, constructed or extended and a general description of the exterior boundaries of such proposed district, shall have been filed in the office of the clerk of the legislative body of said city, and the genuineness of the signature thereto shall have been certified to by the city clerk, said legislative body may adopt a resolution declaring its intention to form said proposed district, or as the same may have been modified as herein provided, for the purposes in this act provided. Said legislative body shall have power to change or modify the boundaries of said district and the nature, character or extent of such proposed waterworks, water system or water distribution system. Said resolution of intention shall also contain:

1. A description of the exterior boundaries of the proposed municipal water district, and a statement that a map showing the exterior boundaries of the district with relation to the territory immediately contiguous thereto is on file in the office of the clerk of the legislative body of the city, which map shall govern for all details as to the extent of the district.

2. A general description of the waterworks, water system or water distribution system proposed to be acquired, constructed or extended;

3. An estimate of the cost of the proposed waterworks, water system or water distribution system and an estimate of the incidental expense in connection therewith;

4. A date, hour and place fixed for the hearing of protests.

SEC. 3. Said resolution shall be published once a week for at least two weeks before the day fixed for the hearing in a newspaper of general circulation designated by the legislative body of the city as being the newspaper most likely to give notice of the hearing. Such publication may be made in a daily or weekly newspaper and need not be on the same day of each week. Said resolution shall also be posted in three (3) public places within the proposed district, as fixed and determined by the legislative body, for at least two weeks before the day fixed for the hearing.

SEC. 4. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the proposed waterworks, water system or water distribution system, or to the acquiring, construction, improvement or extension thereof, or to the inclusion of his property in said district, may file a written protest, setting forth such objection, with the clerk of the legislative body at or before the time set for the hearing. The clerk of said legislative body shall endorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. Said legislative body shall hear said protests at the time appointed or at any time to which the hearing thereof may be adjourned.

If written protests are filed by the owners of 51 percent of the area of the real property owning 51 percent of the assessed valuation of the real property proposed to be included in the district such formation proceedings shall terminate. New proceedings to form such a district may not be commenced within six months of such termination.

If written objection to the formation of the district or requesting an election, signed by ten (10) percent of the voters registered in the district, is filed with the clerk, the legislative body shall, and in any event it may, either adopt an order abandoning the formation of the proposed district or order the matter of the formation of the district with the boundary lines determined at the close of the hearing submitted to the voters of the proposed district at an election. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the legislative body and precinct boards, composed of one inspector, one judge and one clerk, shall be appointed. Notice of such election shall be published in the same manner as the notice of election provided in Section 6. In other particulars the election shall be held as provided by law for the holding of general municipal elections in such city. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the legislative body shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said legislative body shall not modify such boundaries so as to include any territory which will not in its judgment, be benefited by said waterworks, water system or water distribution system.

Upon the final hearing and after making all necessary and proper changes in the boundaries of the district, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district and that a majority of the votes cast on the question in each city or part thereof in the proposed district were in favor of the formation of the district, the legislative body by resolution shall establish the district and fix and determine its boundaries. Such boundaries shall be described by metes and bounds sufficient to identify the same for purposes of taxation. The resolution establishing the district shall be recorded in the office of the county recorder, and copies thereof certified by the clerk of the legislative body of the city, together with a map or plat showing such boundaries, shall be filed with the county assessor, the county clerk and the State Board of Equalization. From and after such filing, the district shall be deemed organized. No action or proceeding contesting the validity of the district or its organization shall be had or taken in any court, state or federal, unless the same is commenced within sixty (60) days from and after the date of the recordation of the resolution establishing the district in the office of the county recorder.

SEC. 5. At any time after said legislative body shall have so acquired jurisdiction and the district shall have been formed, it may call an election to be held within the district, and provide for the submission to the qualified voters thereof, the proposition of incurring a debt by the issuance of bonds of such district, for the purposes set forth in the resolution of intention. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the waterworks, water system or water distribution system, contemplated thereby, the total estimated cost thereof, which shall include the estimated cost of the incidental expense in connection therewith, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on such indebtedness; provided, however, that in its discretion said legislative body may recite in such ordinance or resolution a maximum rate of interest to be paid on such indebtedness, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness; and said ordinance or resolution shall fix the date on which such election shall be held, the manner of holding the same and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be 6 per centum per annum, payable semiannually.

SEC. 6. For the purposes of said election said legislative body shall in said ordinance, or resolution, establish one or more precincts within the boundaries of said district, designate a polling place and appoint one inspector, one judge and one clerk for each such precinct. In all particulars not recited in such ordinance, or resolution, such election shall be held as provided by law for the holding of general municipal elections in such city. Said ordinance, or resolution, ordering the holding of said election shall be published five times in a daily, or once a week for two weeks prior to the date fixed for such election in a newspaper of general circulation, designated by the legislative body as being the newspaper most likely to give notice of the election. Such ordinance, or resolution, shall also be posted in three public places within the district two weeks preceding the date fixed for the holding of such election. No other notice of such election need be given. If at such election two-thirds of all the voters voting at said election, shall vote in favor of incurring such bonded indebtedness, then such legislative body shall thereupon be authorized and empowered to issue the bonds of said district for the amount provided for in such proceedings, payable out of funds of such district, to be provided as in this act prescribed.

SEC. 7. The Revenue Bond Law of 1941 is applicable to districts for the purpose of providing funds for the acquisition, construction, improvement or extension and financing of a waterworks, water system or water distribution system.

SEC. 8. All bonds issued hereunder shall be issued in the name of the city by whom the district has been formed, and

shall specify by number or title the district for which they are issued. Said legislative body shall, subject to the provisions of this act, prescribe the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable in the manner determined by the legislative body, at a place within the United States, to be fixed by the legislative body and designated in the bonds, together with interest on all sums unpaid at that date, until the whole of the indebtedness has been paid. The legislative body may divide the principal amount of any issue of bonds into two or more series or divisions and fix different dates for the bonds of each series or division. The bonds of one series or division may be made payable at different times from those of any other series or division. The final maturity of any issue of bonds, or of any series or division, shall not exceed 40 years from the date of such bonds, or the date of such series or division thereof.

The bonds shall be issued in such denomination as said legislative body may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the day and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be paid semiannually; and said bonds shall be signed by the chief executive of the municipality, or by such other officer thereof as the legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose, and also signed by the treasurer thereof, and shall be countersigned by the clerk. All signatures, except that of the clerk, may be printed, lithographed or engraved.

The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of such municipality by his printed, engraved or lithographed signature. In case any such officers, whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

At any time prior to the sale of said bonds and notwithstanding the fact that a tax may have been levied to pay principal and interest or principal or interest of any of said unsold bonds, the said unsold bonds may be redated and the maturities, denominations, form, interest rate or any thereof may be changed, and, after such changes are made, the bonds issued pursuant thereto may be sold; provided, the interest rate of the bonds shall not exceed the rate authorized at the election. If a tax has theretofore been levied to pay principal and interest or principal or interest of any of said unsold bonds, the said tax, when collected, shall be used to pay the

principal and interest or principal or interest of the bonds actually issued and sold.

SEC. 9. Said legislative body may issue and sell the bonds of such district authorized as hereinabove provided, at a price below par value, but the maximum net interest cost on bonds sold below par or face value shall not exceed an average of 6 percent a year payable semiannually to the respective maturity dates of the bonds determined by standard tables of bond values. The proceeds of the sale of such bonds shall be placed in the treasury of such municipality to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election as aforesaid and to the incidental expense in connection therewith.

At any time prior to the actual sale of any of the bonds of any issue authorized under the provisions of this act, a petition verified by one or more persons and signed by not less than 25 percent of the qualified electors residing in the municipal water district and praying that no bonds be sold and the entire issue be canceled and all proceedings thereunder abandoned may be filed in the office of the clerk of the legislative body of said city.

The genuineness of the signatures thereto must be examined and certified to by the city clerk within two weeks from and after the filing thereof and within three weeks after the clerk has so certified the legislative body of the city must by ordinance call an election and submit to the qualified electors within the district the proposition of whether or not the bonds shall be canceled and all proceedings for the issuance thereof abandoned. The ordinance or resolution calling such election shall fix the date thereof and recite the objects and purposes for which the proposed bonded indebtedness was to be incurred, the nature of the waterworks, water system or water distribution system contemplated thereby, the estimated cost thereof, the estimated cost of the incidental expenses in connection therewith, the amount of the principal of the indebtedness to be incurred, and the rate of interest all as specified in the ordinance or resolution calling the election upon the proposition of incurring the bonded debt. In all other particulars such election shall be called and held in the manner provided by Section 6 of this act.

If at such election a majority of the voters voting thereat vote in favor of canceling the bonds and abandoning proceedings for the issuance thereof, then such legislative body shall order the bonds canceled and declare the proceedings for the issuance thereof abandoned and thereafter the legislative body shall have no power to issue the said bonds. If said bonds have been printed or prepared for delivery they shall forthwith be destroyed.

In case the proceeding is abandoned the legislative body of such city shall, if the district is located wholly within its boundaries, at the time of fixing the general tax levy, and in

the manner for such general tax levy provided, levy and collect a tax upon all of the taxable property within the boundaries of the district theretofore formed under this act, sufficient to pay the engineering, legal and other incidental expenses incurred by such city in the proceedings theretofore had under the provisions of this act and to reimburse the said city for such sums as it may have advanced therefor, and from the funds derived from said tax shall pay such engineering, legal and other incidental expenses and reimburse the city for such sums as it has advanced therefor.

If the district is located in two or more cities, or if the district contains unincorporated territory, such tax shall be levied and collected at the same times and in the same manner as provided in Section 18 for the levy and collection of district bond principal and interest taxes.

SEC. 10. The legislative body of such city shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect a tax each year upon the taxable property in such district sufficient to pay the interest on such bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected, at the time and in the manner aforesaid, each year sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such tax shall be in addition to all other taxes levied for municipal purposes and when collected shall be paid into the treasury of such city and be used for the payment of the principal and interest on such bonds, and for no other purpose. The principal and interest on such bonds shall be paid by the treasurer of such city in the manner provided by law for the payment of principal and interest on bonds of such city.

SEC. 11. All contracts for the construction or extension of any water works, water system or water distribution system, or for furnishing labor, materials or supplies therefor as herein provided, shall be let to the lowest responsible bidder. The legislative body of such city shall advertise for two or more days in a newspaper of general circulation printed and published in such city, inviting sealed proposals for furnishing labor, materials and supplies for the proposed water works, water system or water distribution system before any contract shall be made therefor. The said legislative body shall have the right to require such bonds as it may deem best from the successful bidder to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; provided, however, that nothing herein contained shall be construed as prohibiting the municipality itself from constructing or extending such water works, water system or

water distribution system and employing the labor necessary therefor, without a contractor; and provided further, that in municipalities operating under a charter heretofore or hereafter framed under the provisions of the Constitution of the State of California, all acts required to be performed subsequent to the sale of such bonds by this act, shall be done and performed by the proper body, board, officer or commission of such municipality, as is required or authorized by such charter to perform such acts, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the constructing or extending of such water works, water system or water distribution system, the contracts therefor shall be let and entered into in conformity with such charter.

SEC. 12. Said municipality shall, by and through its proper officers, have full power and authority to expend the proceeds acquired from the sale of such bonds for the acquisition, construction or extension of the water works, water system or water distribution system set forth in the ordinance calling said election, and shall also have full power and authority to acquire, construct or extend such water works, water system or water distribution system and such water works, water system or water distribution system so acquired, constructed or extended shall be the property of such municipality.

SEC. 13. Whenever the legislative body of any municipality in which a municipal water district has been formed hereunder, shall by resolution declare that it is no longer necessary to expend the money raised by the sale of bonds of such municipal water district for the purpose for which said bonds were voted, by reason of the fact that such purpose has been accomplished by other means, or by reason of the fact that the acquisition, construction or extension of the water works, water system or water distribution system for which said bonds were voted is no longer required by the public interest, convenience, and necessity, or if a surplus remains in said bond fund after the completion of such water works, water system or water distribution system for which said bonds were voted, the legislative body of said municipality shall by resolution order that said money be placed into a sinking fund for the purpose of paying the principal and interest of said bonds.

In the event that after the legislative body shall have found that it is no longer necessary to expend the money raised by the sale of bonds for any municipal water district for the purpose for which said bonds were voted as therein provided; or if upon the completion of such water works, water system or water distribution system a surplus exists in the sinking fund created for the purpose of paying the principal and interest on said bonds, then and in that event the legislative body may authorize and direct the city treasurer to advertise

for the purchase of any outstanding bonds at par. Said treasurer shall thereupon cause to be published once in a newspaper of general circulation in the municipality a notice that upon a day and hour certain the said treasurer will purchase at par and to the extent of the surplus remaining any outstanding bonds of the district. In purchasing said bonds the treasurer shall purchase any bonds offered in the inverse order of their maturity. Any bonds so purchased shall be canceled and the interest and sinking fund credited therewith.

SEC. 14. Any municipality may initiate proceedings for the formation of a municipal water district in two or more municipalities and with or without unincorporated territory or in one municipality and in unincorporated territory whenever in the judgment of the legislative body of such city it is deemed desirable that a district be organized hereunder. The legislative body of the initiating city shall by a resolution set forth (a) that the public interest and necessity require that a district be so organized, (b) a general description of the area of the proposed district, (c) a general description of the improvement deemed desirable, and (d) a general estimate of the cost of the proposed work. The district may be described by reference to a map on file in the office of the clerk of the legislative body and it shall not be necessary to set forth a metes and bounds description thereof. A general description of the proposed improvements shall be sufficient and it shall not be necessary to prepare detailed plans and specifications of the work to be done. The estimate of cost may include an estimate of all expenses to be incurred in connection with the formation of the district, including all incidental expenses of financing the proposed work, but neither the cost of physical construction nor the incidental expense need be itemized. The foregoing findings of the legislative body of the initiating municipality shall be expressed in a resolution of public interest and necessity adopted by two-thirds vote of all members of the legislative body.

SEC 15. If the proposed district includes the whole or any part of any other incorporated city or cities, the legislative body of the initiating city shall file with the legislative body of such other city or cities a certified copy of its resolution of public interest and necessity together with a request that the legislative body of such other city or cities consent to the formation of such district. No further proceedings shall be taken by the initiating city unless the legislative body of the city or cities, any part of which is proposed to be included in the district, by resolution, consents and agrees to the formation of the district.

SEC. 16. If any part of the district includes any unincorporated territory of the county, the legislative body of the initiating city shall file with the board of supervisors of the county in which such unincorporated territory is situated, a certified copy of its resolution of public interest and necessity. No further proceedings shall be taken by the legislative body

of the initiating city unless the board of supervisors of the county in which such unincorporated territory is located, by resolution, consents and agrees to the formation of the district which will include such unincorporated territory within its boundaries.

SEC. 17. Whenever the legislative body of any city in which the whole or any part of the district to be organized lies and, if the district includes any unincorporated territory, the board of supervisors of the county in which any part of the unincorporated are proposed to be included within the district lies, agree and consent to the formation of the district, then from and after the filing of such resolutions of concurrence with the legislative body of the initiating city, the legislative body of the initiating city shall be vested with full jurisdiction to proceed hereunder. From and after the filing with the legislative body of the initiating city of all necessary concurring resolutions of the legislative body of any city or of the board of supervisors of the county, as the case may be, the legislative body of the initiating city shall have the sole and exclusive jurisdiction to proceed with the formation of the district, to conduct all hearings on the formation of the district, to consent or permit or cause all necessary changes to be made in the boundaries of the proposed district and to conduct all proceedings on the formation of the district with like force and effect as though such district were wholly within the boundaries of the initiating city and a certified petition had been filed.

SEC. 18. In the event that bonds are authorized to be issued on behalf of any district in two or more municipalities and with or without unincorporated territory, or in one municipality and in unincorporated territory, the legislative body of the initiating city shall on or before the fifteenth day of July of each year certify to the board of supervisors of the county in which the district is located, the amount to be raised for the payment of the principal of and interest on the bonds. It shall be the duty of the county auditor to estimate and determine the rate of taxation for the payment of principal and interest of the bonds which will become due during the next succeeding year, or which the legislative body of the initiating city believes will become due during the next year on bonds authorized but not sold. The county auditor shall compute and enter in a separate column in the county assessment roll the respective sums to be paid as the district tax on the taxable property in the district. The board of supervisors of the county in which the district is located shall at the time of fixing the general county tax levy and in the manner provided therefor levy and collect each year upon all of the taxable property in the district a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as will become due before the time of fixing the next general county tax levy. The taxes so levied shall be collected at the same time and in the same manner as county

taxes are collected and when collected shall be paid to the county treasurer who shall forthwith remit the same to the city treasurer of the initiating city. The taxes are a lien on all property in the district and shall be of the same force and effect as the lien for county taxes and their collection shall be enforced by the same means as provided for the enforcement of the lien of county taxes. The city treasurer of the initiating city shall hold such taxes in trust, separate and apart from all other city funds and use and apply the same solely to the payment of bond principal and interest.

SEC. 19. The legislative body may cause to be levied and collected an annual tax not to exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation in the district for each year for the payment of the cost of maintenance and operation of the properties of the district. If the district is not wholly contained within one city, the legislative body shall on or before July 15th of each year certify to the board of supervisors of the county in which the district is located the amount of the maintenance and operation costs required to be raised by taxes for the then fiscal year. It shall be the duty of the board of supervisors to levy and collect taxes upon the taxable property in the district sufficient to raise the amount so certified as the cost of maintenance and operation for the fiscal year and it shall be the duty of the county auditor to compute the rate of taxation required to raise such sum. Such annual maintenance and operation tax shall be levied and collected in the same manner as district bond principal and interest taxes are levied and collected, and when collected shall be paid by the county treasurer to the city treasurer. If the district is located wholly within one city, such tax shall be levied and collected at the same time in the same manner as provided for general taxes of the city. The proceeds of such tax shall be used and applied solely for the maintenance and operation of the works of the district.

SEC. 20. Territory which is not within the boundaries of any other water district formed pursuant hereto may be annexed to any existing water district by the legislative body of the city.

SEC. 21. If the territory proposed to be annexed includes the whole or any part of any other incorporated city or cities or any unincorporated territory, the legislative body of the city shall by resolution adopted by two-thirds vote of all its members set forth (a) the boundaries of the territory proposed to be annexed and (b) that the public interest and necessity require that the territory be annexed. A certified copy of such resolution shall be filed with the legislative body of such other city or cities or, if the territory proposed to be annexed includes any unincorporated area, with the board of supervisors of the county in which such area lies, together with a request that such legislative body or board of supervisors consent to the annexation. No such territory shall be annexed without such consent.

SEC. 22. Whenever the legislative body determines and finds that additional territory will be benefited by annexation to an existing water district and that all necessary consents have been obtained in accordance with Section 21, it shall, by a vote of two-thirds of all its members, adopt a resolution to that effect.

SEC. 23. The resolution shall: (a) Describe the boundaries of the territory proposed to be annexed. (b) Designate the proposed annexation by an appropriate name and number. (c) Declare that the area to be annexed to the district will be benefited by such annexation. (d) Name the time and place for the hearing of objections by any person interested in the proposed annexation, to the inclusion of any land described in the resolution.

SEC. 24. The resolution shall be published once a week for two weeks before the day fixed for the hearing in a newspaper of general circulation designated by the legislative body of the city as being the newspaper most likely to give notice of the hearing.

SEC. 25. On the day fixed for the hearing, or any day to which the hearing is adjourned, the legislative body shall hear and consider any objections presented to the annexation of the territory to the district or to the inclusion of any territory proposed to be annexed. If written protests are filed with the legislative body to such annexation by the owners of 51 percent of the area of the real property owning 51 percent of the assessed valuation of the real property proposed to be annexed, such annexation proceedings shall terminate. New proceedings to annex such real property may not be commenced within six months of such termination. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the legislative body that the territory proposed to be annexed will be benefited by such annexation, the legislative body shall proceed to fix and determine the boundaries of the territory to be annexed to the district.

SEC. 26 After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of all its members, and approved by the mayor of the city, the legislative body shall order the annexation of the territory so described. This resolution, together with the names of the members of the legislative body voting for and against the resolution and the name of the mayor approving it shall be spread upon the minutes of the legislative body.

SEC. 27. Upon the adoption of the resolution ordering the annexation, the territory so annexed thereupon becomes a part of the district and is subject to all of its liabilities and entitled to all of its benefits.

SEC. 28. Territory may be excluded from the district in the manner now or hereafter provided for the exclusion of territory from a county water district. Notice of hearing shall be published in the same manner prescribed for giving notice of a hearing on formation of a district.

SEC. 29. One person shall be selected by the legislative body to participate in the meeting of the legislative body, without a vote thereon, to represent the area outside the boundaries of the initiating city. The person selected shall be the person nominated by a petition which is signed by the largest number of qualified electors in such area. A qualified voter may not sign more than one such petition. Such person shall serve for a term of three years.

SEC. 30. A district formed under this act may be dissolved in the same manner as county water districts are dissolved pursuant to Chapter 4 (commencing with Section 32850), Part 8, Division 12 of the Water Code.

SEC. 31. This act is effective only in that portion of the County of Santa Clara embraced within the following election precincts, as constituted at the general election of 1930: Agnew, Alviso, Barron, Bay View, Berryessa, Burbank, Calderon, Cupertino, Encina, Farwell, Fremont Nos. 1 and 2, Fruitvale, Jefferson Nos. 1 and 2, Linda Vista Nos. 1 and 2, Los Altos Nos. 1 to 3, inclusive, Midway, Milpitas Nos. 1 and 2, Miramonte, Mount Hamilton Nos. 1 and 2, Mountain View Nos. 1 to 5, inclusive, Orchard, Pala, Palo Alto Nos. 1 to 23, inclusive, Purissima, Red Mountain, San Jose Nos. 1 to 33, inclusive, and Nos. 91 to 107, inclusive, Santa Clara Nos. 1 to 9, inclusive, San Tomas, Saratoga Nos. 1 and 2, Seale, Stanford Nos. 1 and 2 and Sunnyvale Nos. 1 to 4, inclusive.

The Legislature finds and declares that the unique problems of municipal growth and the peculiar water storage and water supply problems in this area are unique and require the enactment of this special act to meet a problem for which a general law cannot be made applicable.

SEC. 32. No district formed hereunder shall exercise the power of eminent domain in a county other than the County of Santa Clara without first having received the consent of the board of supervisors of the county where the property is located.

SEC. 33. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 34. This act may be cited as the "Limited Water District Law of 1959."

SEC. 35. No rates or charges shall be established for water supply in that portion of the district outside the initiating city which shall be higher than charges set therefor within said city, however such prohibition shall not apply to charges resulting from actual differences in cost of construction or service.

SEC. 36. Districts may not be formed under this act after October 1, 1961.

CHAPTER 2137

An act to create the Amador County Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the agency, and providing for the levy and collection of taxes for the payment of general agency expenses and for co-operation and contracts with any entity.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. A district is hereby created to be known as the Amador County Water Agency. Said agency shall consist of all the territory lying within the exterior boundaries of the County of Amador.

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" means the Amador County Water Agency.

(b) "County" means the County of Amador of the State of California.

(c) "United States" means the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, transmission and distribution of water; power generation and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole

or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

SEC. 3. The Amador County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors.

SEC. 3.1. The agency shall have perpetual succession.

SEC. 3.2. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 3.3. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

SEC. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7 (commencing at Section 1237) of Part 3 of the Code of Civil Procedure, all property or any interest therein, necessary or convenient for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use without the consent of the public agency owning such property, unless provision is made to furnish substitute facilities for the use of such public agency; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control by the State of California in the manner prescribed by law.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced

by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Amador shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 3.5. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary or convenient to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

SEC. 3.6. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

SEC. 3.7. The agency shall have the power to borrow money, incur indebtedness and issue bonds or other evidence of such indebtedness in the manner provided herein; also to refund or retire any indebtedness or lien that may exist against the agency or property thereof.

SEC. 4. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 4.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the Federal or State Government.

SEC. 4.2. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 4.3. The agency shall have the power to appropriate and acquire water and water rights; to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding:

(a) To declare rights in or otherwise involving the ownership or use of the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants;

(b) To prevent interference with or diminution of such waters;

(c) To prevent the wasteful use of water in the agency;

(d) To prevent the unlawful exportation of water from the agency;

(e) To prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in the agency;

(f) To prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency.

This section shall not authorize the agency to intervene or take part in, or to pay the costs or expenses of, actions or con-

troversies between the owners of lands or water rights which do not affect the interests of the agency.

SEC. 4.4. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act.

SEC. 4.5. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 4.6. The agency shall have the power to make surveys and investigations for works and projects and of the water supply and resources of the agency, and to carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, control of flood and use of water both within and without the agency, and for these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

SEC. 4.7. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property, and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right of way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

SEC. 4.8. There is hereby granted to the agency the right of way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State

Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right of way and lands.

SEC. 4.9. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 3.4 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

SEC. 4.10. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

SEC. 4.11. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 4.12. The agency shall have power to enter into contracts with any private water company formed and existing exclusively to provide water service within the agency whenever such contract appears to the board to be in the public interest.

SEC. 4.13. When authorized by the board the agency shall have the power to borrow money with repayment to commence at a future date from revenues of the agency.

SEC. 5. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes. The agency may transfer such

water or the use of agency works to other than member units for use in the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units. The agency may transfer such water or the use of agency works for use outside the agency upon a finding by the board that the water or works involved will not be needed for use within the agency. The provisions of this section shall not prevent the disposition of electric power or power facilities to other than member units at wholesale.

SEC. 5.1. The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

(b) The construction or acquisition of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.

(c) The sale, lease, or other disposition of water, a water supply, water rights, or works or any interests in any thereof for any purpose by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

(1) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(2) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(3) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water, and any amount of water assigned under Section 5.5 by one member unit to another member unit shall be delivered to the latter.

SEC. 5.2. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

SEC. 5.3. The liability of each member unit, as distinguished from the liability of its taxpayers and property

therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Each contract may provide, among other things:

(a) The total capital obligation which the member unit agrees to bear.

(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(c) The amount or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(d) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit, having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts

SEC. 5.4. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid to the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such member unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

(c) In determining the amounts to be paid by all member units for water there shall be deducted from the cost of construction and operation of project works all revenues to be obtained from the sale of electric energy, if any, developed and sold by means of the project works

SEC. 5.5. Any member unit may reduce its obligations under its contract with the agency by assignment to and ac-

ceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to the assignment. The total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

SEC. 5.6. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or disposal thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

SEC. 6. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing at Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 6.1. All money collected in pursuance of a contract with the United States shall be paid into the agency treasury and held in a fund to be known as the "United States Contract Fund" to be used for payments due to the United States under the contract.

SEC. 6.2. The agency may co-operate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person: in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, water-

courses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to co-operate or act in conjunction and contract with such districts, municipalities, and political subdivisions.

(b) Carry out the terms of such contracts.

SEC. 7. Within 20 days after the effective date of this act, the board of supervisors shall make and cause to be entered upon its minutes at a regular meeting thereof an order calling an election in the agency.

The order of the board of supervisors shall:

(a) Declare that an election shall be held:

(1) To determine whether the board of supervisors of the county shall be the governing body of the agency, or whether the governing body shall be comprised of an independent body, consisting of five directors elected from the five supervisorial districts within the county;

(2) To elect the members of the governing body if the same is comprised of an independent body.

(b) Declare that the candidates for director upon the independent body of five directors shall be nominated, and that preparations for the election shall be made in the manner provided by Articles 2 (commencing at Section 30745) and 3 (commencing at Section 30770) of Chapter 2 of Part 4 of Division 12 of the Water Code so far as is applicable thereto, except that each candidate must be nominated from, and seek the office of director for, the supervisorial district in which he is a voter.

(c) Fix the date of the election, which shall be not less than 70 days after the date of the order calling the election. The election may be held on the same day as any other state, county or city election, and be consolidated therewith.

The county clerk shall thereupon publish notice of the election once a week for two weeks in a newspaper of general circulation published within the county, setting forth the con-

tents of the order of the board of supervisors calling the election. Except as otherwise provided in this section, the election shall be held and conducted and the results ascertained, determined and declared in all respects as nearly as practicable in conformity with the general election laws of the State.

The vote shall be canvassed by the board of supervisors at the next regular meeting which is five or more days after the election. If a majority of the voters of the agency vote in favor of the board of supervisors being the governing body of the agency, then the board of supervisors shall be declared to be ex officio the board of directors of the agency, and Section 7.1 of this act shall have no further application. If a majority of the voters in the agency vote in favor of an independent body of five directors being the governing body of the agency, that result shall be so declared; each candidate who has received the highest number of votes within his supervisorial district shall be declared elected thereto, a certificate of election shall be thereupon made and delivered to each person so elected by the county clerk, and Section 7.1 of this act shall be fully applicable to the agency.

SEC. 7.1. The governing body of the agency shall be a board of five directors, each of whom shall be a voter of and nominated and elected from a supervisorial district of the county.

The directors first elected shall classify themselves by lot so that two of them shall hold office until their successors take office following their election at the first succeeding direct primary election, and three of them shall hold office until their successors take office following their election in the second succeeding direct primary election.

Excepting the directors first elected and those appointed, each director shall be elected at the direct primary election and serve a term of four years. Each candidate for director at the direct primary election shall declare his candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuing of certificates of election for county supervisors are made, declared, held and conducted, and issued, so far as consistent with the provisions of this act. Each candidate for director who receives the highest number of votes within his supervisorial district at the direct primary election shall be elected, and shall take office at the same time provided by the Government Code for county officers.

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled by appointment by the remaining directors of a person who is eligible to be elected for the vacancy.

SEC. 7.2. Within 30 days after the election prescribed in Section 7 and thereafter within 30 days after those who are

elected at the succeeding elections take office, the directors shall meet and organize as a board. The board shall:

Elect one of its members president; provide for the time and place of holding its regular meetings; and provide for the manner of calling special meetings. The board shall act only by ordinance, resolution or motion and the enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Amador County Water Agency as follows:". All ordinances shall be signed by the president and attested by the secretary, shall be adopted, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances of the county. A majority of the board shall constitute a quorum for the transaction of business, and the board may transact any business of the agency at its organization meeting.

The board shall establish rules for its proceedings and all legislative sessions of the board shall be public.

SEC. 7.3. The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 8. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC 8.1. All officers of the county, and their assistants, deputies, clerks, and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 9.1. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of

which a director of the agency is a minority stockholder if the contract is for the general benefit of the corporation.

SEC. 9.2. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 9.3. Nothing contained in Section 9.2 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing at Section 1950) of Division 4 of Title 1 of the Government Code.

SEC. 9.4. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by law for the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the agency shall be commenced or maintained unless a claim has been filed as provided in this section and a complaint has been filed within one year after the cause of action arose.

SEC. 11. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract

shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed two thousand dollars ($2,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 12.1. No works or improvements shall be undertaken by the agency unless an investigation and report has been made and a hearing has been held thereon as provided in this section, except that this section shall not apply to works or improvements made under the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or the Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code.

The board shall make or cause to be made an engineering study and report upon the proposed works or improvements, together with estimates of the cost thereof. The board may, after reviewing the report and estimates of costs, thereafter adopt a resolution declaring its intention to proceed with the proposed works or improvements, briefly describing the same and describing the area which will be benefited thereby, whether all or part of the agency or any one or more of the member units therein. The resolution shall further declare that a public hearing will be held thereon at a specified day, hour and place, where all persons interested may appear and be heard.

The resolution shall be published in a newspaper of general circulation within the area to be benefited by the proposed work or improvement once a week for two weeks, and the last day of publication shall be not less than seven days before the day fixed for the public hearing.

At any time before or during the public hearing, any holder of title to real property in the area to be benefited may file a written protest thereto with the secretary of the board. If before the conclusion of said hearing written protests have been filed by a majority in number of the holders of title to the real property in the area benefited and who are also the holders in title to a majority of the real property in the said area according to assessed valuation as shown by the last equalized assessment roll, then the board shall not proceed further with the proposed work or improvement for a period not less than six months thereafter.

SEC. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts and liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, or the execution of contracts with the United States or the State.

SEC. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency unless the board by resolution declares its intention to increase the maximum rate, either for a specified term of years or for an unlimited duration, and declares that a public hearing will be held thereon at a specified day, hour and place where all interested persons may appear and be heard. The resolution shall be published in the agency pursuant to Section 6063 of the Government Code in a newspaper of general circulation in the agency. At any time before or during the public hearing, any holder of title to real property in the agency may file a written protest against the increase with the secretary of the board. Unless a majority in number of the holders of title to the real property in the agency who are also holders in title to a majority of the real property in the agency according to assessed valuation as shown by the last equalized assessment roll have filed such a protest prior to the conclusion of the hearing, the board may thereafter submit the proposed increase at any county-wide election called for any other purpose, and the proposed increase shall become effective if at such county-wide election, a majority of those voting vote in favor thereof.

The foregoing limitations shall be exclusive of any tax levied in any member units pursuant to Section 14.1 or Section 15

of this act, and exclusive of any special assessment levied pursuant to Section 16 of this act.

SEC 14.1. The agency may levy a special ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the agency under a contract. The tax shall be levied only at a rate sufficient to raise the amount delinquent, and shall be used only to reduce the liability of the delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay such delinquency.

SEC. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in an agreement between the agency and the member unit, it may determine and declare by resolution the amount of bonds necessary to be issued in each member unit affected for such work of improvement. The board shall cause a copy of the resolution duly certified by the clerk to be filed with the governing board of such member unit.

(b) After such resolution has been filed, the board shall call a special bond election in each said member unit to submit to the qualified electors of each member unit the question whether or not bonds shall be issued in the amount and for the purposes stated in the resolution. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit, the proposition of incurring a bonded debt in the member unit or member units in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the copy of the resolution on file with the governing body of the member unit. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed five percent (5%) per annum. For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit and may form election precincts by consolidating the precincts established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the State except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the office of the governing body of the member unit affected for public inspection at least thirty (30) days before the date of the election.

Said ordinance calling for the special bond election shall be published prior to the date set for such election in a newspaper of general circulation, circulated in each member unit affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in each affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such member unit for the amount stated in the proceedings shall be issued and sold as provided in this act.

SEC. 15.1. The board shall prescribe by resolution the form of the bonds, which shall include a designation of the member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semi-annually, at the discretion of the board, at a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

The board may divide the principal amount of any issue into two or more series, and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in

said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the secretary of said agency and the seal of said agency shall be affixed thereto by the secretary of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said secretary by his printed, engraved, or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 15.2. Such bonds may be callable upon such terms, conditions, and upon such notice as the agency may determine, and upon the payment of such premium as may be fixed by the agency in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

SEC. 15.3. Such bonds may be sold at either public or private sale. The agency may fix terms and conditions for the sale or other disposition of any authorized issue of bonds.

SEC. 15.4. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any works for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

SEC. 15.5. The agency may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

SEC. 15.6. Such bonds and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

SEC. 15.7. Bonds issued and sold pursuant to Section 15 of this act are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited.

SEC. 15.8. The board may issue and sell the bonds of such member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the

agency to the credit of the respective member units thereof, for the uses and purposes of the member unit or member units voting said bonds; and the proper record of such transactions shall be placed upon the books of the agency, and said respective member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election.

SEC. 15.9. Any bonds issued pursuant to Section 15 of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied upon all taxable property within each member unit for which such bonds were issued. No member unit nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other member unit.

SEC. 16. Whenever in the opinion of the board the public interest or convenience may require, it may order any work or improvement which it is authorized to undertake to be done in accordance with the procedure and in pursuance of the provisions of either the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or the Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code.

The following terms, as used in the aforesaid improvement acts, shall refer to that which is set out herein for the purposes of this act:

(a) "Municipality" or "city" refers to the agency;

(b) "City council" or "legislative body" refers to the board of directors of the agency;

(c) "City treasurer" or "treasurer" refers to the officer of the agency who has charge of and makes payments of the agency funds;

(d) "Mayor" refers to the president of the agency;

(e) "Clerk" refers to the secretary of the agency;

(f) "Council chambers" refers to the place where the regular meetings of the board of directors are held;

(g) "Superintendent of streets," or "street superintendent" and "city engineer" refer to the engineer of the agency;

(h) "Right of way" refers to any parcel of land through which a right of way has been granted to the agency for any purpose;

(i) All other words and terms relating to municipal officers and matters refer to the corresponding officers of the agency and matters under this act.

SEC. 17. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred, and can be repaid

and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code and for such purpose the agency shall be considered a "local agency" as defined by Section 54307 of said code; provided, however, that notwithstanding the provisions of Section 54310 of the Government Code, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include systems, plants, works or undertakings for the generation, production, transmission, and sale of hydroelectric energy.

SEC. 18. All revenue bonds issued by the agency may be certified as legal investments pursuant to the Districts Securities Commission Law (Chapter 1 (commencing at Section 20000) of Division 10 of the Water Code).

SEC. 19. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and maps theretofore adopted unless the doing of any of such work described in said report shall be prohibited by law, or be rendered contrary to the best interest of the agency by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work of improvement, and may cause any plans and specifications to be made and adopted therefor.

Whenever bonds have been authorized and the proceeds of the sale thereof have been expended as authorized in this act and the board shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act, and submit to the qualified voters the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Should a proposition for issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election for incurring indebtedness and issuing bonds under this act for the same purpose.

SEC. 20. The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 21. On or before the first day of February next succeeding the effective date of this act, the board shall cause to be filed a statement of the creation of and the boundaries of the agency with the county assessor and with the State Board of Equalization in the manner provided by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. Thereafter, all assessments shall be made for the agency by the State Board of Equalization and the county assessor, and all taxes shall be collected for the district by the county tax collector in the manner provided in this act.

The board shall, at the time of fixing the general tax levy, levy annually such taxes as are authorized by this act, and immediately thereafter transmit to the county auditor a statement of the rate or rates of taxes fixed by the board.

SEC. 21.1. The agency's taxes so levied shall be collected with and not separately from taxes for county purposes. When collected the agency taxes shall be paid to the treasurer of the agency, under the general requirements and penalties provided by law for the settlement of other taxes The agency may adopt the alternative procedure of tax collection and apportionment established by Chapter 3 (commencing at Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code and any amendments thereof; provided, however, that the agency may thereafter abandon said alternative procedure at the end of any fiscal year of the agency.

SEC. 21.2. All taxes levied under this act are a lien on the property on which they are levied. The provisions of law of this State, prescribing the priority, time, and manner of assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed by the provisions of this act.

SEC. 22. The agency at any time after the authorization of bonds or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of Amador to determine the validity of the bonds or of the contract. The action is in rem jurisdiction of all parties interested and may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract.

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the authorization of any bonds or execution of such contract bring an action in the superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure, not inconsistent with the provisions of this section, are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC. 23. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Amador County Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.

SEC. 24. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof.

SEC. 25. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of Amador, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in the

county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 26. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing at Section 58950) of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

SEC. 27. The Legislature hereby finds that water problems in the county require county-wide water conservation, flood control and development of water resources; that these problems are not general or state-wide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that irrigation districts, county water districts, municipalities, and California water districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 28. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 29. This act may be designated and referred to as "the Amador County Water Agency Act," and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 2138

An act making funds available for surveys and studies of an additional San Francisco Bay crossing.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The unexpended balance of the Southern Crossing Engineering Fund shall be available for expenditure by the Department of Public Works for preparation of surveys, plans and estimates, and obtaining traffic and financial studies, in connection with the financing and construction of an additional toll bridge across the Bay of San Francisco between points in the County of San Mateo or in the City and County of San Francisco on the west side of the bay and in the County of Alameda on the east side of the bay, other than a crossing parallel to, and in the immediate vicinity of, the existing San Francisco-Oakland Bay Bridge. To complete such studies, the department is authorized to use the additional sum of one hundred fifty thousand dollars ($150,000), or so much thereof as may be necessary, from the Revenue Fund of the San Francisco-Oakland Bay Bridge. Only so much of said sum shall, however, be expended as the California Toll Bridge Authority determines will not jeopardize the improvement of the San Mateo-Hayward Bridge in the event that such improvement is financed by use of tolls and revenues of the San Francisco-Oakland Bay Bridge accruing and to accrue up to December 31, 1962.

The department shall co-ordinate its studies with those of the Corps of Army Engineers for the purpose of determining whether the crossing should be of barrier design.

CHAPTER 2139

An act to create the El Dorado County Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the district, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the district, providing for the levy and collection of taxes for the payment of general district expenses and for cooperation and contracts with any entity.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. This act may be designated and referred to as the El Dorado County Water Agency Act, and any reference thereto by such designation shall be sufficient for all purposes.

SEC. 2. A district is hereby created to be called the El Dorado County Water Agency. Said district shall consist of all the territory lying within the exterior boundaries of the County of El Dorado.

SEC. 3. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the El Dorado County Water Agency.

(b) "County" is the County of El Dorado of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of water, power generation and transmission facilities, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency; irrigation districts, county water districts, water conservation districts, water districts, municipalities, town, flood control districts, and any other districts or political subdivisions of the State empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency on a particular project for

(i) The repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency of such district, or for

(ii) The underwriting in whole or in part of any or all of such construction costs, or for

(iii) The repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for

(iv) The payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified" voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Project" means any undertaking by the agency which involves any expenditure of funds by any district except the agency.

SEC. 4. The El Dorado County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 5. The agency shall have perpetual succession.

SEC. 6. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 7. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, board and tribunals of competent jurisdiction.

SEC. 8. The agency shall have the power of eminent domain to acquire within the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7, commencing at Section 1237, of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State of California in the manner prescribed by law. The agency in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal and relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which require removal only, or removal and reinstallation in a new location; and provided further, that notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

SEC. 9. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 42.

SEC. 10. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

SEC. 11. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 12. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy, or the Federal or State Government.

SEC. 13. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 14. The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership

or use of waters or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants; to prevent unlawful exportation of water from said agency; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

SEC. 15. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act.

SEC. 16. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 17. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency. The agency may cooperate with any district in carrying out the powers granted by this section.

SEC. 18. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right of way shall be intersected or crossed by said

pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

SEC. 19. There is hereby granted to the agency the right of way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selection so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right of way and lands.

SEC. 20. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 8 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6, commencing at Section 1201, of Part 1 of Division 1 of the Public Utilities Code.

SEC. 21. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

SEC. 22. Incidental to the construction and operation of the works of the agency, the agency shall have the power to

contract for the sale of the right to use falling water for power purposes with any public or private entity.

SEC. 23. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes. The agency may transfer such water or the use of agency works to other than member units for use in or outside the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units. The provisions of this section shall not prevent the disposition of electric power or power facilities to other than member units at wholesale. Each contract for or sale of surplus water or the use of such water facilities shall expressly state that the sale or disposition is subject to the prior right to the use of such water or facilities by or for member units.

SEC. 24. The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.

(c) The sale, lease, or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

(1) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(2) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(3) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water, and any amount of water assigned under Section 28 by one member unit to another member unit shall be delivered to the latter.

SEC. 25. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency. The agency shall not engage in the retail sale of water; that is, the sale of water to the ultimate consumer.

SEC. 26. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Each contract may provide, among other things:

(a) The total capital obligation which the member unit agrees to bear.

(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(c) The amount or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(d) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit. Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit, having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

SEC. 27. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid to the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such member unit shall be unchanged.

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid

the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

(c) In determining the amounts to be paid by all member units for water there shall be deducted from the cost of construction and operation or project works all revenues to be obtained from the sale of electric energy, if any, developed and sold by means of the project works.

SEC. 28. Any member unit may reduce its obligations under its contract with the agency by assignment to and acceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to the assignment, the total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

SEC. 29. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or disposal thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

SEC. 30. The agency shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 31. All money collected in pursuance of contract with the United States shall be paid into the county treasury to the

credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under the contract.

SEC. 32. The agency may cooperate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person; in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Cooperate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate or act in conjunction and contract with such districts, municipalities, and political subdivisions.

(b) Carry out the terms of such contracts.

SEC. 33. The board of supervisors of the county shall be ex officio the board of directors of the agency. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. Each member of the board of supervisors shall serve as a member of said board of directors without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

SEC. 34. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded

or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail of the County of El Dorado for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of which a director is a minority stockholder if the contract is for the general benefit of the corporation.

SEC. 35. No director shall be liable for any act or omission of any appointee or employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SEC. 36. Nothing contained in Section 35 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6, commencing at Section 1950, of Division 4 of Title 1 of the Government Code.

SEC. 37. If a judgment is entered against a director, officer, agent or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

SEC. 38. All officers of the county, and their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 39. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation, such officers, agents and employees so

appointed shall hold their respective offices or positions during the pleasure of the board.

SEC. 40. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

SEC. 41. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by law for the making and filing of claims against counties. Such claims may be amended within six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless a claim has been filed as provided in this section and a complaint has been filed within one year after the cause of action arose.

SEC. 42. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 43. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon payment of their claims for labor and material. The bonds shall comply with Chapter 3, commencing at Section

4200, of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may have the work done by force account without advertising for bids. The district may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 44. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States, nor the incurring of any indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose.

SEC. 45. The aggregate of agency indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments and the execution of contracts, shall not exceed a sum equal to: (a) the amount of all capital obligations underwritten by member units of the agency, plus (b) the amounts agreed to be paid by member units to the agency or to the United States for water or a water supply

SEC. 47. The agency shall have the power in any year to levy an ad valorem tax upon all the taxable property in the agency to pay any anticipated lawful expenditures of the agency except the cost of constructing any works; provided, however, that such levy for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied to meet the bonded indebtedness of the agency and the interest thereon authorized by a vote of the electors of the agency, and exclusive of any special assessment levied to meet any indebtedness or contractual liability authorized by a vote of the electors of the agency, and exclusive of any tax levied for the payment of any indebtedness represented by capital obligations underwritten by member units or represented by the amounts agreed to be paid by member units for any water or water supply to be furnished or sold such member units.

Such taxes shall be levied and collected with taxes for county purposes, and the revenue derived therefrom shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for said purposes.

SEC. 48. The agency may levy a special ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the agency under a contract. The tax shall be levied only at a rate sufficient to raise the amount delinquent. The tax shall be levied and collected at the same time and in the same manner as general agency taxes, shall be paid into the county treasury to the account of the agency and shall be used only to reduce the liability of the delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay such delinquency.

SEC. 49. The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

SEC. 50. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or project, it may determine and declare by resolution the amount of bonds necessary to be issued in each member unit for such work or project, and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of the county within five (5) days after its issuance.

(b) After filing such resolution, the board shall call a special bond election in each said member unit to submit to the qualified electors of each member unit the question whether or not bonds shall be issued in the amount and for the purposes stated in the resolution. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit, the proposition of incurring a bonded debt in the member unit or member units in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the recorded copy of the resolution. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The

rate of interest to be paid on the indebtedness shall not exceed five percent (5%) per annum. For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit and may form election precincts by consolidating the precincts established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the State except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the county courthouse for public inspection at least thirty (30) days before the date of the election.

Said ordinance calling for the special bond election shall be published prior to the date set for such election in a newspaper of general circulation, circulated in each member unit affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in each affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds ($\frac{2}{3}$) of the votes cast in a member unit are in favor of incurring such bonded indebtedness, then bonds for such member unit for the amount stated in the proceedings may be issued and sold as provided in this act.

SEC. 51. The board shall prescribe by resolution the form of the bonds, which shall include a designation of the member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semi-annually, at the discretion of the board, on a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance,

for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth (1/40) of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said agency and the seal of said agency shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved, or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 52. The board may issue and sell the bonds of such member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of said agency and the respective member units thereof, for the uses and purposes of the member unit or member units voting said bonds; and in the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election. Payments from said member unit funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon any of the funds of the county.

SEC. 53. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in Section 54. No member unit nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other member unit.

SEC. 54. The board shall levy a tax or assessment each year in the member unit or member units of issuance, sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective member units of issuance with taxes for county purposes, and when collected shall be paid into the county treasury of the county to the credit of the member unit of issuance, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 55. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, other than taxes levied in the agency or any member unit, the board may incur such indebtedness upon approval by the California Districts Securities Commission and in the manner, for the purposes, and to the extent authorized and provided in Sections 50, 51, 52, 53 and 54 hereof for the issuance of general obligation bonds except that such revenue bonds may be issued when a majority vote of the qualified electors voting on the proposition at an election, favor the issuance of the bonds.

SEC. 56. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Whenever bonds have been authorized by any member unit or member units of the agency and the proceeds of the sale thereof have been expended as authorized in this act, and the board shall by resolution determine that additional bonds should be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act, and submit to the qualified voters of said member unit or member units the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Should a proposition for issuing bonds for any member unit or member units submitted at any election under this act fail to receive the requisite number of votes of the qualified elec-

tors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election in such member unit or member units for incurring indebtedness and issuing bonds under this act for the same purpose.

The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 57. The agency may issue revenue bonds in its name and as its obligation, but neither principal nor the interest of any bond issued or sold pursuant to Section 55 shall become a lien, charge, or liability against any property in the agency, the State of California, or against the agency or any property or funds thereof or therein, except to the extent of the pledge of revenues or part of revenues of the works, as may be provided by the indenture pursuant to which revenue bonds are issued, and each such bond issued by the district shall contain a recital on the face thereof substantially as follows:

"This bond is not a lien, charge or liability, as to either principal or interest against any property in the El Dorado County Water Agency, the State of California, or against the El Dorado County Water Agency or any property or funds thereof, except to the extent of the pledge of revenues or part or revenues as provided by the indenture pursuant to which it is issued."

SEC. 58. The agency shall determine the time, form and manner of issuance of revenue bonds.

SEC. 59. The agency may enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rates, denominations, form, registration, transfer, and interchange of any revenue bonds and coupons issued pursuant to this act, and the terms and conditions on which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

SEC. 60. An indenture pursuant to which bonds are issued may include any and all such covenants and agreements on the part of the agency as the agency deems necessary or advisable for the better security of the bonds issued thereunder.

SEC. 61. An indenture shall provide the means by which payments of principal and interest of bonds shall be secured.

SEC. 62. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to pay or cause to be paid punctually the principal of all such bonds and the

interest thereon on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

SEC. 63. An indenture may include a clause relating to the bonds issued thereunder, requiring the agency to operate the conservation works continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

SEC. 64. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to make all necessary repairs, renewals and replacements to any conservation works, and to keep the project at all times in good repair, working order and condition.

SEC. 65. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

SEC. 66. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any project acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

SEC. 67. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the agency to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or otherwise owned or operated by the agency or to enter into any lease or agreement which impairs or impedes the operation of conservation works, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

SEC. 68. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to fix, prescribe and collect rates, rentals or other charges in connection with the services and facilities furnished from the conservation works acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charges in connection with such project.

SEC. 69. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to hold or cause to be held in trust the revenues or any part of revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protec-

tion of the bonds, and to apply such revenues or part of revenues or cause them to be applied only as provided in the indenture.

An indenture may include a clause defining the power of the agency in applying the proceeds of the sale of any issue of bonds for the acquiring, construction, or completing of any conservation works or any part thereof.

SEC. 70. An indenture may include a clause subjecting the power of the agency to issue additional bonds to such conditions as the agency deems necessary.

SEC. 71. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the agency on any works, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

SEC. 72. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the agency then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

SEC. 73. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the agency of any of the covenants, conditions, or obligations contained in any indenture.

SEC. 74. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the agency and the vote or written assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the agency may agree that bonds held by the agency or by the State of California or any political subdivision thereof shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

SEC. 75. An indenture may include a clause or clauses providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable.

SEC. 76. The agency may designate a bank or trust company qualified to do business in this State, as a trustee for the agency and the holders of bonds issued under this act, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise

and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

SEC. 77. The agency may fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues deposited with it by or by authority of the agency. The agency shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

SEC 78. The agency may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the agency, at or prior to the issue thereof.

SEC. 79. Bonds may be issued as coupon bonds or as registered bonds. The agency may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the district may determine.

SEC. 80. Bonds may be callable upon such terms, condition, and upon such notice as the agency may determine, and upon the payment of such premium as may be fixed by the agency in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

SEC. 81. The agency may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

SEC. 82. Bonds shall bear dates prescribed by the agency. Bonds may be serial bonds or sinking fund bonds with such maturities as the agency may determine. No bond by its terms shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

SEC. 83. Bonds may be sold at either public or private sale. The agency may fix terms and conditions for the sale or other disposition of any authorized issue of bonds.

SEC. 84. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any works for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

SEC. 85. The agency may provide that the bonds and the interest thereon shall be secured by all or by part of revenues of a conservation works upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such conservation works as may be provided for in the indenture.

SEC. 86. Pending the actual issuance or delivery of revenue bonds, the agency may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

SEC. 87. The agency may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

SEC. 88. Bonds issued pursuant to the provisions of this act and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

SEC. 89. Bonds issued and sold pursuant to the provisions of this act are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited.

SEC. 90. The agency may provide for the issuance, sale or exchange of refunding revenue bonds for the purpose of redeeming or retiring any revenue bonds issued by the agency. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding revenue bonds or refunding revenue bonds and to the issuance, sale or exchange thereof.

SEC. 91. Funding or refunding revenue bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding revenue bonds. These expenses include the difference in amount between the par value of the funding or refunding revenue bonds and any amount less than par for which the funding or refunding revenue bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refund-

ing revenue bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

SEC. 92. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

SEC. 93. Before issuing any revenue bond or bonds pursuant to the provisions of this act, the board shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such purpose, and bonds shall not be issued or sold for such purpose in an amount exceeding such specified maximum except with the consent of the bondholders, pursuant to amendment or modification of an indenture, as provided in Section 74 of this act. Nothing in this section shall prevent the board from amending such resolution prior to the issuance of bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold.

SEC. 94. The agency may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon. The agency may provide an indenture for the carrying of public liability or property damage insurance or insurance against loss by fire or other hazards or any other insurance in amount or in such character as it shall determine, and for the payment of the premiums thereon.

SEC. 95. The agency may provide in an indenture that the proceeds from the sale of all revenue bonds authorized under this act shall be paid direct to the county treasurer designated by the agency as the fiscal agent or depositary of the district, to be held in a separate account to be designated the "construction fund" and to be disbursed in the manner and upon the conditions provided in the indenture for the acquisition, construction and completion of the project, including the payment of the cost of all surveys, preparation of plans and specifications, and the payment of all architectural, engineering, legal and administrative costs, and in addition for the payment of all costs and expenses of and incident to the formation of the district and the issuance and sale of bonds and the payment of interest due or to become due on the bonds during the period of actual construction, and for such further period as may be specified in the indenture for the issuance of the bonds not exceeding two (2) years after the period of construction.

SEC. 96. Moneys in any construction fund may be invested as the agency in its sole discretion shall determine, subject

only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds.

SEC. 97. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the construction fund shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, become and be the property of the agency, and be used by the agency for any lawful purpose.

SEC. 98. The agency at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract may bring an action in the Superior Court of the State of California in and for the County of El Dorado to determine the validity of the bonds or of the levy or of the contract. The action is in rem jurisdiction of all parties interested and may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the agency and designated by the court in which the proceedings are pending. Jurisdiction is complete ten (10) days after the completion of the publication of the summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract.

If no proceedings have been brought by the agency pursuant to this section, any agency assessee or taxpayer may at any time within thirty (30) days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the superior court to determine the validity of the assessment or bonds or contract. The agency shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appeal at any time within thirty (30) days after the entry of the judgment. No contest of any act or proceeding authorized under this act shall be made other than in the time and manner provided in this section. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six (6) months after the finding or conclusion was made.

SEC. 99. Neither the establishment of the agency nor any provisions of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the El Dorado County Water Agency, the existence of more than one district, municipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.

SEC. 100. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof.

SEC. 101. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the Superior Court of this State, in and for the County of El Dorado, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four (4) weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the State, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 102. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4, commencing at Section 58950, of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all the provisions of said chapter.

SEC. 103. The Legislature hereby finds that water problems in the county require county-wide water conservation, flood control and development of water resources; that these problems are not general or state-wide; that the county for

many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, and water conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 104. If any provision of this act is declared unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 2140

An act to amend Section 688 of the Code of Civil Procedure, relating to execution of judgments.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 688 of the Code of Civil Procedure is amended to read:

688. All goods, chattels, moneys or other property, both real and personal, or any interest therein, of the judgment debtor, not exempt by law, except one-half of the earnings of the defendant or judgment debtor received for his personal services rendered at any time within 30 days next preceding the levy of attachment or execution, and all property and rights of property seized and held under attachment in the action, are liable to execution. Shares and interests in any corporation or company, and debts and credits, and all other property, both real and personal, or any interest in either real or personal property, and all other property not capable of manual delivery, may be levied upon or released from levy in like manner as like property may be attached or released from attachment, except that a copy of the complaint in the action from which the writ issued need not accompany the writ; provided, that no cause of action nor judgment as such, nor license issued by this State to engage in any business, profes-

sion or activity shall be subject to levy or sale on execution. Gold dust must be returned by the officer as so much money collected at its current value, without exposing the same to sale. Until a levy, the property is not affected by the execution; but no levy shall bind any property for a longer period than one year from the date of the issuance of the execution, except a levy on the interests or claims of heirs, devisees or legatees in or to assets of deceased persons remaining in the hands of executors or administrators, thereof prior to distribution and payment; provided, however, an alias execution may be issued on said judgment and levied on any property not exempt from execution.

CHAPTER 2141

An act to amend Section 18103 of the Government Code, relating to unpaid sick leave for state employees.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 18103 of the Government Code is amended to read:

18103. No employee shall be entitled to receive any sick leave with pay until he has been continuously employed for a period of six months. In the event an employee remains in state service after six months of continuous service, there shall be credited to said employee six days of sick leave for said first six months of continuous service. The board may provide by rule for sick leave without pay for employees with less than six months' service and for those employees who have used all sick leave with pay to which they are entitled.

CHAPTER 2142

An act to amend Section 6001 of the Public Utilities Code and Section 26001 of the Government Code, relating to the granting of franchises.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6001 of the Public Utilities Code is amended to read:

Granting of franchises

6001. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate street or interurban railroads upon any public street or highway, to lay gas pipes for the purpose of carrying gas for light, heat, or power, to

erect poles or wires for transmitting electricity for light, heat, or power, along or upon any public street or highway, or to exercise any other privilege whatever proposed to be granted by the governing or legislative body of any county, city and county, or city shall be granted upon the conditions in this article provided, and not otherwise, except when such franchises are granted pursuant to Chapters 2 or 3 of this division.

This article does not apply to franchises or privileges for railroads, or telegraph or telephone lines doing an interstate business, or to renewals of franchises for piers, chutes, or wharves, or to franchises or privileges for purposes not involving the furnishing of any service or commodity to the public or any portion thereof.

SEC. 2. Section 26001 of the Government Code is amended to read:

26001. The board may grant franchises along and over the public roads and highways for all lawful purposes, upon such terms, conditions, and restrictions as in its judgment are necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public. Same

Any general law applicable to the granting of franchises by municipal corporations and counties throughout the State for purposes involving the furnishing of any service or commodity to the public or any portion thereof shall be complied with in the granting of any franchises by the board of supervisors.

CHAPTER 2143

An act to add Section 346 to the Water Code, relating to state water projects.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 346 is added to the Water Code, to read:

346. Notwithstanding the provisions of Section 345, the department, with the approval of the Department of Finance, may acquire by eminent domain or otherwise, either in fee or in any lesser estate or interest, any real property for recreational development associated with state-constructed water projects. Any funds, including but not limited to water resources development funds, heretofore or hereafter appropriated to the department for the acquisition of rights of way, easements, and property, may be used to carry out the purposes of this section.

CHAPTER 2144

An act to amend Section 415 of the Streets and Highways Code, relating to state highways.

In effect September 18, 1959

[Approved by Governor July 17, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 415 of the Streets and Highways Code is amended to read:

415. Route 115 is from:

(a) The intersection of Route 5 and Route 239 near Moorpark Avenue to Route 68 near Story Road.

(b) Route 68 near San Jose to Patterson via the vicinity of Mount Hamilton.

CHAPTER 2145

An act to repeal Sections 863, 864, 865, and 866 of, and to add Sections 863, 864, 865, 866, and 866.5 to, and to amend Sections 867 and 868 of, the Welfare and Institutions Code, relating to reimbursement of counties for their cost of care and maintenance of juvenile court wards.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Sections 863, 864, 865, and 866 of the Welfare and Institutions Code are repealed.

SEC. 2. Section 863 is added to said code, to read:

Liability for county care, etc.

863. The father, mother, spouse, or other person liable for the support of a minor person, the estates of such persons, and the estate of such minor person, shall be liable for the cost of his care, support, and maintenance in any county institution in which he is placed, detained or committed pursuant to the order of the juvenile court, or for the cost to the county in which the juvenile court making the order is located, of his care, support and maintenance in any other place in which he is placed, detained or committed pursuant to the order of the juvenile court. The liability of such persons (in this article called relatives) and estates shall be a joint and several liability.

SEC. 3. Section 864 is added to said code, to read:

Determination of cost

864. The monthly or daily cost for care, support and maintenance of minor persons placed or detained in or committed to a county institution by order of a juvenile court shall be determined by the county auditor of the county in which the institution is located.

SEC. 4. Section 865 is added to said code, to read:

Reduction of liability

865. Except as otherwise ordered by the juvenile court, the probation officer or other county officer designated by the board of supervisors of the county may reduce, cancel, or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of a minor person placed or detained in or committed to any county institution or other place pursuant to an order of the juvenile court of that county on satisfactory proof that the estate or relative, as the case may be, is unable to pay the cost of such care, support, and maintenance.

If the representative of the estate or the relative liable for the care, support and maintenance of the minor claims that the minor's estate or relative is financially unable to pay the amounts established under this article for the care, support and maintenance of the minor, he may make such claim in writing to the probation officer of the county in which the juvenile court making the order of placement, detention or commitment is located. The probation officer shall, upon receipt of such a claim, make an investigation to determine whether the minor's estate or responsible relative is financially able to pay the said amounts established under this article, or any part thereof, and report the results of his investigation to the juvenile court. On receipt of the probation officer's report, the juvenile court shall hear and determine the claim, and may order that the representative of the estate or the relative pay all of the said amounts established under this article or any part thereof which the juvenile court finds that the estate or relative is financially able to pay.

SEC. 5. Section 866 is added to said code, to read:

Collection of costs

866. The probation officer or other county officer designated by the board of supervisors of the county shall collect all costs and charges mentioned in Section 863 or established by order of the juvenile court and may take such action in the name of the county as is necessary to effect their collection within or without the State.

SEC. 6. Section 866.5 is added to said code, to read:

Investigation

866.5. The probation officer or other county officer designated by the board of supervisors of the county shall, following entry of an order by the juvenile court in that county that a minor person be placed, or detained in, or committed to a county institution or other place, make investigation to determine the moneys, the property, or interest in property, if any, the minor person has, and whether he has a duly appointed and acting guardian to protect his property interests. The probation officer or other county officer shall also make an investigation to determine whether the minor person has any relative or relatives responsible under the provisions of Section 863 for the payment of the cost of care, support, and maintenance of such minor person, and shall ascertain the financial condition of such relative or relatives to determine

whether in each case such relative or relatives are in fact financially able to pay such charges.

SEC. 7. Section 867 of said code is amended to read:

Execution for costs

867. Where the juvenile court has ordered payment of money to be made, for the cost of care, support or maintenance in any county institution or as reimbursement to the county for the expense of support and maintenance of any ward or other minor person as provided in this article or as additional payment for the expense of support and maintenance of such ward or other minor person to the person, association, or institution that under court order is caring for and maintaining such ward or other minor person, either from the earnings, property, or estate of such ward or other minor person, or by his parents or guardian, or by any other person liable for his support, upon affidavit of the probation officer that any payment is due and has not been made, execution may issue for such payment upon the order and at the discretion of the court.

SEC 8. Section 868 of said code is amended to read:

Accounting

868. For the purpose of handling the reimbursement and other payments provided for in this chapter, the probation officer or other county officer designated by the board of supervisors of the county shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers. If he keeps such funds in a bank, the bank shall be designated by the judge of the court. The auditor of the county shall audit such books and accounts annually on a fiscal year basis ending June 30th of each year and shall make a report thereon to the judge of the court and to the supervisors of the county prior to the thirty-first day of the next succeeding month of January.

CHAPTER 2146

An act creating the Mojave Water Agency and the Antelope Valley-East Kern Water Agency and prescribing their boundaries, organization, operation, management, financing and other powers and duties of the agencies.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby created a district to be known and designated as the "Mojave Water Agency." The territory of the agency shall be the following area:

Beginning at a point on the Westerly boundary of the County of San Bernardino, said point also being on the South line of Section 30, T4N, R7W, San Bernardino Base and Meridian;

Thence Northerly along said Westerly boundary of said County of San Bernardino following all its various courses to the Northeast corner of Section 5, T8N, R7W, SBB&M;

Thence continuing Easterly along the North Township line of T8N, R7W and T8N, R6W, SBB&M, to the Northeast corner of Section 5, T8N, R6W, SBB&M;

Thence Northerly along the West line of Sections 33, 28, 21, 16, 9, and 4, T9N, R6W, SBB&M, and continuing Northerly along the West line of Sections 33, 28, 21, 16, and 9, T10N, R6W, SBB&M, to the Northwest corner of said Section 9;

Thence Westerly along the South line of Section 5, T10N, R6W, SBB&M, to the Southwest corner of said Section 5;

Thence Northerly along the West line of said Section 5 to the Northwest corner of said Section 5;

Thence Westerly along the North line of Section 6, T10N, R6W, SBB&M, to the Northeast corner of the Northwest quarter (NW$\frac{1}{4}$) of said Section 6;

Thence Southerly along the half-section line of said Section 6 to the Southeast corner of the Southwest quarter (SW$\frac{1}{4}$) of said Section 6;

Thence Westerly along the South line of said Section 6 to the Southwest corner of said Section 6;

Thence continuing Westerly along the South line of Sections 1, 2, 3, and 4, T10N, R7W, SBB&M, to the Southwest corner of said Section 4, said corner being also a point on the Westerly boundary of the County of San Bernardino;

Thence Northerly along said Westerly boundary of the County of San Bernardino following all its various courses to its intersection with the North line of T27S, R40E, Mt. Diablo Base and Meridian, said point of intersection also being the Northwest corner of Section 1, T27S, R40E, MDB&M;

Thence Easterly along the North line of Section 1, T27S, R40E, MDB&M, to the Northeast corner of said Section 1;

Thence Northerly along the West line of Section 6, T27S, R41E, MDB&M, to the Northwest corner of said Section 6;

Thence Easterly along the North Township line of T27S, R41E, MDB&M, to the Northeast corner of said Township;

Thence Southerly along the East line of Section 1 and the East line of Section 12 to the Southeast corner of Section 12, T27S, R41E, MDB&M;

Thence Easterly along the North line of Section 18, T27S, R42E, to the Northeast corner of said Section 18;

Thence Southerly along the East line of said Section 18, to the Southeast corner of said Section 18;

Thence Easterly along the North line of Section 20, T27S, R42E, MDB&M, to the Northeast corner of said Section 20;

Thence Southerly along the East line of said Section 20, MDB&M, to the Southeast corner of said Section 20;

Thence Easterly along the North line of Section 28, T27S, R42E, MDB&M, to the Northeast corner of said Section 28;

Thence Southerly along the East line of said Section 28, to the Southeast corner of said Section 28;

Thence Easterly along the North line of Section 34, T27S, R42E, MDB&M, to the Northeast corner of said Section 34;

Thence Southerly along the East line of said Section 34, to the Southeast corner of said Section 34;

Thence Easterly along the North line of Section 2 and Section 1, T28S, R42E, MDB&M, to the Northeast corner of said Section 1;

Thence Southerly along the East line of T28S, R42E, MDB&M, to the Southeast corner of Section 25 of said T28S, R42E;

Thence Westerly along the South line of said Section 25 to the Southwest corner of said Section 25;

Thence Southerly along the East line of Section 35, T28S, R42E, MDB&M, to the Southeast corner of said Section 35;

Thence Westerly along the South line of said Section 35, to the Northeast corner of Section 2, T29S, R42E, MDB&M;

Thence Southerly along the East line of Sections 2, 11, 14, 23, and 26, T29S, R42E, MDB&M, to the Southeast corner of said Section 26;

Thence Easterly along the North line of Section 36, T29S, R42E, MDB&M, and continuing Easterly along the North line of Section 31, 32, and 33, T29S, R43E, MDB&M, to the Northeast corner of said Section 33;

Thence northerly along the West line of Section 27, T29S, R43E, MDB&M, to the Northwest corner of said Section 27;

Thence Easterly along the North line of Sections 27, 26, and 25, T29S, R43E, MDB&M, to the Northeast corner of said Section 25;

Thence Northerly along the West line of Section 19, T29S, R44E, MDB&M, to the Northwest corner of said Section 19;

Thence Easterly along the North line of Sections 19, 20, and 21, T29S, R44E, MDB&M, to the Northeast corner of said Section 21;

Thence Southerly along the East line of Sections 21, 28, and 33, T29S, R44E, MDB&M, to the Southeast corner of said Section 33;

Thence Southerly a distance of 6 miles, more or less, along the Naval Reservation Boundary to its intersection with the North line of Section 4, T31S, R44E, MDB&M, said point of intersection being 200 feet, more or less, Westerly of the Northeast corner of said Section 4;

Thence Easterly along the North Township line of Townships T31S, R44E, T31S, R45E, T31S, R46E, and T31S, R47E, MDB&M, to the Northeast corner of said Township T31S, R47E, said corner also being a point on the San Bernardino Meridian;

Thence Northerly along the San Bernardino Meridian to the Northwest corner of Section 18, T14N, R1E, San Bernardino Base and Meridian;

Thence Easterly along the North line of Sections 18, 17, 16, 15, 14, and 13, T14N, R1E, SBB&M, to the Northeast corner of said Section 13;

Thence Southerly along the East Township line of T14N, R1E and T13N, R1E, SBB&M, to the Southeast corner of said T13N, R1E;

Thence Easterly along the North line of Section 6, T12N, R2E, SBB&M, to the Northeast corner of said Section 6;

Thence Southerly along the East line of Sections 6 and 7, T12N, R2E, SBB&M, to the Southeast corner of said Section 7;

Thence Easterly along the North line of Section 17, T12N, R2E, SBB&M, to the Northeast corner of said Section 17;

Thence Northerly along the West line of Section 9, T12N, R2E, SBB&M to the Northwest corner of said Section 9;

Thence Easterly along the North line of Sections 9 and 10, T12N, R2E, SBB&M, to the Northeast corner of said Section 10;

Thence Southerly along the East line of said Section 10 to the Southeast corner of said Section 10;

Thence Easterly along the North line of Sections 14 and 13, T12N, R2E, SBB&M, to the Northeast corner of said Section 13;

Thence Southerly along the East line of said Section 13, to the Southeast corner of said Section 13;

Thence Easterly along the North line of Sections 19, 20, 21, 22, 23, and 24, T12N, R3E and Sections 19, 20, 21, 22, 23, and 24, T12N, R4E, SBB&M, to the Northeast corner of said Section 24, T12N, R4E, SBB&M;

Thence Southerly along the range line between Range 4 East and Range 5 East, to the Southeast corner of T3N, R4E, SBB&M;

Thence Westerly along the South Township line of T3N, R4E and T3N, R3E, SBB&M, to the Southwest corner of said T3N, R3E, said Southwest corner also being a point on the Northerly boundary of the San Bernardino National Forest;

Thence Northerly and Westerly along said Northerly boundary of said San Bernardino National Forest following all its various courses to the Southeast corner of Section 11, T3N, R1E, SBB&M;

Thence Westerly along the South line of Sections 11, 10, 9, 8, and 7, T3N, R1E, SBB&M, and continuing Westerly along the South line of Sections 12 and 11, T3N, R1W, SBB&M, to the Southwest corner of said Section 11;

Thence Northerly along the West line of said Section 11 to the Northwest corner of said Section 11;

Thence Westerly along the South line of Sections 3, 4, 5, and 6, T3N, R1W, SBB&M, and continuing Westerly along the South line of Sections 1, 2, 3, and 4, T3N, R2W, SBB&M, to the Southwest corner of said Section 4;

Thence Southerly along the East line of Section 8, T3N, R2W, SBB&M, to the Southeast corner of said Section 8;

Thence Westerly along the South line of Sections 8 and 7, T3N, R2W, SBB&M, and continuing Westerly along the South line of Sections 12, 11, 10, 9, 8, and 7, T3N, R3W, SBB&M, to the Southwest corner of said Section 7;

Thence Southerly along the East line of Section 13, T3N, R4W, SBB&M, to the Southeast corner of said Section 13;

Thence Westerly along the South line of said Section 13, T3N, R4W, to the Southeast corner of the Southwest quarter (SW ¼) of said Section 13;

Thence Southerly along the half-section line of Section 24, T3N, R4W, SBB&M, to the Southeast corner of the Southwest quarter (SW ¼) of said Section 24;

Thence Westerly along the South line of said Section 24, to the Southwest corner of said Section 24;

Thence Southerly along the East line of Section 26, T3N, R4W, SBB&M, to the Southeast corner of said Section 26;

Thence Westerly along the South line of Sections 26, 27, 28, 29, and 30, T3N, R4W, SBB&M, and continuing Westerly along the South line of Sections 25, 26, and 27, T3N, R5W, SBB&M, to the Southwest corner of said Section 27;

Thence Northerly along the West line of said Section 27, to the Northwest corner of the Southwest quarter (SW ¼) of said Section 27;

Thence Westerly along the half-section line of Section 28, T3N, R5W, SBB&M, to the Southwest corner of the Northwest quarter (NW ¼) of said Section 28;

Thence Northerly along the West line of said Section 28, to the Northwest corner of said Section 28;

Thence Westerly along the South line of Section 20, T3N, R5W, SBB&M, to the Southwest corner of the Southeast quarter (SE ¼) of said Section 20;

Thence Northerly along the half-section line of said Section 20, to the Northwest corner of the Northeast quarter (NE ¼) of said Section 20;

Thence Westerly along the South line of Section 17, T3N, R5W, SBB&M, to the Southwest corner of said Section 17;

Thence Northerly along the West line of said Section 17, to the Northwest corner of said Section 17;

Thence Westerly along the South line of Section 7, T3N, R5W, SBB&M, to the Southwest corner of said Section 7;

Thence Northerly along the West line of said Section 7, to the Northwest corner of said Section 7;

Thence Westerly along the South line of Sections 1 and 2, T3N, R6W, SBB&M, to the Southwest corner of said Section 2;

Thence Northerly along the West line of said Section 2 to the Northwest corner of said Section 2;

Thence Westerly along the South line of Sections 34, 33, 32, and 31, T4N, R6W, SBB&M, and continuing Westerly along the South line of Sections 36, 35, 34, and 33, T4N, R7W, SBB&M, to the Southwest corner of said Section 33;

Thence Northerly along the West line of said Section 33, to the Northwest corner of the Southwest quarter (SW ¼) of said Section 33;

Thence Westerly along the half-section line of Section 32, T4N, R7W, SBB&M, to the Southwest corner of the Northwest quarter (NW ¼) of said Section 32;

Thence Northerly along the West line of said Section 32 to the Northwest corner of said Section 32;

Thence Westerly along the South line of Section 30, T4N, R7W, SBB&M, to its intersection with the Westerly boundary of the County of San Bernardino, said point of intersection being the point of beginning.

SEC. 2. As used herein, the following words shall have the following respective meanings unless otherwise indicated by their context:

(a) "Agency" means the Mojave Water Agency;

(b) "County" means the County of San Bernardino, State of California;

(c) "United States" means and includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the executive branch thereof, and all committees of the Congress of the United States of America;

(d) "State of California" includes the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the executive branch thereof, and all committees of the Legislature of the State of California;

(e) "Work" or "works" include but are not limited to dams and dam sites, reservoirs and reservoir sites, sinking basins, ground water replenishment facilities, watershed improvement facilities, ditches, laterals, flumes, pipelines, conduits, pumps, pumping plants, filters, wells, and, without limitation, all other facilities useful in the control, conservation, reclamation, diversion and transmission of water, and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "District" means any municipality, county water district, reclamation district, irrigation district, water replenishment district, water conservation district, flood control district or other district or political subdivision of the State empowered by law to appropriate and to deliver water to water users;

(g) "Elector" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections;

(h) "Board" means the board of directors of the agency;

(i) "President" means the president of the board of directors;

(j) "Secretary" means the secretary of the board of directors;

(k) "Operate" includes use, maintenance and repair;

(*l*) "May" is permissive and "shall" is mandatory.

SEC. 3. The agency is a body politic and corporate and has perpetual succession and may exercise the powers enumerated in this act, those necessarily implied therefrom and such other powers as the law may provide.

SEC. 3.1. The territory of the agency shall be divided into seven divisions and shall be numbered successively, one through seven.

(a) Division 1 shall include the following described territory:

Beginning at the Southeast corner of Section 5, T10N, R6W, San Bernardino Base and Meridian;

Thence Westerly along the South line of Section 5, T10N, R6W, SBB&M, to the Southwest corner of said Section 5;

Thence Northerly along the West line of said Section 5 to the Northwest corner of said Section 5;

Thence Westerly along the North line of Section 6, T10N, R6W, SBB&M, to the Northeast corner of the Northwest quarter (NW ¼) of said Section 6;

Thence Southerly along the half-section line of said Section 6 to the Southeast corner of the Southwest quarter (SW ¼) of said Section 6;

Thence Westerly along the South line of said Section 6 to the Southwest corner of said Section 6;

Thence continuing Westerly along the South line of Sections 1, 2, 3, and 4, T10N, R7W, SBB&M, to the Southwest corner of said Section 4, said corner being also a point on the Westerly boundary of the County of San Bernardino;

Thence Northerly along said Westerly boundary of the County of San Bernardino following all its various courses to its intersection with the North line of T27S, R40E, Mt. Diablo Base and Meridian, said point of intersection also being the Northwest corner of Section 1, T27S, R40E, MDB&M;

Thence Easterly along the North line of Section 1, T27S, R40E, MDB&M, to the Northeast corner of said Section 1;

Thence Northerly along the West line of Section 6, T27S, R41E, MDB&M, to the Northwest corner of said Section 6;

Thence Easterly along the North Township line of T27S, R41E, MDB&M, to the Northeast corner of said Township;

Thence Southerly along the East line of Section 1 and the East line of Section 12, to the Southeast corner of Section 12, T27S, R41E, MDB&M;

Thence Easterly along the North line of Section 18, T27S, R42E, to the Northeast corner of said Section 18;

Thence Southerly along the East line of said Section 18, to the Southeast corner of said Section 18;

Thence Easterly along the North line of Section 20, T27S, R42E, MDB&M, to the Northeast corner of said Section 20;

Thence Southerly along the East line of said Section 20, MDB&M, to the Southeast corner of said Section 20;

Thence Easterly along the North line of Section 28, T27S, R42E, MDB&M, to the Northeast corner of said Section 28;

Thence Southerly along the East line of said Section 28, to the Southeast corner of said Section 28;

Thence Easterly along the North line of Section 34, T27S, R42E, MDB&M, to the Northeast corner of said Section 34;

Thence Southerly along the East line of said Section 34, to the Southeast corner of said Section 34;

Thence Easterly along the North line of Section 2 and Section 1, T28S, R42E, MDB&M, to the Northeast corner of said Section 1;

Thence Southerly along the East line of T28S, R42E, MDB&M, to the Southeast corner of Section 25 of said T28S, R42E;

Thence Westerly along the South line of said Section 25 to the Southwest corner of said Section 25;

Thence Southerly along the East line of Section 35, T28S, R42E, MDB&M, to the Southeast corner of said Section 35;

Thence Westerly along the South line of said Section 35, to the Northeast corner of Section 2, T29S, R42E, MDB&M;

Thence Southerly along the East line of Sections 2, 11, 14, 23, and 26, T29S, R42E, MDB&M, to the Southeast corner of said Section 26;

Thence Easterly along the North line of Section 36, T29S, R42E, MDB&M, and continuing Easterly along the North line of Sections 31, 32, and 33, T29S, R43E, MDB&M, to the Northeast corner of said Section 33;

Thence Northerly along the West line of Section 27, T29S, R43E, MDB&M, to the Northwest corner of said Section 27;

Thence Easterly along the North line of Sections 27, 26, and 25, T29S, R43E, MDB&M, to the Northeast corner of said Section 25;

Thence Northerly along the West line of Section 19, T29S, R44E, MDB&M, to the Northwest corner of said Section 19;

Thence Easterly along the North line of Sections 19, 20, and 21, T29S, R44E, MDB&M, to the Northeast corner of said Section 21;

Thence Southerly along the East line of Sections 21, 28, and 33, T29S, R44E, MDB&M, to the Southeast corner of said Section 33;

Thence Southerly a distance of 6 miles, more or less, along the Naval Reservation Boundary to its intersection with the North line of Section 4, T31S, R44E, MDB&M, said point of intersection being 200 feet, more or less, Westerly of the Northeast corner of said Section 4;

Thence Easterly along the North Township line of Townships T31S, R44E, T31S, R45E, T31S, R46E, and T31S, R47E, MDB&M, to the Northeast corner of said Township T31S, R47E, said corner also being a point on the San Bernardino Meridian;

Thence Northerly along the San Bernardino Meridian to the Northwest corner of Section 18, T14N, R1E, San Bernardino Base and Meridian;

Thence Easterly along the North line of Sections 18, 17, 16, 15, 14, and 13, T14N, R1E, SBB&M, to the Northeast corner of said Section 13;

Thence Southerly along the Range Line between Range 1 East and Range 2 East to the Southeast corner of T11N, R1E, SBB&M;

Thence Westerly along the Township Line between Township 11 North and Township 12 North, SBB&M, to the Southwest corner of T11N, R3W, SBB&M;

Thence Northerly along the Range Line between Range 3 West and Range 4 West, SBB&M, to the Northwest corner of T12N, R3W, SBB&M, said Northwest corner also being a point on the Eighth Standard Parallel South, Mt. Diablo Base and Meridian;

Thence Westerly along said Eighth Parallel South to the Northeast corner of Section 32, T12N, R6W, SBB&M;

Thence Southerly along the East line of Section 32, T12N, R6W, SBB&M, and Sections 5, 6, 8, 17, 20, 29, and 32, T11N, R6W, SBB&M, and Section 5, T10N, R6W, SBB&M, to the Southeast corner of said Section 5, said Southeast corner being the point of beginning.

(b) Division 2 shall include the following described territory:

Beginning at the Southwest corner of Section 9, T6N, R6W, San Bernardino Base and Meridian;

Thence Northerly along the West line of Sections 9 and 4, T6N, R6W, SBB&M, and the West line of Sections 33, 28, 21, 16, 9, and 4, T7N, R6W, SBB&M, and along the West line of Sections 33, 28, 21, 16, 9, and 4, T8N, R6W, SBB&M, and along the West line of Sections 33, 28, 21, 16, 9, and 4, T9N, R6W, SBB&M, and along the West line of Sections 33, 28, 21, 16, 9, and 4, T10N, R6W, SBB&M, and along the West line of Sections 33, 28, 21, 16, 9, and 4, T11N, R6W, SBB&M, and along the West line of Section 33, T12N, R6W, SBB&M, to the Eighth Standard Parallel South, Mt. Diablo Base and Meridian;

Thence Easterly along said Eighth Standard Parallel South, to the Northeast corner of T12N, R4W, San Bernardino Base and Meridian;

Thence Southerly along the Range Line between Range 3 West and Range 4 West, SBB&M, to the Southwest corner of Section 7, T9N, R3W, SBB&M;

Thence Easterly along the South line of Sections 7, 8, 9, 10, 11, and 12, T9N, R3W, SBB&M, to the Southeast corner of said Section 12;

Thence Southerly along the East line of Sections 13, 24, 25, and 36, T9N, R3W, SBB&M, to the Southeast corner of said Section 36;

Thence Easterly along the North line of Sections 6, 5, and 4, T8N, R2W, SBB&M, to the Northeast corner of said Section 4;

Thence Southerly along the East line of Sections 4, 9, 16, 21, 28, and 33, T8N, R2W, SBB&M, and along the East line

of Sections 4, 9, 16, 21, 28, and 33, T7N, R2W, SBB&M, to the Southeast corner of said Section 33;

Thence Westerly along the South line of Sections 33, 32, and 31, of said T7N, R2W, to the Southwest corner of said Section 31;

Thence Southerly along the East line of Sections 1 and 12 T6N, R3W, SBB&M, to the Southeast corner of said Section 12;

Thence Westerly along the South line of Sections 12, 11, 10, 9, 8, and 7, T6N, R3W, SBB&M, and along the South line of Sections 12, 11, 10, 9, 8, and 7, T6N, R4W, SBB&M, and along the South line of Sections 12, 11, 10, 9, 8, and 7, T6N, R5W, SBB&M, and along the South line of Sections 12, 11, 10, and 9, T6N, R6W, SBB&M, to the Southwest corner of said Section 9, said Southwest corner being the point of beginning.

(c) Division 3 shall include the following described territory:

Beginning at a point on the Westerly boundary of the County of San Bernardino, said point also being on the South line of Section 30, T4N, R7W, San Bernardino Base and Meridian;

Thence Northerly along said Westerly boundary of said County of San Bernardino following all its various courses to the Northeast corner of Section 5, T8N, R7W, SBB&M;

Thence Easterly along the North line of Sections 4, 3, 2, and 1, T8N, R7W, SBB&M, and along the North line of Sections 6, and 5, T8N, R6W, SBB&M, to the Northeast corner of said Section 5;

Thence Southerly along the East line of Sections 5, 8, 17, 20, 29, and 32, T8N, R6W, SBB&M, and along the East line of Sections 5, 8, 17, 20, 29, and 32, of T7N, R6W, SBB&M, and along the East line of Sections 5, and 8, T6N, R6W, SBB&M, to the Southeast corner of said Section 8;

Thence Easterly along the North line of Sections 16, 15, 14, and 13, T6N, R6W, SBB&M, to the Northeast corner of said Section 13;

Thence Southerly along the Range Line between Range 5 West and Range 6 West to the Southeast corner of Section 1, T3N, R6W, SBB&M;

Thence Westerly along the South line of Sections 1, and 2, T3N, R6W, SBB&M, to the Southwest corner of said Section 2;

Thence Northerly along the West line of said Section 2 to the Northwest corner of said Section 2;

Thence Westerly along the South line of Sections 34, 33, 32, and 31, T4N, R6W, SBB&M, and continuing Westerly along the South line of Sections 36, 35, 34, and 33, T4N, R7W, SBB&M, to the Southwest corner of said Section 33;

Thence Northerly along the West line of said Section 33, to the Northwest corner of the Southwest quarter (SW $\frac{1}{4}$) of said Section 33;

Thence Westerly along the half-section line of Section 32, T4N, R7W, SBB&M, to the Southwest corner of the Northwest quarter (NW ¼) of said Section 32;

Thence Northerly along the West line of said Section 32 to the Northwest corner of said Section 32;

Thence Westerly along the South line of Section 30, T4N, R7W, SBB&M, to its intersection with the Westerly boundary of the County of San Bernardino, said point of intersection being the point of beginning.

(d) Division 4 shall include the following described territory:

Beginning at the Southwest corner of Section 6, T3N, R5W, San Bernardino Base and Meridian;

Thence Northerly along the Range Line between Range 5 West and Range 6 West to the Northwest corner of Section 18, T6N, R5W, SBB&M;

Thence Easterly along the North line of Sections 18, 17, 16, 15, 14, and 13, T6N, R5W, SBB&M, and the North line of Sections 18, 17, 16, 15, 14, and 13, T6N, R4W, SBB&M, and along the North line of Sections 18, 17, 16, 15, 14, and 13, T6N, R3W, SBB&M, to the Northeast corner of said Section 13;

Thence Northerly along the West line of Sections 7 and 6, T6N, R2W, SBB&M, to the Northeast corner of said Section 6;

Thence Easterly along the North Township Line of said T6N, R2W, SBB&M, to the Northeast corner of said Township;

Thence Southerly along the Range line between Range 1 West and Range 2 West to the Southeast corner of Section 1, T3N, R2W, SBB&M;

Thence Westerly along the South line of Sections 1, 2, 3, and 4, T3N, R2W, SBB&M, to the Southwest corner of said Section 4;

Thence Southerly along the East line of Section 8, T3N, R2W, SBB&M, to the Southeast corner of said Section 8;

Thence Westerly along the South line of Sections 8 and 7, T3N, R2W, SBB&M, and continuing Westerly along the South line of Sections 12, 11, 10, 9, 8, and 7, T3N, R3W, SBB&M, to the Southwest corner of said Section 7;

Thence Southerly along the East line of Section 13, T3N, R4W, SBB&M, to the Southeast corner of said Section 13;

Thence Westerly along the South line of said Section 13, to the Southeast corner of the Southwest quarter (SW ¼) of said Section 13;

Thence Southerly along the half-section line of Section 24, T3N, R4W, SBB&M, to the Southeast corner of the Southwest quarter (SW ¼) of said Section 24;

Thence Westerly along the South line of said Section 24, to the Southwest corner of said Section 24;

Thence Southerly along the East line of Section 26, T3N, R4W, SBB&M, to the Southeast corner of said Section 26;

Thence Westerly along the South line of Sections 26, 27, 28, 29, and 30, T3N, R4W, SBB&M, and continuing Westerly

along the South line of Sections 25, 26, and 27, T3N, R5W, SBB&M, to the Southwest corner of said Section 27;

Thence Northerly along the West line of said Section 27, to the Northwest corner of the Southwest quarter (SW ¼) of said Section 27;

Thence Westerly along the half-section line of Section 28, T3N, R5W, SBB&M, to the Southwest corner of the Northwest quarter (NW ¼) of said Section 28;

Thence Northerly along the West line of said Section 28, to the Northwest corner of said Section 28;

Thence Westerly along the South line of Section 20, T3N, R5W, SBB&M, to the Southwest corner of the Southeast quarter (SE ¼) of said Section 20;

Thence Northerly along the half-section line of said Section 20 to the Northwest corner of the Northeast quarter (NE ¼) of said Section 20;

Thence Westerly along the South line of Section 17, T3N, R5W, SBB&M, to the Southwest corner of said Section 17;

Thence Northerly along the West line of said Section 17, to the Northwest corner of said Section 17;

Thence Westerly along the South line of Section 7, T3N, R5W, SBB&M, to the Southwest corner of said Section 7;

Thence Northerly along the West line of said Section 7, to the Northwest corner of said Section 7, said Northwest corner being the point of beginning.

(e) Division 5 shall include the following described territory:

Beginning at the Southwest corner of Section 6, T3N, R1W, San Bernardino Base and Meridian;

Thence Northerly along the Range Line between Range 1 West and Range 2 West to the Northwest corner of T6N, R1W, SBB&M;

Thence Easterly along the Township Line between Township 6 North and Township 7 North to the Northeast corner of T6N, R4E, SBB&M;

Thence Southerly along the Range Line between Range 4 East and Range 5 East to the Southeast corner of T3N, R4E, SBB&M;

Thence Westerly along the South Township line of T3N, R4E and T3N, R3E, SBB&M, to the Southwest corner of said T3N, R3E, said Southwest corner also being a point on the Northerly boundary of the San Bernardino National Forest;

Thence Northerly and Westerly along said Northerly boundary of said San Bernardino National Forest following all its various courses to the Southeast corner of Section 11, T3N, R1E, SBB&M;

Thence Westerly along the South line of Sections 11, 10, 9, 8, and 7, T3N, R1E, SBB&M, and continuing Westerly along the South line of Sections 12 and 11, T3N, R1W, SBB&M to the Southwest corner of said Section 11;

Thence Northerly along the West line of said Section 11 to the Northwest corner of said Section 11;

Thence Westerly along the South line of Sections 3, 4, 5, and 6, T3N, R1W, SBB&M. to the Southwest corner of said Section 6, said Southwest corner being the point of beginning.

(f) Division 6 shall include the following described territory:

Beginning at the Southwest corner of Section 34, T7N, R2W, San Bernardino Base and Meridian;

Thence Northerly along the West line of Sections 34, 27, 22, 15, 10, and 3, T7N, R2W, SBB&M, and along the west line of Sections 34, 27, 22, 15, 10, and 3, T8N, R2W, SBB&M, to the Northwest corner of said Section 3;

Thence Westerly along the South line of Sections 33, 32, and 31, T9N, R2W, SBB&M, to the Southwest corner of said Section 31;

Thence Northerly along the West line of Sections 31, 30, 19, and 18, T9N, R2W, SBB&M, to the Northwest corner of said Section 18;

Thence Westerly along the South line of Sections 12, 11, 10, 9, 8, and 7, T9N, R3W, SBB&M, to the Southwest corner of said Section 7;

Thence Northerly along the West line of Sections 7 and 6, T9N, R3W, SBB&M, and along the West line of T10N, R3W, SBB&M, to the Northwest corner of said T10N, R3W;

Thence Easterly along the Township Line between Township 10 North and Township 11 North, to the Northeast corner of T10N, R1W, SBB&M, being on the San Bernardino Meridian; thence Southerly along the San Bernardino Meridian to the Southeast corner of T7N, R1W, SBB&M; thence westerly along the south line of T7N, R1W and the south lines of Sections 36, 35 and 34, T7N, R2W, SBB&M to the point of beginning.

(g) Division 7 shall include the following described territory:

Beginning on the San Bernardino Meridian at the Northwest corner of T10 N, R1E, SBB&M; thence Easterly along the North line of T10N, R1E to the Northeast corner of T10N, R1E;

Thence Northerly along the Range Line between Range 1 East and Range 2 East, to the Northwest corner of T12N, R2E, SBB&M;

Thence Easterly along the North line of Section 6, T12N, R2E, SBB&M, to the Northeast corner of said Section 6;

Thence Southerly along the East line of Sections 6 and 7, T12N, R2E, SBB&M, to the Southeast corner of said Section 7;

Thence Easterly along the North line of Section 17, T12N, R2E, SBB&M, to the Northeast corner of said Section 17;

Thence Northerly along the West line of Section 9, T12N, R2E, SBB&M, to the Northwest corner of said Section 9;

Thence Easterly along the North line of Sections 9 and 10, T12N, R2E, SBB&M, to the Northeast corner of said Section 10;

Thence Southerly along the East line of said Section 10 to the Southeast corner of said Section 10;

Thence Easterly along the North line of Sections 14 and 13, T12N, R2E, SBB&M, to the Northeast corner of said Section 13;

Thence Southerly along the East line of said Section 13 to the Southeast corner of said Section 13;

Thence Easterly along the North line of Sections 19, 20, 21, 22, 23, and 24, T12N, R3E, SBB&M, and Sections 19, 20, 21, 22, 23, and 24, T12N, R4E, SBB&M, to the Northeast corner of said Section 24;

Thence Southerly along the Range Line between Range 4 East and Range 5 East to the Southeast corner of T7N, R4E, SBB&M;

Thence Westerly along the Township Line between Township 6 North and Township 7 North to the San Bernardino Meridian;

Thence Northerly along the San Bernardino Meridian to the place of beginning.

SEC. 3.4. Within 90 days after the effective date of this act, the Department of Water Resources shall hold a hearing within the area of the agency created by this act, after such public notice as deemed necessary by the department. At such hearing any interested person may appear and present testimony or evidence as to the necessity or desirability of the agency. At the conclusion of such hearing, the department shall file a report thereon with the board of supervisors of the County of San Bernardino, including in said report its recommendations as to the need for the functioning of the agency.

SEC. 3.5. Before the agency may begin to transact business and exercise its powers, a petition requesting that the agency transact business and exercise its powers shall be presented to the Board of Supervisors of the County of San Bernardino, signed by not less than twenty-five (25) qualified electors residing within the territory of the agency, and requesting that the Board of Supervisors of the County of San Bernardino call a special election for the purpose of submitting to the voters within the territory of the agency the proposition of whether or not the agency should begin to function and exercise its powers.

The Board of Supervisors of the County of San Bernardino, within ten (10) days after the filing of said petition for the calling of said election, and if it has received the report from the Department of Water Resources pursuant to Section 3.4, shall call and give notice of an election to be held in the territory of the agency for the purpose of determining whether or not it shall begin to function and exercise its powers and for the selection of persons who shall serve as directors of said agency if said agency is formed.

The election shall be held not less than seventy-five (75) days, nor more than ninety (90) days from the date of the presentation of said petition to the board of supervisors. Said

election shall be conducted and the first elective directors shall be nominated and elected pursuant to the provisions of Part 2 (commencing at Section 9480), Division 11 of the Elections Code. Said directors shall be registered to vote within the agency.

Notice of the election shall be published in a newspaper of general circulation circulated within the territory of the agency. Such notice shall be published at least twice, with an interval of at least six (6) days between the first and last publication. Publication shall be complete at least six (6) days before the date of the election.

The notice of the election shall contain:

(1) The date of the election;

(2) The name of the agency;

(3) The proposition to be voted on, as follows: "Shall the Mojave Water Agency begin to function and exercise its powers in accordance with the provisions of the Mojave Water Agency Act?"

(4) A statement that the first elective directors will be elected at that election; and said directors will take office if a majority of the voters vote that the agency shall begin to function and exercise its powers;

(5) A statement that one (1) director shall be appointed by the Board of Supervisors of the County of San Bernardino, that one (1) director shall be appointed by the Board of Directors of the Mojave Desert Soil Conservation District, and that one (1) director shall be appointed by all the municipalities and districts within the agency who are authorized by law to sell and distribute water, each such municipality or district being entitled to one (1) vote in the selection of such director.

There shall be printed on the ballot, together with the names of the candidates for director, the following question: "Shall the Mojave Water Agency begin to function and exercise its powers in accordance with the provisions of the Mojave Water Agency Act?" Following which question, shall be the words "Yes" and "No" on separate lines, with a voting square at the right of each, in which the voter shall indicate by stamping a cross (+) his vote for or against the proposition.

If a majority of the voters voting on the proposition vote in its favor, the board of supervisors shall canvass the returns for directors and those eight persons receiving the highest number of votes shall be declared elected. The agency shall begin to function and shall exercise its powers, and the Board of Supervisors of the County of San Bernardino, within fifteen (15) days after said election, shall by resolution enter on its minutes a declaration that the agency has begun to function and exercise its powers, giving the name of the agency, the purposes for which it is formed, and describing its boundaries.

Within said fifteen (15) days after said election, three (3) directors shall be appointed, as follows:

(a) One (1) director shall be appointed by the Board of Supervisors of San Bernardino County from among members

of the San Bernardino County Flood Control Advisory Committee, Zone 4 or Zone 6.

(b) One (1) director shall be appointed by the governing body of the Mojave-Desert Soil Conservation District.

(c) One (1) director shall be appointed by the governing bodies of the several municipalities and districts lying in whole or in part within the agency which are authorized by law to sell and distribute water, each of which shall have one vote in the appointment of said director, and the person receiving the greatest number of votes shall be deemed appointed.

The County Clerk of San Bernardino County, immediately after the entering of the resolution in the minutes of the board as above provided, shall cause to be filed in the Office of the Recorder of San Bernardino County and with the Secretary of State, a certified copy of said resolution. Thereupon, the organization of the agency shall be complete.

No informality in any proceedings, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the organization of the agency.

The validity of the organization of the agency shall not be contested in any proceeding commenced more than ninety (90) days after the date that the organization of the agency is complete.

If less than a majority of the votes cast at the election is in favor of the proposition that the agency should begin to function and exercise its powers, the board of supervisors shall declare the proceedings terminated and no petition requesting that the agency begin to function and exercise its powers shall be circulated and presented to the Board of Supervisors of San Bernardino County within one year from the date of said election.

SEC. 4. The board of directors shall consist of eleven (11) directors, all of whom shall be registered to vote within the agency. The directors first elected and appointed under this act shall hold office until the third Tuesday in April, 1961, and the election and qualifications of their successors.

The term of office of each director shall be four (4) years.

All vacancies occurring in the office of director shall be filled by appointment by the remaining directors elected and appointed. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists.

Successive elective members of the board of directors shall be elected by the voters of the agency as provided in this act and the three remaining members of the board of directors shall be appointed as provided for in this act.

On the third Tuesday of April, 1961, seven (7) members of said board of directors, designated and referred to as members numbered one (1) through seven (7), respectively, shall be elected, one from each of the seven (7) divisions of the agency as in Section 3.1. Each such director shall be voted on only by

those voters living within the division of which said director is a registered voter and one (1) director, designated and referred to as director number 8, shall be elected by the voters of the agency at large, in accordance with the provisions of this act pertaining to the qualifications of directors. The remaining three (3) directors designated and referred to as directors numbers 9, 10 and 11, and shall each be appointed within fifteen (15) days after the elective directors are elected, as follows:

(a) Director number 9 shall be appointed by the Board of Supervisors of San Bernardino County from the San Bernardino County Flood Control Advisory Committee Zone 4 or 6:

(b) Director number 10 shall be appointed by the governing body of the Mojave Desert Soil Conservation District;

(c) Director number 11 shall be appointed by the governing bodies of the several municipalities and districts lying in whole or in part within the agency which are authorized by law to sell and distribute water, each of which shall have one vote in the appointment of said director, and the person receiving the greatest number of votes shall be deemed appointed.

Of the seven (7) divisional directors first elected from each of the seven divisions, directors numbers 1, 3, 5 and 7 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the first succeeding odd-numbered year, more than six months from the election at which the said directors were elected. Directors numbers 2, 4 and 6 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the second succeeding odd-numbered year.

The one director elected from the agency at large at the election held on the third Tuesday of April 1961, shall hold office until his successor is elected and qualified at the second succeeding general agency election.

Of the three (3) directors appointed after the election held on the third Tuesday of April 1961, director number 9 shall hold office until his successor is appointed and qualified within 15 days after the general agency election which shall be held in the first succeeding odd-numbered year. Directors numbers 10 and 11 shall hold office until their successors are appointed and qualified within 15 days after the general agency election which shall be held in the second succeeding odd-numbered year.

In case any two or more persons receive an equal number of votes, the governing board of the agency shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

No more than three (3) directors, either elected or appointed, may be residents of any one division. In the event of the election or appointment, or the election and appointment, of more than three directors from any one division, the governing board of the agency shall be the judge of the qualifica-

tions of its members and of election returns subject to the provisions of this act.

The succeeding elective directors shall be nominated and elected at the agency general election which shall be held on the third Tuesday of April of each odd-numbered year. The election shall be conducted in accordance with the provisions of Part 2 (commencing at Section 9480), Division 11 of the Elections Code, and the directors so elected shall take office pursuant to the provisions of said Part 2 (commencing at Section 9480), Division 11 of the Elections Code.

SEC. 5. If, on the sixty-fifth day prior to the day fixed for the agency general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the agency or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify and take office and serve exactly as if elected at an agency general election.

SEC. 6. No person shall vote at any agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code, residing in the agency.

SEC. 7. The board of directors of the agency shall call and canvass all elections involving matters of initiative and referendum and shall call all other elections which it is authorized to canvass.

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the agency and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless in case of consolidated elections, other officers of election are required by law. The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the agency established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established. If any such agency election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the agency election shall be the same as those established for such state or county election.

SEC. 8. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board

of directors to fill a vacancy, is subject to recall by the voters of the agency in accordance with the recall provisions of the Elections Code of the State with reference to cities.

SEC. 9. The board of directors shall be the governing body of the agency. It shall hold its first meeting as soon as possible after the organization of the agency is complete and not later than the sixth Monday after such date, and shall thereupon elect from its membership a president, secretary and treasurer, and provide for the time and place of holding its meetings and the manner in which its special meetings may be called. Said board may consolidate the office of secretary and treasurer. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business.

SEC. 10. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Mojave Water Agency as follows:". Each of the members of the board of directors shall receive for each attendance at the meetings of the board twenty dollars ($20). No director, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the persons so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

SEC. 11. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote an attorney, general manager and auditor, define their duties, and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate the agency.

SEC. 12. Each member of the board of directors or the secretary may administer oaths and affirmations in connection with the taking of testimony at any hearing, investigation or other matter pending before the board.

SEC. 13. The agency has the following powers:

(1) To sue and be sued in the name of the agency in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(2) To adopt a seal and alter it at pleasure.

(3) To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction or otherwise, and to hold,

use, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within the agency, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to plan, complete, extend, enlarge, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act. The agency shall not interfere with or exercise any control over water rights, property or facilities owned, held or used by a district unless by consent of such district and upon such terms as are mutually agreed upon between the agency and the district.

(4) To enter into contracts, make leases, borrow money, incur indebtedness and give evidence thereof, and employ labor.

(5) To do all acts and things reasonably implied from, and necessary and appropriate to the full exercise of, all the powers granted by this act.

SEC. 14. The agency has the power of eminent domain to acquire within the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14, of the Constitution and Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure, as now existing or hereafter amended, all property or interests therein necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned water rights or property held or used for the development, storage or distribution of water for public use; provided, however, that the agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal and, where necessary, relocation of any structures, railways, mains, pipes, conduits, wires, cables and poles, of any public utility which require removal only, or removal and reinstallation in a new location. It is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law. The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in the resolution, is necessary for carrying out the purposes of the agency. In no event shall the agency have or exercise the power of eminent domain with respect to property situated outside the boundaries of the agency. Notwithstanding any other provision of this act or any other law, no property de-

voted to a public use shall be taken by the agency unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which the property has already been appropriated.

SEC. 15. The agency may do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the agency, including without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial and recreational uses. Without limiting the generality of the foregoing or any other section of this act, the agency has the following additional powers:

(1) To make surveys and investigations of the water supply and resources of the agency, to plan water projects and to publish and distribute reports thereof.

(2) To develop, protect, conserve and reclaim water, reduce the waste of water, control and prevent the intrusion of salinity in water, and replenish underground water supplies within the agency.

(3) To store, regulate, control, transport, divert and distribute water for use within the agency by any reasonable means, including, without limitation, the construction and operation of works and the spreading and sinking of water into underground storage basins.

(4) To appropriate water and acquire and protect water rights for any beneficial purpose.

(5) To commence, maintain, appear before, intervene in, defend and compromise, in the name of the agency, and to assume the costs of, any action, hearing or proceeding before any court of the United States or of the State of California, involving or affecting the ownership, use or supply of water, water rights or water service within or without the agency which is or may be used or useful for any purpose within the agency, or involving or affecting the interference or diminution of the natural flow of any river or stream or subterranean water supply, which is or may be used or useful for any purpose within the agency.

(6) To enter into any contract with any person, corporation, utility, district, public corporation, the United States, or the State of California, as the board deems proper or advisable or in the interest of the lands and inhabitants of the agency, to carry out or to execute any of the purposes of this act.

(7) To promote and co-ordinate existing and planned water service facilities in the agency with the operations of the California Water Plan and Aqueduct System.

(8) To join with one or more persons, corporations, utilities, districts or other public corporations, the United States or the State of California, for the purpose of carrying out any of the powers granted by this act.

(9) To make application to the State of California, the Department of Water Resources, or any other appropriate de-

partment or agency of the State of California for the department's or agency's share of water made available by the Feather River Project or any other supplemental water source.

(10) To construct, operate, and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy.

SEC. 16. The agency may annually, at the time and in the manner of levying other county taxes, levy an ad valorem tax on land only within the agency for the purpose of paying the costs, expenses and obligations of the agency, excluding principal and interest on any bonded indebtedness, or to accomplish any of the purposes of the agency or of this act. The aggregate taxes levied under this section for any fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable land in the agency exclusive of any tax levied to meet the principal or interest on any bonded indebtedness of the agency duly authorized by a vote of the electors. These taxes shall be levied and collected with, and not separately from, taxes for county purposes and the revenue derived from these taxes shall be paid into the treasury of the county to the credit of the agency and the board shall have the power to control and order the expenditure thereof. The provisions of the laws of the State of California prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency and the redemption from such sale and the duties of the various county officers with respect thereof, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted for the agency and made a part hereof. Such officers shall be liable upon their several bonds for the faithful discharge of the duties imposed upon them by this act. The agency may, in addition to any other tax or assessment, levy a tax or assessment each year upon all real property in the agency sufficient to pay the interest and such portion of the principal of its bonds as is due or to become due before the time for making the next general tax levy.

SEC. 17. The agency may by resolution designate a bank as depositary of any or all of its funds. If such depositary is not designated for all of its funds, it shall designate what funds are to be deposited with such depositary. The county treasurer shall be the depositary for all funds not so designated.

The charges of any depositary selected shall be a proper expense of the agency.

Bond principal and interest and salaries shall be paid when due. All other claims and demands shall be approved in writ-

ing or in open meeting by a majority of the members of the board.

Warrants shall be drawn by the treasurer and signed by the president and secretary, or one of them and one member of the board.

The treasurer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the agency.

The treasurer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

Any bank may act as a depositary, paying agent, or fiscal agent for the holding or handling of agency funds, notwithstanding the fact that a member of the board of directors of the agency whose funds are on deposit in said bank is an officer, employee, or stockholder of such bank, or of a holding company that owns any of the stock of such bank.

SEC. 17.5. The agency may borrow money and incur indebtedness as provided in this section by action of the board and without the necessity of calling and holding an election in the agency.

Indebtedness may be incurred pursuant to this section for any purpose for which the agency is authorized to expend funds, including provisions for payment of current expenses of the agency and for the funding or refunding of any outstanding warrants issued for the payment of current expenses.

Indebtedness incurred under this section shall be evidenced by notes of the agency payable in not to exceed five years from their date and bearing interest at not exceeding 6 percent per annum, payable annually or semiannually.

Such notes shall be issued in the name of the agency after the adoption by a two-thirds vote of all of the members of board on a resolution setting forth the form of the note, the maturity date or dates thereof, and the manner of execution thereof.

The board may, in its resolution authorizing the issuance of notes, provide that the note shall be subject to call and redemption prior to maturity, at the option of the agency, at such price or prices as may be fixed in the resolution, not exceeding a premium of 6 percent of the par value of the note so subject to redemption. The resolution shall fix the method of giving notice of redemption to the holders of notes to be redeemed and the price or prices at which the note shall be subject to redemption. Notes so subject to call and redemption prior to maturity shall contain a recital to that effect on their face, and no note shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital.

Notes issued under this section shall be offered for public sale upon notice inviting sealed bids therefor. Such notice shall be given by publication pursuant to Section 6061 of the Gov-

ernment Code in a newspaper of general circulation printed and published in the agency or if such a newspaper is not printed and published in the agency, by posting in three public places in the agency, and the sale shall not be held before 10 days after such publication or posting. The board may reject all bids received on public sale and either readvertise or sell the notes at private sale, but no sale at private sale shall be made for less than the par value of the note and accrued interest thereon.

Notes issued under this section shall constitute general obligations of the agency payable only out of taxes levied under Section 16 of this act.

Notes shall not be issued under this section by the agency in any one fiscal year in excess of an amount equal to two and one-half cents ($0.02½) for each acre in the agency.

SEC. 18. The funds of the agency may be invested in such manner as may be determined by the board.

SEC. 19. The agency may, when authorized by vote of the electors at a general election or at a special election called for such purpose, issue general obligation or revenue bonds to accomplish any of the purposes of this act, and refund or retire such bonds. The bonds of the agency shall be authorized, issued and sold, public hearing shall be noticed and held, a determination shall be made of whether the whole or part of the agency will be benefited by incurring a bonded indebtedness, an election shall be held and bonds shall be authorized, issued and sold all in the same manner as are bonds of county water districts under the provisions of Chapter 2 (commencing with Section 31370) of Part 6 of Division 12 of the Water Code and shall conform to the provisions of that chapter insofar as they are applicable and are not in conflict with the provisions of this act. The bonds of the agency shall be free and exempt from all taxation within the State of California and it is hereby declared that the agency is a reclamation and irrigation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of the State of California. The bonds of the agency shall be legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts and municipalities in the State of California, such money or funds may be invested in bonds of the agency, issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, the bonds of the agency may be so used.

SEC. 20. The agency, or the acquisition of any property or the construction of any work thereby, shall not be subject

to any of the provisions of the District Investigation Law of 1933, Chapter 2 (commencing at Section 58500) of Division 1 of Title 6 of the Government Code.

SEC. 21. Improvement districts may be formed in the agency and shall be governed in the same manner as improvement districts are formed and are governed in irrigation districts. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the agency as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts. Assessments in an improvement district in the agency shall be levied, collected and enforced at the same time and as nearly in the same manner as practicable as annual taxes of the county, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts. The provisions of the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to the agency. Such acts or any of them may be used in the discretion of the board in the construction of work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder.

SEC. 22. Without limiting the generality of any provision of this act, the agency may for any of the purposes of the agency, co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted permitting co-operation or contracting. The approval of any contract providing for repayment of the costs of any works or for the payment of any water or water supply which is entered into with the United States pursuant to this act shall be authorized at an election unless by resolution of the board adopted by four-fifths ($\frac{4}{5}$) vote of its members, the board shall determine that all liabilities of the agency can be repaid and liquidated both as to principal and interest from revenues of the agency derived from payments to the agency pursuant to written contracts with individuals, corporations, utilities, districts or other public corporations, providing for the payment currently of whatever amounts may be necessary to pay the portion of the cost of any water or water supply to be sold or furnished to such individuals, corporations, utilities, districts or other public corporations. In the event an election is held to authorize the execution of such a contract with the United States, such election shall, except as otherwise in this act provided, be called, noticed and held in the manner provided in the case of the issuance of agency bonds. All of the electors of the agency shall be entitled to vote at such election. The notice of election shall contain in addition to the informa-

tion required in the case of bond elections, a statement of the maximum amount of money to be payable to the United States for construction purposes and cost of water supply and acquisition of property, exclusive of penalties and interest, and a general statement of the property, if any, to be conveyed by the agency pursuant to the contract. The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words "Contract—Yes" and "Contract—No" or "Contract and bonds—Yes" and "Contract and bonds—No," whichever may be applicable. A favorable majority of the votes cast at such election shall be necessary to authorize the execution of the contract.

SEC. 23. The agency may submit any contract or proposed contract to the superior court of the county to determine the validity thereof and the authority of the signatories to execute the same. Such validation proceedings shall be had as in the case of the judicial determination of the validity of irrigation district bonds under Article 2 (commencing with Section 22670), Chapter 4, Part 5, of Division 11 of the Water Code, and with like effect.

SEC. 24. Claims against the agency shall be prepared, presented, audited and allowed or disallowed in the same manner and within the same time as in the case of claims against the county.

SEC. 25. The formation of the agency or the enactment of this act shall not impair the vested right of any person, association, corporation or district in or to water or the use thereof.

SEC. 26. No director of the agency shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board or in the profits to be derived therefrom; provided, that this section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director owns less than one percent (1%) of the stock thereof.

SEC. 27. No director, officer, employee or agent of the agency shall be personally liable for any damage resulting from the operations of the agency or from the negligence or misconduct of any of its directors, officers, employees or agents unless the damage was proximately caused by his own negligence, misconduct or willful violation of duty. When a director, officer, agent or employee is held liable for any act or omission done or omitted in his official capacity and any judgment is rendered thereon, the agency shall pay the judgment without obligation for repayment by the director, officer, agent or employee. The agency may carry and pay for insurance to cover any liability of the agency, its directors, officers, employees or agents or any of them.

SEC. 28. The agency may be dissolved in the manner provided for the dissolution of districts by Article 10 (commencing at Section 58300), Chapter 1, Division 1, Title 6 of the

Government Code, and the district shall be considered a district within the meaning of all the provisions of that article.

SEC. 29. Any portion of a county within or outside of the county in which such agency is situated, or any city situated within any county, or both, may be added to the agency, and such cities need not be contiguous and such unincorporated territory may consist of one or more parcels which need not be contiguous one with the other or with any such cities and such annexing area or areas need not be contiguous with the agency. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10 percent of the number of such voters voting for all candidates for the Office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities are included in such proposed annexation, such petition must be signed by at least 10 percent of the voters of each such city so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to the agency.

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and

it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Such petition may be granted by ordinance of the board of directors of such agency. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the county once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indi-

cated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the Mojave Water Agency subject to the terms and conditions fixed by the board of directors of said agency?" At the right of such proposition there shall be printed the words "yes" and "no" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such agency is located and the county in which the territory is situated. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such agency is situated and the county in which the territory is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said agency, including the payment of bonds and other obligations of such agency at the time authorized or outstanding, and the board of directors of such agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

SEC. 29.5. Any territory specified in Section 29 of this act may be annexed without an election in the following manner:

A petition signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board.

The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll.

The petition shall ask that the territory be annexed to the agency.

The petition shall be verified by the affidavit of one of the petitioners.

The petition shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the agency, if there is one, and if not, in a newspaper of general circulation published in the county, except that if all of the owners of property in a proposed annexation have petitioned therefor, the publication shall contain a notice of the hearing of the petition only.

With the petition there shall be published a notice stating the number of signers of the petition, the time when the petition will be presented to the board, and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers.

At the time designated the board shall hear the petition, and any person interested, and may adjourn the hearing from time to time.

Upon the hearing of the petition the board shall determine whether or not it is for the best interests of the agency and the territory that the territory be annexed to the agency and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. However, the board shall not modify the boundaries of the territory proposed to be annexed as set forth in the petition so as to exclude any land that would be benefited by annexation, nor shall any land that would not be benefited by annexation, be included within the boundaries of the territory proposed to be annexed.

If there is or has been presented to the board a petition containing the signatures of owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory exclusive of any potential "separating barrier," (which term is defined as a street, road, highway, railway line, railway crossing, railway right-of-way, water course, lagoon or any natural barrier), the board may, in the manner specified in this section, proceed to publish the petition and notice of hearing and hear the petition. If, at the hearing, the board finds (a) that the territory described in the petition contains any potential "separating barrier," and (b) that such potential "separating barrier" would not be benefited by annexation and should be excluded from the territory to be annexed the board shall modify the boundaries of the territory to be annexed as set forth in the petition by excluding the "separating barrier."

If the board upon final hearing determines that it is for the best interests of the agency and of the territory proposed to be annexed that the territory be annexed, it shall make an order describing the boundaries of the territory proposed to be annexed and shall present to the county board of supervisors a petition setting forth the proceedings theretofore taken for the annexation of the territory, the finding of the board, and requesting the board of supervisors to annex the territory to the district.

The board of supervisors shall, at its next regular meeting, after the presentation of the petition, by an order alter the

boundaries of the agency and annex to it the territory described in the petition of the board and the territory is then a part of the agency.

Nothing in this act shall permit the annexation of any territory to the district outside the boundaries of San Bernardino County.

SEC. 30. Any tract of land included within the agency and not substantially and directly benefited by being in the agency, or by its continued inclusion therein, may be excluded from the agency by order of the board upon the verified petition of the owners in fee of land which has an assessed value with improvements in excess of one-half of the assessed value of all the privately owned land and improvements in the tract proposed to be excluded. The petition shall set forth all of the following:

(a) A description of the land proposed to be excluded.

(b) A statement that the land is not substantially and directly benefited by being in the agency or by its continued inclusion therein.

(c) A prayer that the land be excluded from the agency.

The petition shall be filed with the secretary and shall be accompanied by a deposit with the secretary of one hundred dollars ($100) to meet the expenses of advertising and other costs incident to the proceedings for exclusion. Any unconsumed balance of the deposit shall be returned to the depositor. The secretary shall call a meeting of the board at a time not less than 25 days nor more than 50 days after the filing of the petition and publish a notice of the filing of the petition for at least two weeks in some newspaper of general circulation within the agency, if there is one, and if not, in some newspaper of general circulation published in the county in which the agency is situated.

The notice shall contain:

(a) A statement that a petition for exclusion of land has been filed.

(b) The date when the petition was filed.

(c) A statement that the petition will be heard by the board.

(d) The time of the hearing.

(e) The place of the hearing.

The place of the meeting specified in the notice shall be the regular meeting place of the board or a more convenient meeting place within the agency as designated by the board.

SEC. 31. At the time and place specified in the notice the board shall hear the petition. Any landowner or taxpayer within the agency may appear at the hearing to urge or oppose the granting of the petition.

The board after the hearing of any exclusion petition shall order the exclusion of all or any part of the land described in it when as to the land to be excluded either:

(a) The board determines that the land will not be substantially and directly benefited by its continued inclusion in the agency.

(b) The board determines the exclusion to be for the best interests of the agency.

Any order excluding land shall be by ordinance which shall be effective at the expiration of 30 days after adoption. The exclusion ordinance shall specifically describe the land excluded. An order denying exclusion may be by resolution. From and after the effective date of the ordinance, the land therein described is excluded from the agency.

Land excluded from the agency shall not be subject to any tax levy or tax lien for indebtedness on bonds issued after such exclusion, except that exclusion shall not invalidate in any manner any taxes or assessments levied or assessed against the land excluded prior to the effective date of such exclusion.

A copy of the exclusion ordinance, certified to by the secretary, shall be recorded in the office of the county recorder of the county in which the agency is situated and the record is prima facie evidence of the exclusion from the agency of the land described in the ordinance.

A finding by the board in the exclusion order in favor of the genuineness and sufficiency of the petition for exclusion and notice of hearing of it is conclusive against all persons except the State upon suit by the Attorney General commenced within six months after the adoption of the order excluding land from the agency.

SEC. 32. The board may by resolution initiate proceedings to exclude land from the agency if the board determines either:

(a) That the exclusion will be for the best interests of the agency.

(b) That the land to be excluded is not substantially and directly benefited by continued inclusion in the agency.

The resolution of intention to exclude land shall:

(a) Require all persons interested to appear before the board and be heard as to why land included in the agency should not be excluded.

(b) Describe the land to be excluded.

(c) Fix the time for the hearing on the resolution which time shall be not less than 25 days nor more than 50 days from the passage of the resolution.

(d) Fix a convenient place within the agency for the hearing.

(e) Direct the secretary to give notice of the passage of the resolution and of the hearing.

Thereupon the secretary shall give notice of the time and place of the hearing in the manner prescribed for giving notice of a hearing upon petition by a landowner to exclude land. The proceedings at the hearing and thereafter shall be as provided for proceedings upon a petition by a landowner to exclude land.

Property in territory excluded from the agency in any manner under the provisions of this chapter, or otherwise, shall continue to be subject to taxation to pay the principal and interest on bonds of the agency, and on bonds of any improvement agency therein in which said property is situated, outstanding at the time of such exclusion.

SEC. 32.5. Whenever a sufficient change in the population occurs in a division after its organization which makes it desirable in the opinion of the board of directors of the agency to relocate the boundary or boundaries of any division or divisions, or whenever any territory is added to or excluded from any division, the board of directors shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize, as nearly as may be practicable, the population in the respective divisions. For this purpose, the board of directors may estimate the population by reference to the register of voters used at the last general elections, and may relocate the boundary lines of the respective divisions without regard to the places of residence of the directors then in office. No such change in the division lines shall be made within the four (4) months immediately preceding the election of any director nor shall such change in division lines work a forfeiture of office of any director. Whenever such change is made in the division lines, each director then in office, and until his office becomes vacant by expiration of his term or otherwise, shall continue to be the director for the respective division bearing the number of his division as formerly located even though such director is not a resident of the relocated division. His successor shall be a resident and voter of the relocated division.

SEC. 33. The Legislature hereby finds that in the County of San Bernardino there are urgent problems of water conservation, development of water resources, and securing adequate water supplies which are unique to San Bernardino County, and that the county water districts, municipalities, and irrigation districts which now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone economically to plan and develop an adequate water supply, or adequately and feasibly to conserve the water supply of the agency; that to accomplish these ends it is necessary to have a political entity encompassing areas within the various municipalities and districts; and that there is a great scarcity of water within the county for municipal, irrigation, and other uses and there is an urgent need that an adequate supply of water be obtained. Investigation has shown conditions in the county to be peculiar to it and it is hereby declared that general law cannot be applicable to the county and that the enactment of this special law is necessary for the planning, conservation, development, distribution, control and use of said water for the public good and for the protection of life and property therein.

SEC. 34. In case any section or sections, or part of any section, of this act shall be found to be unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 35. Sections 1 to 35, inclusive, of this act are designated and may be cited and referred to as the "Mojave Water Agency Law." References to "this act" or "herein" in Sections 1 to 35, inclusive, of this act are to the Mojave Water Agency Law.

SEC. 49. Sections 49 to 96, inclusive, of this act are designated and may be cited and referred to as the "Antelope Valley-East Kern Water Agency Law." References to "this act" or "herein" in Sections 49 to 96, inclusive, are to the Antelope Valley-East Kern Water Agency Law.

SEC. 50. The Antelope Valley-East Kern Water Agency is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or non-contiguous parcels of both unincorporated and incorporated territory and territory included in any public district having similar powers and shall include all territory lying within the following described boundaries:

Beginning at the northwesterly corner of Section 2, Township 8 North, Range 17 West, San Bernardino Base and Meridian; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southwesterly corner of Section 11 of said last mentioned township and range; thence easterly along the southerly line of said last mentioned section and continuing easterly along section lines to the northeasterly corner of Section 17, Township 8 North, Range 16 West, S.B.B. & M.; thence southerly along the easterly line of said last mentioned section and continuing southerly along section lines to the boundary of the Antelope Valley Soil Conservation District as same existed on March 13, 1959; thence easterly along said last mentioned boundary and following the same in all its various courses to the northeasterly corner of Section 17, Township 9 North, Range 7 West, S.B.B. & M.; thence northerly along the easterly boundary of the County of Kern as same existed on said last mentioned date to the northeasterly corner of Section 1, Township 31 South, Range 40 East, Mount Diablo Base and Meridian, a point on the northerly boundary of the Edwards Town Community Services District as same existed on said last mentioned date; thence westerly along the northerly boundary of said last mentioned district and following the same in all its various courses to the southeasterly corner of Section 36, Township 30 South, Range 38 East, M.D.B. & M; thence northerly along the easterly line of said last mentioned section and continuing northerly along section lines to the northeasterly corner of Section 1, said last mentioned township and range; thence westerly along the northerly line of

said last mentioned section and continuing westerly along section lines to the northeasterly corner of Section 1, Township 30 South, Range 36 East, M.D.B. & M.; thence southerly along the easterly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 36, said last mentioned township and range; thence westerly along the southerly line of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 6, Township 31 South, Range 36 East, M.D.B. & M ; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southwesterly corner of Section 31, Township 32 South, Range 36 East, M.D.B. & M.; thence westerly and southerly along the northerly and westerly lines of fractional Section 33, Township 12 North, Range 12 West, S.B.B. & M ; to the northeasterly corner of Section 5, Township 11 North, Range 12 West, S.B.B. & M.; thence westerly along the northerly line of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 6, Township 11 North, Range 13 West, S.B B. & M ; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the boundary of the Antelope Valley Soil Conservation District; thence westerly along said last mentioned boundary to the northwesterly corner of Section 6, Township 10 North, Range 14 West, S B.B. & M ; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 36, Township 10 North, Range 15 West, S.B.B. & M.; thence westerly along the southerly line of said last mentioned section to the northwesterly corner of Section 1, Township 9 North, Range 15 West, S.B.B. & M.; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 23 of said last mentioned township and range; thence westerly along the southerly line of said last mentioned section and continuing westerly along section lines to the southeasterly corner of Section 19 of said last mentioned township and range; thence northerly and westerly along the easterly and northerly lines of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 19, Township 9 North, Range 16 West, S.B.B. & M.; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 25, Township 9 North, Range 17 West, S.B.B. & M.; thence westerly along the southerly line of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 35 of said last mentioned township and range; thence southerly along the westerly line of said last mentioned section to the point of beginning; excluding all the following described land (except that which is within the Los Angeles County

Waterworks Districts Nos 24 and 27 as their boundaries exist on the effective date of this act) beginning at the NW corner of Sec. 22, T 6 N, R 12 W, SBBM, thence southerly along the west line, Secs. 22, 27, 34 to the north line, T 5 N, thence westerly on the north line of T 5 N to the NW corner of Sec. 4, T 5 N, R 12 W, SBBM; thence southerly along the section lines in T 5 N R 12 W to the southerly boundary of the Antelope Valley Soil Conservation District as same existed on March 14, 1959; thence southerly, easterly, and northerly along said last mentioned boundary and following the same in all of those various courses to the east ¼ corner of Sec. 13 T 5 N R 8 W, SBBM; thence westerly along the center section lines of Secs. 13, 14, 15, 16, 17, 18, T 5 N R 8 W, Secs. 13, 14, 15, 16, 17, 18 T 5 N R 9 W, and Secs. 13, 14, 15, T 5 N R 10 W; thence northerly along the westerly lines of Secs. 15, 10 and 3, T 5 N R 10 W; thence easterly along the north line of T 5 N to the SE corner, Sec. 34, T 6 N R 10 W; thence northerly along easterly lines of Sec. 34 and 27 to the NE corner of Sec. 27, T 6 N R 10 W; thence westerly along the north section lines of Secs. 27, 28, 29, 30, T 6 N R 10 W and along the north lines of Secs. 25, 26, 27, T 6 N R 11 W to the SE corner of Sec. 21, T 6 N R 11 W; thence northerly along the east line of Sec. 21 to the NE corner of said Sec. 21; thence westerly along the north lines of Secs. 21, 20 and 19, T 6 N R 11 W and along the north line of Sec. 24, T 6 N R 12 W to the south ¼ corner of Sec. 13, T 6 N R 12 W; thence northerly along the center line of said Section 13 to the center of said Sec. 13; thence westerly to the W ¼ corner of Sec. 13; thence southerly to the SW corner of said Sec. 13; thence westerly along the northern line of Secs. 23 and 22, T 6 N R 12 W, SBBM to the point of beginning.

SEC. 51. The board of directors of the Antelope Valley-East Kern Water Agency organized under this act shall consist of seven members, and only one director shall be a resident of a division of the agency. The Governor shall appoint the first board of directors for each of the seven divisions of such agency, which divisions shall be numbered first, second, third, fourth and fifth, sixth and seventh, and shall be established by the Director of the State Department of Water Resources according to and based upon the population as to equalize, as nearly as practicable, the population in the respective divisions, or reestablished as provided in Section 93 of this act. All successors of the first board shall be elected or chosen at the time and in the manner hereinafter provided. Each director shall hold office for the term of four years from and after the date for his taking of office, as herein provided, and until the election and qualification of his successor, except that the seven members of the first board of directors shall classify themselves by lot so that three of them shall hold office until the qualification of, and taking office by, their successors elected at an election held in the next succeeding even-numbered year, and so that four shall hold office until

the qualification of, and taking of office by, their successors elected at an election held in the second succeeding even-numbered year.

The elections of directors shall be held at the time of the direct primary election and shall be consolidated therewith. Each candidate for director who at such election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office. If at such primary election, as to any such office, none of the candidates receives such majority, the two candidates who receive the highest number of votes cast on all the ballots cast for candidates for such office, shall be the candidates for such office at the ensuing agency election, which latter election shall be held at the same time as the next succeeding general election and shall be consolidated therewith. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this act and except as otherwise herein expressly provided. Directors elected hereunder, except the first board of directors, shall take office at the same time provided by the Government Code for county officers. Said election held at the time of the direct primary election and consolidated therewith shall be known as the General Antelope Valley-East Kern Water Agency Election and each other election which may be held by authority of this act or the Elections Code or other law applicable thereto shall be known as a Special Antelope Valley-East Kern Water Agency Election.

SEC. 52. If, on the sixty-fifth day prior to the day fixed for the agency general election, only one person has been nominated for each office or member of the board of directors to be filed at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the agency or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify and take office and serve exactly as if elected at an agency general election.

In such case, the publication provided for in Article 6 (commencing at Sec. 2699), Chapter 2, Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either

appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated, as the circumstances may warrant.

SEC. 53. No person shall vote at any Antelope Valley-East Kern Water Agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code, residing in the division of the Antelope Valley-East Kern Water Agency in which he casts his vote. For the purpose of registering voters who shall be entitled to vote at Antelope Valley-East Kern Water Agency elections, the county clerk or registrar of voters is authorized, in any county in which there is the Antelope Valley-East Kern Water Agency to indicate upon the affidavit of registration whether the voter is a voter of the Antelope Valley-East Kern Water Agency.

In case the boundary line of the Antelope Valley-East Kern Water Agency crosses the boundary line of a county election precinct only those voters within such Antelope Valley-East Kern Water Agency and within such precinct who are registered as being voters within the Antelope Valley-East Kern Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said Antelope Valley-East Kern Water Agency, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as voters within such Antelope Valley-East Kern Water Agency with the ballots upon which are printed the names of the candidates for office in Antelope Valley-East Kern Water Agency.

SEC. 54. The provisions of the Elections Code so far as they may be applicable shall govern all general Antelope Valley-East Kern Water Agency elections and all special Antelope Valley-East Kern Water Agency elections, except as in this act otherwise provided.

In counties in which the Antelope Valley-East Kern Water Agency is located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for nonpartisan officers, which heading shall be marked "Antelope Valley-East Kern Water Agency," with a subheading "For a Member of the Board of Directors, Division _____ (here inserting the number of the division)—Vote for One," and beneath which shall appear the names of the candidates for the office of member of the board of directors for such division of the Antelope Valley-East Kern Water Agency, with the appropriate blank space for the writing in of the name of a candidate if desired by the voters, and with a voting square placed opposite the space. The ballots thus provided shall be furnished by the precinct officers only to those voters within their respective precincts

who shall appear on the register as duly registered voters, within that division of the Antelope Valley-East Kern Water Agency, and in precincts which lie partly within such Antelope Valley-East Kern Water Agency and partly without the precinct board shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of voters of the Antelope Valley-East Kern Water Agency, and the other of which shall be without such heading containing the names of candidates for the office of members of the board of directors, and which shall be furnished to those voters who are not voters of the Antelope Valley-East Kern Water Agency and who are voters of the precinct.

SEC. 55. The board of directors of the Antelope Valley-East Kern Water Agency shall call and canvass all elections involving matters of initiative and referendum and shall call all other elections which it is authorized to canvass.

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the agency and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless in case of consolidated elections, other officers of election are required by law.

The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the agency established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established. If any Antelope Valley-East Kern Water Agency election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the agency election shall be the same as those established for such state or county election.

SEC. 56. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the Antelope Valley-East Kern Water Agency organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the State with reference to cities.

SEC. 57. The board of directors shall be the governing body of the Antelope Valley-East Kern Water Agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors and not later than the sixth Monday after the date of the first election of directors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative ses-

sions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January of each odd-numbered year, the board of directors shall choose one of its members president.

SEC. 58. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Antelope Valley-East Kern Water Agency as follows:". Each of the members of the board of directors shall receive for each attendance at the meetings of the board twenty dollars ($20). No directors, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

SEC. 59. The board of directors shall be the governing body of the Antelope Valley-East Kern Water Agency and shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a secretary, treasurer, attorney, chief engineer, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said district. Said board may consolidate the office of secretary and treasurer, and the offices of chief engineer and general manager.

SEC. 60. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the Antelope Valley-East Kern Water Agency and the legal existence of said Antelope Valley-East Kern Water Agency and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 61. The Antelope Valley-East Kern Water Agency incorporated as herein provided, shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Antelope Valley-East Kern Water Agency;

5. To acquire, or contract to acquire, water works or a water works system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a water works plant or system for the benefit of the agency, and to complete, extend, add to, repair, or otherwise improve any water works or water works system acquired by it as herein authorized;

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Antelope Valley-East Kern Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing water works or a water works system, and to carry on and conduct water works or a water works system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference, and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

6a. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise,

and may condemn any existing water works or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. In no event shall the agency have or exercise the power of eminent domain with respect to property situated outside the boundaries of the agency;

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

8a. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Antelope Valley-East Kern Water Agency but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the Antelope Valley-East Kern Water Agency or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

9. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

9a. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

9b. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

11. In case of condemnation proceedings the board shall proceed in the name of the agency;

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

13. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein.

14. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department

or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this State. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Antelope Valley-East Kern Water Agency incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency.

15. To commence, maintain, intervene in, and compromise, in the name of the agency, any action or proceeding involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the district, or a common benefit to lands within the agency or its inhabitants.

16. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end a district may become a party to such contract and pay from district funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment.

17. To issue bonds under Section 68 of this act for the purpose of providing money required to be paid to the agency organized under the Metropolitan Water District Act by the board of directors of the agency as all or part of the terms and conditions upon which the corporate area of the Antelope Valley-East Kern Water Agency may be annexed to and become a part of said metropolitan water district. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

18. To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act.

19. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provi-

sions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Antelope Valley-East Kern Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Antelope Valley-East Kern Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Antelope Valley-East Kern Water Agency.

(b) "Municipality" and "city" shall mean the Antelope Valley-East Kern Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Antelope Valley-East Kern Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Antelope Valley-East Kern Water Agency.

(h) "Right of way" shall mean any parcel of land in, on, under or through which a right of way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Antelope Valley-East Kern Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the Antelope Valley-East Kern Water Agency.

SEC. 62. A finding by the board of directors upon the existence, threat, or duration of an emergency or shortage of water or upon the matter of necessity or any other matter or condition referred to in subdivisions 9a or 9b of said Section 61, shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

SEC. 63. From and after the publication or posting of any ordinance as provided in subdivision 9b of Section 61 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of

such restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars ($300), or by both such fine and imprisonment.

SEC. 64. The Antelope Valley-East Kern Water Agency may at any time after execution of any contract authorized by paragraph 14 of Section 61 bring an action in the superior court in the county where the greater part of the land of the agency is situated to determine the validity of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the county where the action is pending and designated by the court in which the action is pending. Jurisdiction is complete 10 days after the completion of the publication of summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the contract. If no action has been brought by the agency pursuant to this section the agency taxpayer may at any time within 30 days after the execution of such contract, or within 30 days after the effective date of this act, whichever is later, bring an action in such superior court to determine the validity of the contract. The agency shall be the defendant. If more than one action is pending at the same time concerning similar contests provided for by this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions provided for by this section. In an action provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The action shall be speedily tried. The judgment shall declare the contract either valid or invalid. The motion for a new trial of any action provided by this section shall be heard and determined within 10 days from the filing of the notice of intention. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party. Any party may appeal at any time within 30 days after the entry of the judgment. The appeal shall be heard and determined within three months from the taking of the appeal. No contest of any thing or matter herein provided shall be made other than in the time and manner herein specified.

SEC. 65. All powers, privileges and duties vested in or imposed upon the Antelope Valley-East Kern Water Agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby and by the board of directors acting hereunder.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder.

(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

(4) To prescribe by ordinance a system of civil service.

(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the agency by contract.

(6) To prescribe a method of auditing and allowing or rejecting claims and demands.

(7) To prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials, or supplies, necessary or convenient for carrying out any of the purposes of this act or for the acquisition or disposal of any real or personal property; provided, that in cases where work is not to be done by the agency itself by force account, and the amount involved shall be thirty thousand dollars ($30,000), or more, any contract for the doing of such work shall be let to the lowest responsible bidder, after publication, in the manner prescribed by the board, of notices inviting bids therefor, subject to the right of said board to reject any and all proposals; and provided further, that contracts, in writing or otherwise, for the acquisition or disposal of any real or personal property may be let without calling for competitive bids. The board may, from time to time, fix and establish the manner of calling for bids and letting contracts, but except as such procedure so established by the board otherwise requires, all contracts may be entered into upon such terms and in such manner as the board may authorize.

(8) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation fixed by the board under the provisions of Section 82 or 83 hereof, shall be deemed to be a rate for a different class or condition of service.

SEC. 66. Except as herein provided, no director of the Antelope Valley-East Kern Water Agency shall in any

manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, and no officer or employee of any agency shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom. For any violation of this section, such director or other officer or employee of the Antelope Valley-East Kern Water Agency shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Neither this section nor any other law shall, however, be deemed to invalidate any contract or instrument, nor to establish or define any misdemeanor or other crime, merely because such director or other officer or employee shall have any interest in such contract or instrument, or shall derive any benefit therefrom.

(a) If such director or other officer or employee shall own or control, directly or indirectly, not more than 5 per centum of the outstanding stock or securities of the contracting corporation; or

(b) If such contract or instrument shall be entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and which ordinance or regulation shall have become effective prior to the making or execution of such contract or instrument.

SEC. 67. The president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

The chief engineer shall have full charge and control of the maintenance, operation and construction of the water works or water works system of the agency with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, fix their compensation, subject to the approval of the board of directors.

The chief engineer shall perform such duties as may be imposed on him by the board of directors. The chief engineer shall report to the board of directors in accordance with such rules and regulations as they may direct.

The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the war-

rants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

The chief engineer, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

SEC 68. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invali-

date the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 69. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Antelope Valley-East Kern Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Antelope Valley-East Kern Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said

bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the

result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 70. Any portion of the Antelope Valley-East Kern Water Agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be

If by the certificate of the secretary of the agency the petition is found to be insufficient, said petition may be amended

by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If by the certificate of the secretary such petition, or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency, together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the municipal water district or improvement district or owning taxable property in said district or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the district shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said an-

nexed property had always been a part of said improvement district, and the board of directors of the Antelope Valley-East Kern Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 71. Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 14 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the agency or in the proposed improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the Antelope Valley-East Kern Water Agency, if there is a newspaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution deter-

mine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, estimated expense of carrying out said purpose, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Antelope Valley-East Kern Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Antelope Valley-East Kern Water Agency pursuant to this section all taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the thirty-first day after completion of said publication and/or posting. If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as

the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such improvement district, the formation of such improvement district shall be complete.

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the effective date of the resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 72. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 68 or of Section 69 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed five percent (5%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of

the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said district, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Antelope Valley-East Kern Water Agency for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 73. Any bonds issued by the Antelope Valley-East Kern Water Agency are hereby given the same force, value

and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

SEC. 74. The board of directors shall have power to construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch or flume, or across any railway which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right of way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right of way is hereby given, dedicated and set apart to locate, construct and maintain such works along and across any street or public highway and over and through any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to cities within the State. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highway Code.

SEC. 75. No suit shall be brought on any claim for money or damages against the Antelope Valley-East Kern Water Agency or the board of directors or any director or other officer or employee thereof, until a verified demand therefor shall have been filed, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, verified demands for all such claims for damages must be filed with the secretary of such agency within six months after the occurrence from which the damages arose or within six months after the effective date of this Section 18, and verified demands for all other claims shall be filed with the secretary of such agency within six months after the last item of the account or claim accrued or within six months after the effective date of this Section 18. Each such verified demand shall set forth with reasonable certainty the nature of the claim and shall contain the name and address of the claimant, the date of the occurrence from which the damages arose or the date when each item of the account or claim accrued, the total amount originally claimed, all payments thereon or offsets or credits thereto, the net amount due, owing, and unpaid on such claims, and if such claim shall have been assigned, the name of the original claimant and the names of all assignees and the full particulars of each assignment. Verified demands so filed with said secretary shall be presented to the board of directors at its next meeting, and failure of the board of directors to act upon any such verified demand within ninety (90) days from the date such demand is filed with said secretary shall be deemed to be a rejection

thereof. Nor shall suit be brought against such agency or the board of directors or any director or other officer or employee thereof upon any claim or demand that shall have been approved in whole and audited for payment; provided, that nothing herein contained shall be construed so as to deprive the holder of any claim of his right to resort to writ of mandamus or other proceeding against the agency or the board of directors or any officer thereof to compel it or him to act upon such claim or to pay the same when so audited. If suit be brought on a claim allowed in part and rejected in part by the board of directors and no more is recovered in such suit than the amount so allowed by the board of directors, no costs shall be awarded to the claimant.

SEC. 76. No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

The agency may employ counsel to defend any litigation brought against any director or other officer, agent, or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the agency.

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent, or employee.

SEC. 77. The board of directors, so far as practicable, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions, and enlargements, pay the interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

SEC. 78. If the revenues of the agency, or of any improvement district therein, are or in the judgment of the board of directors will probably be inadequate for any cause to pay the principal of or interest on any bonded debt of the agency, or any improvement district thereof, as it becomes due and also the amounts set forth in Section 77 of this act, the board of directors must cause a tax to be levied, as herein provided, sufficient to provide for such deficit and to pay the amount of such principal and interest as will become

due before the proceeds of a tax levied at the next general tax levy will be available.

SEC. 79. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of an interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 80. Ordinances may be passed by the voters of this water agency organized under the provisions of this act in

accordance with the methods provided by the Elections Code for direct legislation in cities.

SEC. 81. Ordinances may be disapproved and thereby vetoed by the voters of this agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

SEC. 82. Any portion of a county in which a municipal water district is situated, or any city, situated within such county, or both, may be added to the Antelope Valley-East Kern Water Agency organized under the provisions of this act, and such cities need not be contiguous and such unincorporated territory may consist of one or more parcels which need not be contiguous one with the other or with any such cities and such annexing area or areas need not be contiguous with the agency. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10 per centum of the number of such voters voting for all candidates for the Office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities are included in such proposed annexation, such petition must be signed by at least 10 per centum of the voters of each such city so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to the Antelope Valley-East Kern Water Agency.

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said

petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Such petition may be granted by ordinance of the board of directors of such agency. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by the Antelope Valley-East Kern Water Agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such Antelope Valley-East Kern Water Agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by pub-

lication in a newspaper of general circulation published in the Antelope Valley-East Kern Water Agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the Antelope Valley-East Kern Water Agency subject to the terms and conditions fixed by the board of directors of said agency?" At the right of such proposition there shall be printed the words "yes" and "no" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such agency is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said Antelope Valley-East Kern Water Agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said Antelope Valley-East Kern Water Agency, including the payment of bonds and other obligations of such agency at the time authorized or outstanding, and the board of directors of such Antelope Valley-East Kern Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

SEC. 83. Uninhabited territory within a county or contiguous county to which the Antelope Valley-East Kern Water Agency is situated may be added to such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board. Such uninhabited territory may consist of unincorporated territory only or of incorporated territory lying within the

boundaries of one or more cities, or of both such unincorporated and incorporated territory; provided, that incorporated territory lying within the boundaries of any city may be added to such agency in accordance with the provisions of this section only if upon the annexation of such uninhabited territory the entire corporate area of such city will be included in such agency. Such uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both such unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the agency.

Proceedings for the annexation of uninhabited territory to any agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county in which such territory is situated. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be annexed. Such petition shall set forth and describe the boundaries of the area proposed to be annexed to the Antelope Valley-East Water Agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed annexation. Said resolution shall state that such petition has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of any agency by resolution may initiate proceedings for the annexation of uninhabited territory to such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property

within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation, and the addition of the uninhabited territory to the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the agency written protest against the annexation, or against the annexation upon the terms and conditions specified in the resolution, as the case may be. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the annexation by ordinance. Any ordinance approving such annexation shall set forth and describe the boundaries of the territory so annexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized. If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

The board of directors may approve the annexation of such territory upon terms and conditions fixed by the board in the manner hereinafter provided. Such terms and conditions may provide, among other things, for the levy by the Antelope Valley-East Kern Water Agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by the Antelope Valley-East Kern Water Agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions,

shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing. Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing. If such terms and conditions, or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed in such resolution, and said resolution shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of such territory upon such terms and conditions. The secretary of the agency shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation of such territory subject to such terms and conditions, are filed with the secretary of the agency by the owners of one-half of the value of said territory as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the board of directors shall by ordinance approve or disapprove the annexation. If approved, such annexation shall be subject to the terms and conditions or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance.

When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said agency, and the taxable property therein shall be subject to taxation

thereafter for the purposes of said agency, including the payment of bonds and other obligations of such agency at the time authorized or outstanding, and the Board of Directors of the Antelope Valley-East Kern Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Notwithstanding the eligibility of any territory for annexation to an agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be annexed to such agency as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Section 82 of this act.

SEC. 84. Territory included within the Antelope Valley-East Kern Water Agency may be excluded from such agency; provided, that where any part of the corporate area of any city is included in the territory proposed to be excluded from the agency, the whole of the corporate area of such city, or part thereof, then included within such agency shall be included in the territory so proposed to be excluded from such agency. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least ten (10) per centum of the number of such voters voting for all candidates for the Office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities, or parts thereof, are included in the area so proposed to be excluded, such petition must be signed by at least ten (10) per centum of the voters of each such city, or part thereof, so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion and shall contain a prayer that such area be excluded from the agency.

Within ten (10) days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the agency shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended is shown to be sufficient, the secretary shall present the same to the board of directors without delay.

The text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such agency, together with a notice stating the time of the meeting at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

After an election for the exclusion of such area from the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

The board of directors of the agency, by resolution, may initiate proceedings for the exclusion of territory from such agency. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be so excluded, shall fix the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the agency to give notice thereof. The secretary whereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

After an election for the exclusion of such area from the agency the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such agency. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the agency. If such petition is granted or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters within the area proposed to be excluded, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from the Antelope Valley-East Kern Water Agency?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county or counties in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said Antelope Valley-East Kern Water Agency, but the taxable property within such excluded area shall continue taxable by the Antelope Valley-East Kern Water Agency for the purpose of paying the bonded or other indebtedness of the Antelope Valley-East

Kern Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

SEC. 85. Uninhabited territory included within the Antelope Valley-East Kern Water Agency may be excluded from such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of proceedings by resolution of the board. Incorporated territory lying within the boundaries of any city may be excluded from such agency in accordance with the provisions of this section only if upon the exclusion of such uninhabited territory no part of the corporate area of such city will be included in such agency. Such uninhabited territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of uninhabited territory from any agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county or counties in which such territory is situated. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be excluded. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the Antelope Valley-East Kern Water Agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed exclusion. Said resolution shall state that said petition has been filed, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of the agency by resolution may initiate proceedings for the exclusion of uninhabited territory from such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provi-

sions of this section, shall state the reason for proposing such exclusion, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearings shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the exclusion and the exclusion of the uninhabited territory from the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary of the agency written protest against the exclusion. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the exclusion by ordinance. Any ordinance approving such exclusion shall set forth and describe the boundaries of the territory so excluded. If the board of directors disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

When an ordinance approving exclusion of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area or areas from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed excluded from, and shall no longer form a part of,

said Antelope Valley-East Kern Water Agency, but the taxable property within such excluded area or areas shall continue taxable by such Antelope Valley-East Kern Water Agency for the purpose of paying the bonded or other indebtedness of the Antelope Valley-East Kern Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Notwithstanding the eligibility of any territory for exclusion from the Antelope Valley-East Kern Water Agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be excluded from such agency as a separate parcel, or as part of a larger parcel, of territory excluded under the provisions of Section 25.2 of this act.

SEC. 86. The Antelope Valley-East Kern Water Agency organized under the terms of this act may be disorganized or disincorporated in the following manner:

A petition shall be filed with the county clerk of the principal county in which such agency is located, signed by at least 25 percent of the voters of the agency praying for the disorganization and disincorporation of such agency and briefly stating the reasons therefor. Upon the filing of such petition the county clerk shall examine the same within 10 days and ascertain whether or not said petition is signed by the requisite number of voters. When the said county clerk has completed his examination of the petition he shall attach to the same his certificate properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters residing within the boundaries of the Antelope Valley-East Kern Water Agency, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If the same is found insufficient by him, supplemental petitions may be filed at the times and in the manner and for the same purpose as supplemental petitions to the original petition for the incorporation of the agency. After an election for the disincorporation of the agency hereunder the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

If by the certificate of the county clerk such petition, or such petition as amended or supplemented, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. When such petition is presented by the county clerk as aforesaid, the board of supervisors shall give notice of an election to be held in said agency for the purpose of determining whether or not the same shall be disincorporated and dissolved; provided, however, that in the event the said agency shall have issued bonds, the board of supervisors shall not consider said petition or take any action hereunder until evidence shall be furnished showing said

bonds to have been fully satisfied. Said notice of election shall be published in a newspaper published in said agency and determined by said board most likely to give notice to those interested in said hearing, at least once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for the election; said notice shall state that the question of disincorporating said corporation shall be submitted to the voters of said agency at the time appointed for such election, and voters shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words "For Disincorporation" or "Against Disincorporation." The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of said Antelope Valley-East Kern Water Agency, within five days after the date of the first publication thereof, and no election shall be had until proof of such mailing is furnished by affidavit of the clerk of said board. Such election shall be held and conducted in the same manner as the election on the organization of said agency, as nearly as practicable. Within seven days after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found by the canvass of said votes that less than a majority of the votes cast were in favor of disincorporation, said board of supervisors shall declare the petition for disincorporation denied. In case it shall appear from said canvass that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall make and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that the Antelope Valley-East Kern Water Agency be disincorporated; said order to take effect at the time hereinafter provided. Said board of supervisors shall in case said Antelope Valley-East Kern Water Agency is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified copy of the notice of election hereinbefore provided for, and a statement of the number of voters voting for said disincorporation and the number of voters voting against said disincorporation. Twenty days from and after the holding of the election, in case a majority of said votes were cast in favor of said disincorporation, said Antelope Valley-East Kern Water Agency shall be forever disincorporated.

SEC. 87. Upon the disincorporation of the agency in the manner hereinbefore provided for, the board of supervisors of the principal county shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said agency, the amount of money in the treasury thereof and all indebtedness due or coming due the said agency, and the directors of said

agency shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the said amount of money in the treasury and all indebtedness due or coming due said agency, and said Antelope Valley-East Kern Water Agency shall before the expiration of 30 days turn over to the treasury of said county all moneys of said agency in his possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for. Upon the disincorporation of said agency every public officer of said agency shall immediately turn over to the board of supervisors of the principal county in which said agency is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description. Nothing contained in this act shall be held to relieve said Antelope Valley-East Kern Water Agency, or the territory included within it, from any liability or any debt contracted by said agency prior to its disincorporation. All warrants for said indebtedness shall be drawn on order of said board of supervisors of the county, on the fund hereinabove provided for in the county treasury of the principal county. All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for. If at any time after the disincorporation of said agency it shall be found that there is not sufficient money in the treasury to the credit of the fund hereinbefore provided, with which to pay any indebtedness of said agency, said board of supervisors shall have the power, and it shall be their duty, to levy upon, and there shall be collected from, the property within the territory formerly included within said agency subject to taxation for the indebtedness, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts. If after payment of all debts of said agency there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate said surplus and declare a dividend pro-rata to the taxpayers of said agency duly paid, and said taxpayers shall have the right to have the amount of such pro-rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro-rata to said taxpayers and each thereof. The board of supervisors of the county in which any such agency has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of such municipal water district shall fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness, other than the bonded indebtedness, of said agency at the time of its disincorporation, the amount of

money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said district for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said agency before disincorporation, and said county shall succeed to and possess all the right of said agency in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

It is the intention that the Antelope Valley-East Kern Water Agency shall not be disincorporated until all bonded indebtedness shall have been fully paid, and by the word "indebtedness" as used herein is meant all indebtedness other than said bonded indebtedness unless the latter is expressly used.

SEC. 88. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the annexation of territory to, or exclusion of territory from, or the disincorporation of, the Antelope Valley-East Kern Water Agency. Any action or proceeding, wherein the validity of such annexation or exclusion or disincorporation is denied or questioned, shall be commenced within three months from the date of the certificate of annexation or of exclusion issued by the Secretary of State, or from the date of the order of the board of supervisors declaring the disincorporation, as the case may be; otherwise, said annexation or exclusion or disincorporation, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 89. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof, by cities within this State. The term "city," as used in this act, shall mean and include any city or incorporated town, whether organized or functioning under a freeholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the Antelope Valley-East Kern Water Agency formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such agency. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code.

SEC. 90. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the Antelope Valley-East Kern Water Agency is hereby incorporated, or incorporated, under the provisions of this act, is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters.

SEC. 91. Any and all proceedings had or taken under the provisions of the act of which this act is amendatory, already commenced and pending at the time this act takes effect, may be continued under the provisions of the act of which this act is amendatory with the same force and effect as if this act had not been enacted.

SEC. 92. The agency formed hereunder may contain lands situate in more than one county and this agency may annex lands situate in another county or counties. In either such case the lands need not be contiguous. The procedure relating to formation, annexation, disorganization, disincorporation, exclusion, fiscal matters and taxation shall conform as near as may be to such provisions with respect to agencies containing lands located in one county, subject to the following provisions:

(a) The secretary of the board of directors of the Antelope Valley-East Kern Water Agency containing land in more than one county shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with agency elections and such duties of county clerks as are required by this act which relate to annexation, disorganization, disincorporation and exclusion, and, where necessary such secretary is authorized to procure from the proper county officials all requisite registration books and copies of indexes thereof; all papers required by this act to be filed with a county clerk shall be filed with said secretary and the board of directors shall perform all duties prescribed by law to be performed by boards of supervisors in connection with agency elections and such duties as are required by this act which relate to annexation, disorganization, disincorporation and exclusion of territory.

(b) Immediately after equalization and not later than the fifteenth day of August of each year, it shall be the duty of the auditor of each county wherein such agency or any part thereof shall lie, to prepare and deliver to the secretary of the agency or such other officer thereof as may be designated by the board of directors therefor a certificate showing the assessed valuation of all property within the agency lying within the county. Thereafter, the board of directors shall make the certification and statement, and issue the directions, as required by Section 79 of this act. After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the agency.

Whenever an improvement district within the Antelope Valley-East Kern Water Agency is itself located in two or more counties, the method and procedure for the apportionment of agency taxes between counties shall apply to such improvement district.

(c) Whenever provision is made in this act for notice within a county, it shall be construed to require notice within each county in which agency lands are located.

(d) "Principal county" as used in this section means the county in which the greater portion of land of the Antelope Valley-East Kern Water Agency is located.

SEC. 93. Whenever a sufficient change in the population occurs in the agency after its organization which makes it desirable in the opinion of the board of directors of the agency to relocate the boundary or boundaries of any division or divisions, or whenever any territory is added to or excluded from the agency, the board of directors shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize, as nearly as may be practicable, the population in the respective divisions. For this purpose, the board of directors may estimate the population by reference to the register of voters used at the last general election, and may relocate the boundary lines of the respective divisions without regard to the places of residence of the directors then in office. No such change in the division lines shall be made within the four months immediately preceding the election of any director nor shall such change in division lines work a forfeiture of office of any director. Whenever such change is made in the division lines, each director then in office, and until his office becomes vacant by expiration of his term or otherwise, shall continue to be the director for the respective division bearing the number of his division as formerly located even though such director is not a resident of the relocated division. His successor shall be a resident and voter of the relocated division.

SEC. 94. The inclusion in, or annexation or addition to, the Antelope Valley-East Kern Water Agency, of the corporate area of any public corporation or public agency, shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose, of the Antelope Valley-East Kern Water Agency. No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within the Antelope Valley-East Kern Water Agency existing under this act without the consent of the Antelope Valley-East Kern Water Agency.

SEC. 95. If, in the opinion of the board of directors of the Antelope Valley-East Kern Water Agency, the corporate area of which, as a unit, shall have been included in, or annexed to, a metropolitan water district, the revenues of the Antelope Valley-East Kern Water Agency will be inadequate

for any cause to pay the operating expenses of the Antelope Valley-East Kern Water Agency, to provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the Antelope Valley-East Kern Water Agency, then such board of directors, in the manner provided for the levy and collection of taxes for the Antelope Valley-East Kern Water Agency, must provide for the levy and collection of a tax sufficient to raise the amount of money determined by such board of directors to be necessary for the purpose of paying the operating expenses of the Antelope Valley-East Kern Water Agency, providing for repairs and depreciation of works owned or operated by it, and meeting all obligations of the Antelope Valley-East Kern Water Agency.

SEC. 96. All acts and parts of acts in conflict herewith are hereby repealed. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

CHAPTER 2147

An act to amend Section 7149 of the Fish and Game Code, relating to fishing licenses.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7149 of the Fish and Game Code is amended to read:

7149. A sport fishing license granting the privilege to take fish from the ocean waters of this State and amphibia anywhere in this State for purposes other than profit shall be issued:

(a) To any resident of this State, over the age of 16 years, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any person over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from the date of issue.

On payment of one dollar ($1) a sport fishing licensee may obtain a license stamp which if signed in ink by the licensee and permanently affixed to his license authorizes him to take all fish, other than trout, but including steelhead trout, anywhere in this State for purposes other than profit.

On payment of two dollars ($2) a sport fishing licensee may obtain two license stamps which if signed in ink by the licensee and permanently affixed to his license authorize him to take all fish anywhere in this State for purposes other than profit.

Any person receiving aid to the aged under the provisions of the State Old Age Security Law on application to the department shall be issued a sport fishing license with two license stamps affixed thereto, free of charge. Any woman over 62 years of age and any man over 65 years of age who has been a resident of this State for the five years immediately preceding and whose total monthly income from all sources, including any old age assistance payments, does not exceed one hundred forty dollars ($140) on application to the department shall be issued a sport fishing license without license stamps, free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps.

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, aged persons, or resident Indians without payment of a license fee means a sport fishing license with two license stamps affixed thereto. All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

CHAPTER 2148

An act to amend Section 7149 of the Fish and Game Code, relating to sport fishing licenses.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 7149 of the Fish and Game Code is amended to read:

7149. A sport fishing license granting the privilege to take fish from the ocean waters of this State and amphibia anywhere in this State for purposes other than profit shall be issued:

(a) To any resident of this State, over the age of 16 years, upon the payment of three dollars ($3) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(b) To any nonresident, over the age of 16 years, upon the payment of ten dollars ($10) for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof.

(c) To any person, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3), for a period of 10 days from the date of issue.

On payment of one dollar ($1) a sport fishing licensee may obtain a license stamp which if signed in ink by the licensee and permanently affixed to his license authorizes him to take all fish, other than trout, but including steelhead trout, anywhere in this State for purposes other than profit.

On payment of two dollars ($2) a sport fishing licensee may obtain two license stamps which if signed in ink by the licensee and permanently affixed to his license authorize him to take all fish anywhere in this State for purposes other than profit.

Any person receiving aid to the aged under the provisions of the State Old Age Security Law on application to the Department of Fish and Game, Headquarters Office, Sacramento, shall be issued a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this State for purposes other than profit, free of charge.

Any woman over 62 years of age and any man over 65 years of age who has been a resident of this State for the five years immediately preceding and whose total monthly income from all sources, including any old age assistance payments, does not exceed one hundred forty dollars ($140) on application to the department shall be issued a sport fishing license, which may be renewable, authorizing the licensee to take fish from the ocean waters of this State and amphibia anywhere in this State for purposes other than profit, free of charge.

Sport fishing license stamps shall be sold by license agents in the same manner as sport fishing licenses except that the compensation provided in Section 1055 shall not be paid to the license agent for sale of such stamps.

Reference in this code or any other law to a sport fishing license to be issued to disabled veterans, blind persons, or resident Indians without payment of a license fee means a renewable sport fishing license authorizing the licensee to take any fish and amphibia anywhere in this State for purposes other than profit. All other references to a sport fishing license mean such a license with or without license stamps as may be appropriate for the type of fishing involved.

CHAPTER 2149

An act to add Section 95 to the Streets and Highways Code, relating to snow removal.

[Approved by Governor July 18, 1959 Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 95 is added to the Streets and Highways Code, to read:

95. Whenever the commission relinquishes any portion of any state highway superseded by relocation and the construction of a freeway and when the department has prior to relinquishment maintained snow removal operations on the portion of state highway relinquished and when property having access to the relinquished portion of state highway was developed for winter recreational purposes at the time of relinquishment, the department may with the consent of the county or counties to which the road is relinquished, maintain snow removal operations on all or a portion of the state highway which has been superseded by relocation.

CHAPTER 2150

An act to amend Sections 2020, 2025, and 2020.002 of the Welfare and Institutions Code, relating to old age security grants.

[Approved by Governor July 18, 1959 Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2020.002 of the Welfare and Institutions Code is amended to read:

Additional grant

2020.002. Any recipient who pursuant to Section 2020 of this code receives less than one hundred fifteen dollars ($115) per month from the total of his grant and income from all other sources shall be granted an additional amount of aid sufficient to meet the actual needs of the recipient but in no event shall the sum of his grant and income exceed one hundred fifteen dollars ($115) per month.

The additional grant provided by this section is to provide additional aid to persons with special needs arising because of circumstances and situations not common to all recipients and not covered by the basic needs allowance within the maximum grant payable pursuant to Section 2020.

SEC. 2. Section 2020 of said code is amended to read:

Amount of aid allowed

2020. Amount of Aid Allowed. The amount of aid to which any applicant shall be entitled for basic needs shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, ninety-five dollars ($95) per month. If, however, in any case it is

found the actual need of an applicant exceeds ninety-five dollars ($95) per month, such applicant shall be entitled to receive aid in an amount, not to exceed ninety-five dollars ($95) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

SEC. 3. Section 2025 of said code is amended to read:

Change in federal contributions

2025. Increase or Decrease of Federal Contributions: Change in Amount of Aid: Maximum and Minimum: Legislative Intent. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the aged in this State above or below the amount being paid on November 1, 1958, or above or below the amount payable as a result of any such increase or decrease, the maximum grant of aid provided for in each of Sections 2020 and 2020.002 shall be increased or decreased by an amount equal to the nearer dollar of such increase or decrease by the United States Government, but in no event shall the maximum grant of aid under Section 2020 be decreased below ninety dollars ($90) or increased above one hundred five dollars ($105) per month. It is the intent of the Legislature that any change in contributions by the United States Government, whether increase or decrease, shall result in a corresponding change in the amount of the maximum grant prescribed in Section 2020, within the limits established by this section.

It is also the intent of the Legislature that should the Federal Government require that any increase in assistance to the aged in this State granted by it after May 1, 1955 be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs.

Operative date

SEC. 4. This act shall become operative January 1, 1960.

CHAPTER 2151

An act to amend Sections 2020, 2020.002, 2025, and 4020 of, the Welfare and Institutions Code, relating to public assistance.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2020 of the Welfare and Institutions Code is amended to read:

2020. Amount of Aid Allowed. The amount of aid to which any applicant shall be entitled for basic needs shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, ninety-five dollars ($95) per month. If, however, in any case it is found the actual need of an applicant exceeds ninety-five dollars ($95) per month, such applicant shall be entitled to receive aid in an amount, not to exceed ninety-five dollars ($95) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need. Amount of aid allowed

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances, but full adjustment shall be made at the end of that period.

SEC 2. Section 2020 002 of said code is amended to read:

2020.002. Any recipient who pursuant to Section 2020 of this code receives less than one hundred fifteen dollars ($115) per month from the total of his grant and income from all other sources shall be granted an additional amount of aid in such an amount as is necessary to meet the actual needs of the recipient but in no event shall the sum of his grant and income exceed one hundred fifteen dollars ($115) per month. Additional grant

The additional grant provided by this section is to provide additional aid to persons with special needs arising because of circumstances and situations not common to all recipients and not covered by the basic needs allowance within the maximum grant payable pursuant to Section 2020.

SEC. 3. Section 2025 of said code is amended to read:

2025. Increase or Decrease of Federal Contributions: Change in Amount of Aid: Maximum and Minimum: Legislative Intent. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the aged in this State above or below the amount being paid on November 1, 1958, or above or below the amount payable as a result of any such increase or decrease, the maximum grant of aid provided in each of Sections 2020 and 2020.002 of this chapter shall be increased or decreased by an amount equal to the nearer dollar of such increase or decrease by the United States Government, but in no event shall the maximum grant of aid under Section 2020, as modified by this section, be decreased below ninety dollars ($90) or increased above one hundred five dollars ($105) per month. It is the intent of the Legislature that any change in contributions by the United States Government, whether increase or decrease, shall result in a corresponding change in the amount of the maximum grant prescribed in Section 2020, within the limits established by this section. Change of federal contributions

It is also the intent of the Legislature that should the Federal Government require that any increase in assistance to the aged in this State granted by it after May 1, 1955 be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs.

SEC. 4. Section 4020 of said code is amended to read:

Grants to the needy disabled

4020. For needy disabled persons qualifying for aid under the provisions of this chapter there shall be paid an amount equivalent to the actual needs of the recipient as set forth in this section but not to exceed an average grant computed statewide for all recipients of aid under this chapter of ninety-eight dollars ($98) per month. In the event the average grant per recipient in any month exceeds an amount of ninety-eight dollars ($98) the State Department of Social Welfare shall take immediate steps to reduce or curtail payments for attendant services to the end that the monthly average per recipient for the full fiscal year does not exceed ninety-eight dollars ($98).

The State Social Welfare Board shall establish a standard of assistance, within the limits set forth in this section, which will enable each recipient to maintain himself in decency and health. The board shall establish a standard to cover actual needs, common to all persons, not to exceed one hundred six dollars ($106) per month. Within the limit of the average grant set forth in this section the board may provide for payment of an additional sum to those recipients whose physical condition is such that they require the services of a full or part time attendant. Such additional sum is to provide for attendant services rendered by a person other than a relative with whom the recipient is living.

The board shall give priority to persons in the greatest need without replacing other public or private resources which can provide the services. Voluntary contributions or grants from other public sources, private agencies, friends or relatives which are specifically and solely provided for such attendant services and which would not otherwise be available shall not be considered as applying toward the actual needs of said recipient.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed not more than two months beyond the month in which the recipients reported the change in circumstances.

Operative date

SEC. 5. This act shall become operative January 1, 1960.

CHAPTER 2152

An act to amend Section 2110 of the Streets and Highways Code, relating to Highway Users Tax Fund.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 2110 of the Streets and Highways Code is amended to read:

2110. The moneys payable to the counties under Section 2104 shall be apportioned among the several counties as follows:

(a) The first five hundred thousand dollars ($500,000) shall be apportioned for snow removal on county roads to the following counties in the named percentages:

Alpine	.43 percent
Amador	.20 percent
Butte	1.91 percent
Calaveras	.70 percent
El Dorado	2.82 percent
Humboldt	1.14 percent
Inyo	1.94 percent
Kern	1.10 percent
Lassen	5.96 percent
Los Angeles	7.15 percent
Lake	.51 percent
Madera	1.02 percent
Mariposa	.52 percent
Modoc	3.47 percent
Mono	4 20 percent
Nevada	6.07 percent
Placer	4.77 percent
Plumas	13.38 percent
Riverside	1.08 percent
San Bernardino	8.39 percent
San Diego	2.98 percent
Shasta	6.40 percent
Sierra	2.51 percent
Siskiyou	11.79 percent
Tehama	.10 percent
Trinity	6.46 percent
Tuolumne	1.19 percent
Yuba	1.81 percent

(b) During the 1959-1960 and 1960-1961 Fiscal Years, an additional two hundred thousand dollars ($200,000), prior to the apportionment made pursuant to subdivision (c) hereof,

shall be apportioned for snow removal on county roads to the following counties in the named percentages:

Alpine	2.21 percent
Calaveras	2.45 percent
Del Norte	1.45 percent
El Dorado	9.65 percent
Fresno	3.99 percent
Glenn	2.98 percent
Humboldt	3.27 percent
Inyo	1.85 percent
Kern	.07 percent
Lassen	3.94 percent
Mendocino	.28 percent
Mono	15.40 percent
Nevada	8.69 percent
Placer	16.06 percent
Plumas	9.22 percent
San Bernardino	5.84 percent
Sierra	5.52 percent
Tulare	.40 percent
Tuolumne	6.65 percent
Ventura	.08 percent

(c) The second five hundred thousand dollars ($500,000) shall be apportioned for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Alameda	2.629
Amador	.135
Butte	.161
Colusa	.339
Contra Costa	10.575
Del Norte	.251
Fresno	.639
Humboldt	4.935
Los Angeles	9.913
Marin	3 781
Mendocino	2.084
Monterey	3.701
Napa	1.950
Nevada	.718
Orange	.051
Placer	.085
Plumas	.897
Riverside	1.185
San Benito	1.070
San Bernardino	2.609
San Francisco	1.016
San Diego	2.760
San Luis Obispo	5.782

Santa Barbara	7.661
Santa Cruz	12.162
Sierra	.333
Siskiyou	.814
Sonoma	10.238
Trinity	2.137
Ventura	8.543
Yuba	.846

(d) The remainder shall be apportioned among the several counties in the proportion that the number of fee-paid vehicles registered in each of such counties as of the last day of the second calendar quarter preceding the month in which the apportionment is required to be made bears to the total number of fee-paid vehicles registered in the State as of such date, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued.

The Department of Motor Vehicles shall, when requested by the Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county and in the State according to the records of the department, for the use of the Controller in making the apportionments provided for herein.

CHAPTER 2153

An act to add Section 1253.1 to the Unemployment Insurance Code, relating to eligibility for unemployment compensation benefits, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 1253.1 is added to the Unemployment Insurance Code, to read:

1253.1. An unemployed individual who is in all respects otherwise eligible for unemployment compensation benefits shall not be deemed ineligible for any week in which, for not exceeding two working days, he cannot reasonably be expected to work because:

(a) There has been a death in his immediate family.

(b) He is unlawfully detained.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the existing law wage earners who have been employed for the requisite period of time in covered employment

are entitled to receive unemployment compensation during periods of unemployment through no fault of their own, if the worker is able to work and available for work. Under the administration of this law however claimants who are in all respects eligible for benefits and are receiving benefits are disqualified if they attend the funeral of a member of their family or if they are unlawfully detained.

In order that this inequitable and unforeseen application of the law may be remedied at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 2154

An act to repeal Section 1027 of, and to amend Sections 930, 978, 979, 982, 1279, and 1280 of, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 18, 1959

[Approved by Governor July 18, 1959 Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 930 of the Unemployment Insurance Code is amended to read:

"Wages"

930. "Wages" does not include remuneration in excess of three thousand dollars ($3,000) paid to an individual by an employer during any calendar year, with respect to employment. After December 31, 1959, "wages" does not include remuneration in excess of three thousand six hundred dollars ($3,600) paid to an individual by an employer during any calendar year, with respect to employment. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of three thousand dollars ($3,000) to such individual during such calendar year or three thousand six hundred dollars ($3,600) paid to such individual during any calendar year after December 31, 1959, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, 937, and 938.

SEC. 2. Section 978 of said code is amended to read:

978. If, on December 31, 1960, the balance in the Unemployment Fund is less than 6.7 percent, and after December 31, 1960, whenever the balance in the Unemployment Fund on December 31st of any calendar year is less than 6.2 percent, of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates. Employers' contribution rates

If, as of the computation date the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in Column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in Column 2 of that table, his contribution rate shall be the figure appearing on that same line in Column 3 of that table.

Line	Column 1	Column 2	Column 3 (contribution rate)
1	0%	7.0%	3.0%
2	7.0%	7.5%	2.7%
3	7.5%	8.0%	2.5%
4	8.0%	8.5%	2.5%
5	8.5%	9.0%	2.3%
6	9.0%	9.5%	2.0%
7	9.5%	10.0%	1.8%
8	10.0%	10.5%	1.5%
9	10.5%	11.0%	1.3%
10	11.0%	12.0%	1.0%
11	12.0%	13.0%	0.9%
12	13.0%	14.0%	0.8%
13	14.0%	15.0%	0.7%
14	15.0%	16.0%	0.6%
15	16.0%	17.0%	0.5%
16	17.0%	18.0%	0.4%
17	18.0%	100% or more	0.3%

SEC. 3. Section 979 of said code is amended to read:

979. If, on December 31, 1960, the balance in the Unemployment Fund equals or exceeds 6.7 percent, and after December 31, 1960, whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 6.2 percent, of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates. Same

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base

payroll which appears on any line in Column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in Column 2 of that table, his contribution rate shall be the figure appearing on that same line in Column 3 of that table.

Line	Reserve balance Column 1	Reserve balance Column 2	Contribution rate Column 3
1	0%	5½%	3.0%
2	5½%	6%	2.7%
3	6%	6½%	2.5%
4	6½%	7%	2.3%
5	7%	7½%	2.1%
6	7½%	8%	1.9%
7	8%	8½%	1.7%
8	8½%	9%	1.5%
9	9%	9½%	1.3%
10	9½%	10%	1.1%
11	10%	10½%	0.9%
12	10½%	11%	0.7%
13	11%	11½%	0.5%
14	11½%	100% or more	0.3%

SEC. 4. Section 982 of said code is amended to read:

Limitation

982. No employer shall be eligible for a contribution rate of less than 3 percent for any rating period unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 978 or 979.

Repealed

SEC. 5. Section 1027 of said code is repealed.

SEC. 6. Section 1279 of said code is amended to read:

Reduction of weekly benefit amount

1279. Each individual eligible under this chapter who is unemployed in any week shall be paid with respect to that week an unemployment compensation benefit in an amount equal to his weekly benefit amount less the amount of wages in excess of twelve dollars ($12) payable to him for services rendered during that week. The benefit payment, if not a multiple of one dollar ($1), shall be computed to the next higher multiple of one dollar ($1). For the purpose of this section only "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor.

SEC. 7. Section 1280 of said code is amended to read:

"Weekly benefit amount"

1280. (a) An individual's "weekly" benefit amount" is the amount appearing in Column B in the following table opposite that wage bracket in Column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$150- $179.99	$10
180- 209.99	11
210- 239.99	12
240- 269.99	13
270- 299.99	14
300- 329.99	15
330- 359.99	16
360- 389.99	17
390- 419.99	18
420- 449.99	19
450- 479.99	20
480- 509.99	21
510- 539.99	22
540- 569.99	23
570- 599.99	24
600- 629.99	25
630- 659.99	26
660- 689.99	27
690- 719.99	28
720- 749.99	29
750- 779.99	30
780- 809.99	31
810- 839.99	32
840- 869 99	33
870- 899.99	34
900- 929.99	35
930- 959.99	36
960- 989.99	37
990- 1,019.99	38
1,020- 1,049.99	39
1,050- 1,079.99	40
1,080- 1,109.99	41
1,110- 1,139.99	42
1,140- 1,169.99	43
1,170- 1,199.99	44
1,200- 1,229.99	45
1,230- 1,259.99	46
1,260- 1,289.99	47
1,290- 1,319.99	48
1,320- 1,349.99	49
1,350- 1,379.99	50
1,380- 1,409 99	51
1,410- 1,439.99	52
1,440- 1,469 99	53
1,470- 1,499.99	54
1,500 and over	55

(b) For the purposes of this section, when an individual has been paid remuneration which would be taxable except for the

three thousand dollars ($3,000) limitation on taxable wages, the "quarter of his base period in which his wages were the highest" may be determined by allocating to any quarter of the calendar year falling within the base period that portion of the taxable wages which is equal to the amount of remuneration paid to him in that quarter or one thousand five hundred dollars ($1,500), whichever is the lesser. The term "remuneration" as used in this section means taxable wages as well as wages which would be taxable except for the three thousand dollars ($3,000) limitation on taxable wages. This subdivision shall not apply to wages paid on and after January 1, 1959.

Effective date of new amounts

SEC. 8. The additional weekly benefit amounts authorized by the amendment to Section 1280 of the Unemployment Insurance Code effected by this act, shall be payable only to eligible individuals filing new claims on and after the ninety-first day following the adjournment of the 1959 Regular Session of the Legislature.

Provisions applicable for 1960

SEC. 9. The provisions of Sections 978 and 979 of the Unemployment Insurance Code as they existed prior to amendment by this act, shall continue to remain applicable to contributions to be paid for the calendar year 1960.

Amounts chargeable against employers

SEC. 10. The limitation on the maximum amount of benefits chargeable against employers' accounts provided for in Section 1027 of the Unemployment Insurance Code, as it existed prior to repeal thereof by this act, shall remain effective with respect to charges for benefits paid during benefit years commencing prior to the effective date of this act. Said limitation will not be applicable to benefits paid in any benefit year commencing on and after the effective date of this act.

Saving

SEC 11. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal, as the case may be, shall be abolished or impaired by this act.

CHAPTER 2155

An act to amend Sections 2655, 3266, 3270, and 3271 of, and to add Section 3105 and Chapter 3.5 (commencing with Section 2851) to Part 2 of Division 1 of, the Unemployment Insurance Code, relating to unemployment compensation disability benefits.

In effect September 18, 1959

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 2655 of the Unemployment Insurance Code is amended to read:

"Weekly benefit amount"

2655. (a) An individual's "weekly benefit amount" shall be the amount appearing in Column B in the table set forth in this subdivision on the line of which in Column A of such

table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$75- $149.99	$10
150- 174.99	11
175- 199.99	12
200- 224.99	13
225- 249.99	14
250- 274.99	15
275- 299.99	16
300- 324.99	17
325- 349.99	18
350- 374.99	19
375- 399.99	20
400- 424.99	21
425- 449.99	22
450- 474.99	23
475- 499.99	24
500- 524.99	25
525- 549.99	26
550- 574.99	27
575- 599.99	28
600- 624.99	29
625- 649.99	30
650- 674.99	31
675- 699.99	32
700- 724.99	33
725- 749.99	34
750- 774.99	35
775- 799.99	36
800- 824.99	37
825- 849.99	38
850- 874.99	39
875- 899.99	40
900- 924.99	41
925- 949.99	42
950- 974.99	43
975- 999.99	44
1,000- 1,024.99	45
1,025- 1,049.99	46
1,050- 1,074.99	47
1,075- 1,099.99	48
1,100- 1,124.99	49
1,125- 1,149.99	50
1,150- 1,174.99	51
1,175- 1,199.99	52
1,200- 1,224.99	53

A Amount of wages in highest quarter	B Weekly benefit amount
$1,225-$1,249.99	$54
1,250- 1,274.99	55
1,275- 1,299.99	56
1,300- 1,324.99	57
1,325- 1,349.99	58
1,350- 1,374.99	59
1,375- 1,399.99	60
1,400- 1,424.99	61
1,425- 1,449.99	62
1,450- 1,474.99	63
1,475- 1,499.99	64
1,500 and over	65

(b) For the purpose of this section, when an individual has been paid remuneration which would be taxable except for the three thousand dollars ($3,000) limitation on taxable wages in effect prior to January 1, 1958, or the three thousand six hundred dollars ($3,600) limitation in effect after December 31, 1957, the "quarter of his base period in which his wages were the highest" may be determined by allocating to any quarter of the calendar year falling within the base period that portion of the taxable wages which is equal to the amount of remuneration paid to him in that quarter or one thousand five hundred dollars ($1,500), whichever is the lesser. The term "remuneration" as used in this section means taxable wages as well as wages which would be taxable except for the three thousands dollars ($3,000) or the three thousand six hundred dollars ($3,600) limitation on taxable wages. This subdivision shall not apply to wages paid on and after January 1, 1959.

SEC. 2. Chapter 3.5 (commencing with Section 2851) is added to Part 2 of Division 1 of said code, to read:

CHAPTER 3.5. PRORATED BENEFITS

Persons in non-covered positions, etc.

2851. Benefits to individuals whose employment has terminated or who are in non-covered employment at the time their disability benefit period commences and who are otherwise eligible for benefits under this part shall be payable from the Disability Fund.

Prorating

2852. The cost of benefits paid under Section 2851 shall be prorated as provided in Section 3266.

SEC. 3. Section 3105 is added to Article 4 of Chapter 5 of Part 2 of Division 1 of said code, to read:

Suspended provisions

3105. The provisions of Sections 3101, 3102, 3103, and 3104 shall be suspended during the calendar years 1959, 1960, and 1961.

SEC. 4. Section 3266 of said code is amended to read:

Computation of assessments proration

3266. (a) (1) As of December 31, 1960, and as of the close of each succeeding calendar year, the director shall determine the amount of benefit payments made under Section

2851 during that calendar year which were attributable to base period wages exempt under Section 3252 paid by employers covered by voluntary plans on the date on which the disability benefit period commenced.

(2) The amount determined under subdivision (a)(1) shall be reduced by an amount equal to the sum of the amount of interest credited to the Unemployment Trust Fund for that calendar year which was based on worker contributions collected during 1944 and 1945 and on deposit in such fund and an amount equal to the worker contributions collected during the period May 21, 1946 to November 30, 1946 multiplied by the annual average interest or other earnings on all investments of the Disability Fund, multiplied by the ratio that the amount determined under subdivision (a)(1) bears to all benefits paid during that calendar year under Section 2851.

(3) The amount determined under subdivision (a)(2) shall be prorated to each employer who had a voluntary plan in effect during any portion of that calendar year in the ratio that the wages which were exempt under Section 3252 paid by him during the calendar year bears to the total of all such exempt wages paid by all employers during that year.

(4) The amount prorated under subdivision (a)(3) shall be assessed against the employer, subject to the provisions of Section 3259.

(b) In no event shall any assessment under this section exceed two-tenths of 1 percent (0.2%) of the wages which were exempt under Section 3252 paid by the employer, or twice the percentage ratio which the assessment for the preceding calendar year bears to the wages which were exempt under Section 3252 paid by the employer for the preceding calendar year, whichever is greater.

(c) The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. The amounts of such assessments collected by the director under this section shall be deposited in the Disability Fund.

SEC. 5. Section 3270 of said code is amended to read:

Suspended provisions

3270. The provisions of Section 3254(h) and 3255(h), dealing with substantial selection of risks adverse to the Disability Fund shall be inoperative during the calendar years 1954, 1955, 1956, 1957, 1958, 1959, 1960, and 1961.

SEC. 6. Section 3271 of said code is amended to read:

Amendments to voluntary plans

3271. Until January 1, 1962, the director shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which he finds that the plan as amended will conform to the standards set forth in Section 3254 and that either of the following exist:

(a) A majority of the employees covered by the plan have consented in writing to the amendment.

(b) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(c) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1962.

Operative date

SEC. 7. The amendments of Section 2655 of the Unemployment Insurance Code made by Section 1 of this act shall become operative with respect to periods of disability commencing on and after January 1, 1960, and the provisions of said section of said code in effect prior to such amendments shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1960.

Same

SEC. 8. The amendments of Section 3266 of the Unemployment Insurance Code made by Section 4 of this act shall become operative with respect to disability benefit periods commencing on and after January 1, 1960.

Same

SEC. 9. The suspension of Article 4 (comprising Sections 3101 through 3104) of Chapter 5 of Part 2 of Division 1 of the Unemployment Insurance Code by Section 3 of this act shall become operative with respect to periods of disability commencing on and after January 1, 1959, and the provisions of said article of said code in effect prior to such suspension shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1959. The suspension of said article of said code shall not affect the authority of the Director of Employment to make charges for benefits pursuant to the provisions of Section 3101, to make and collect assessments pursuant to the provisions of Section 3103, and to make credits pursuant to the provisions of Sections 3102 and 3104 of said code with respect to the calendar year 1958 as the provisions of said sections existed prior to such suspension. The amounts of such assessments collected by the Director of Employment pursuant to Section 3103 of said code for the calendar year 1958 shall be deposited in the Disability Fund.

CHAPTER 2156

An act to amend Sections 139, 633, 939, 1275, 1403, 1523, 2767, 3014, and 3260 of, and to add Chapter 3.5 (commencing with Section 2851) to Part 2 of Division 1 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 18, 1959. Filed with Secretary of State July 20, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 139 of the Unemployment Insurance Code is amended to read:

"State"

139. "State" includes Hawaii and the District of Columbia, as well as each of the states of the United States.

SEC. 2. Section 633 of said code is amended to read:

"Employment"

633. Except as provided in Sections 605, 605.5, 709, and 710, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

SEC. 3. Section 939 of said code is amended to read:

Limitation

939. Sections 931, 932, 933, 934, 935, 936, 937, and 938 shall be operative only during such time as the respective type or types of payments set forth in those sections are similarly excluded from the definition of wages contained in the Federal Unemployment Tax Act.

SEC. 4. Section 1275 of said code is amended to read:

"Base period"

1275. Unemployment compensation benefit award computations shall be based on wages paid in the base period. "Base period" means: for benefit years beginning in November, December, or January, the four calendar quarters ended in the next preceding month of June; for benefit years beginning in February, March, or April, the four calendar quarters ended in the next preceding month of September; for benefit years beginning in May, June, or July, the four calendar quarters ended in the next preceding month of December; for benefit years beginning in August, September, or October, the four calendar quarters ended with the next preceding month of March.

SEC. 5. Section 1403 of said code is amended to read:

"Trainee"

1403. "Trainee" as used in this article means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before the ninetieth day after the final adjournment of the 1961 Regular Session of the Legislature.

SEC. 6. Section 1523 of said code is amended to read:

Exemption of withdrawals

1523. Withdrawals by the director from the Unemployment Fund are exempted from the operation of Sections 602 and 603 of the Government Code.

SEC. 7. Section 2767 of said code is amended to read:

"Trainee"

2767. "Trainee" as used in this article means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before the ninetieth day after the final adjournment of the 1961 Regular Session of the Legislature.

SEC. 8. Chapter 3.5 (commencing with Section 2851) is added to Part 2 of Division 1 of said code, to read:

CHAPTER 3.5. PRORATED BENEFITS

Persons in non-covered positions, etc

2851. Benefits to individuals whose employment has terminated or who are in non-covered employment at the time their period of disability commences and who are otherwise eligible for benefits under this part shall be payable from the Disability Fund.

Prorating

2852. The cost of benefits paid under Section 2851 shall be prorated as provided in Section 3266.

SEC. 9. Section 3014 of said code is amended to read:

Exemption of withdrawals

3014. Withdrawals by the director from the Disability Fund for the payment of refunds or judgments and the payment of disability benefits are exempted from the operation of Section 603 of the Government Code.

SEC. 10. Section 3260 of said code is amended to read:

Employers' contributions

3260. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan for the purpose of providing the disability benefits specified in this part an amount not in excess of that which would be required by Section 984 if the employee were not covered by the plan. Any such deductions from the wages of an employee remaining in the possession of the employer upon termination of the plan, as a result of plan contributions being in excess of plan costs, which are not disposed of in conformity with authorized regulations, shall be remitted to the Disability Fund. If an employer fails to remit any such deductions to the Disability Fund, the director shall assess the amount thereof against the employer. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment.

With respect to individuals covered by a voluntary plan on January 1, 1958, the amount of the deduction on or after that date may be increased to a maximum of 1 percent of three thousand six hundred dollars ($3,600) of annual taxable wages without any further consent of the individual or approval of the director.

Effect. Stats 1959, Ch 2154

SEC. 11. Section 3 of this act shall become effective only if Assembly Bill No. 590 is enacted by the Legislature at its 1959 Regular Session, and in such case, at the same time as Assembly Bill No 590 takes effect.

SEC. 12. The provisions of Section 633 of the Unemployment Insurance Code as amended at the 1959 Regular Session by this act shall be operative with respect to wages paid on and after October 1, 1959 insofar as such provisions relate to the addition of Section 605.5 to the Unemployment Insurance Code by Assembly Bill No. 1399 enacted by the 1959 Regular Session. In all other respects the provisions of said Section 633 as amended by this act shall be operative as otherwise provided by law. The provisions of this Section 12 of this act shall become effective only if the provisions of Section 605.5 added to the Unemployment Insurance Code are enacted by Assembly Bill No. 1399 by the Legislature at its 1959 Regular Session and in addition the provisions of Section 710 added to the Unemployment Insurance Code by Assembly Bill No. 174 are also enacted by the Legislature at its 1959 Regular Session. If both Assembly Bills Nos. 174 and 1399 are enacted by the 1959 Regular Session of the Legislature, then this Section 12 of this act shall become effective and the provisions of Section 633 of the Unemployment Insurance Code as amended by this act shall supersede the amendments made by each of said bills to said section.

Effect Stats 1959, Ch 1717, 1718

SEC. 13. Sections 6 and 9 of this act shall become effective only if Assembly Bill No 406 is enacted by the Legislature at its 1959 Regular Session, and in such case, at the same time as Assembly Bill No. 406 takes effect.

Effect. Stats 1959, Ch 1715

SEC 14 Section 8 of this act shall become effective only if Assembly Bill No 494 is enacted by the Legislature at its 1959 Regular Session, and in such case, shall supersede the provisions of Chapter 3.5 of Part 2 of Division 1 of the Unemployment Insurance Code as added by said Assembly Bill No. 494.

Effect. Stats 1959, Ch 2155

CHAPTER 2157

An act to amend Section 104.6 of, and to add Section 104.10 to, the Streets and Highways Code, relating to the distribution of rentals from properties held for highway purposes.

[Approved by Governor July 22, 1959 Filed with Secretary of State July 22, 1959]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 104.6 of the Streets and Highways Code is amended to read:

104.6. The authority conferred by this code to acquire real property for state highway purposes includes authority to acquire for future needs. The department is authorized to lease any lands which are held for state highway purposes and are not presently needed therefor on such terms and conditions as the director may fix and to maintain and care for such property in order to secure rent therefrom. All rent so received

Future use

shall be deposited in the Highway Properties Rental Fund in the State Treasury, which fund is hereby created, except that any rent required under the California Toll Bridge Authority Act or any bond indenture executed under said act to be deposited in some other fund shall be deposited in such other fund, and all rents received from property acquired for the National System of Interstate Highways, as to which federal funds participated in the cost of acquisition, shall be deposited in the State Highway Fund.

SEC. 2. Section 104.10 is added to said code, to read:

Payment to county

104.10. The Department of Finance shall, not later than the first day of November next following the close of any fiscal year after the effective date of this section, pay out of the rents deposited in the Highway Properties Rental Fund to the county in which such real property is situated an amount equivalent to 24 percent of the rents deposited in the fund during the preceding fiscal year. The Department of Public Works shall certify to the Department of Finance the amount of rentals attributable to each county and shall notify each county of the rental and location of each piece of rental property for which rents are deposited in the fund.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

As used in this section the terms "taxing agency" and "revenue district" have the same meanings given them in the Revenue and Taxation Code.

This section shall be operative in respect to rentals received during the Fiscal Year 1960-61 and any fiscal year thereafter.

The money received by the respective jurisdictions under this section may be expended by them for any proper state purpose not prohibited by the State Constitution.

The balance of funds in the Highway Properties Rental Fund shall, after the annual payment to the counties, be transferred to the State Highway Fund.

Legislative declaration

SEC. 3. It is the intention of the Legislature by this act to make 25 percent of the rents deposited in the Highway Properties Rental Fund available for the purpose of payments to the counties and for paying the costs to the Department of Public Works of certifying to the Department of Finance the amount of rentals attributable to each county and of notifying each county of the rental and location of each rental property for which rents are deposited in the fund. To this end, 24 percent is made available to the counties, leaving 1 percent available for such costs to the Department of Public Works.

CHAPTER 2158

An act to amend Sections 7504, 7512, 7514, 7521, 7522, 7525, 7526, 7528, 7533, 7534, 7538, 7540, 7551, 7553, 7553.1, 7560, and 7580 of, and to add Sections 7523.1, 7526.1, 7526.2, 7526.3, 7526.4, 7536, 7538.1, and 7538.2 to, and Article 3.5 (commencing at Section 7544) to Chapter 11 of Division 3 of, and to repeal Sections 7536 and 7552 of, the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 7504 of the Business and Professions Code is amended to read:

"Licensee"

7504. As used in this chapter, "licensee" means a person licensed under this chapter and includes, but is not limited to, private investigator, private patrol operator, insurance adjuster, and repossessor.

SEC. 2. Section 7512 of said code is amended to read:

Chief of bureau and other personnel

7512. The governor may appoint a chief of the bureau, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director.

The director may, in accordance with the State Civil Service Act, appoint and fix the compensation of such inspectors, investigators, and other personnel as may be necessary for the administration and enforcement of this chapter. Any person employed to investigate alleged violations of this chapter and to prosecute violators shall have the authority of a peace officer in the performance of his official duties.

SEC. 3. Section 7514 of said code is amended to read:

Rules

7514. The director may adopt and enforce reasonable rules:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including but not limited to private investigators, private patrol operators, insurance adjusters, and repossessors, and limiting the field and scope of the operations of a licensee to those in which he is classified and qualified to engage.

(b) Fixing the qualifications of licensees, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter.

(d) For a change in the classification of a licensee, or in the type of business organization upon application therefore by a licensee, and to prescribe the fee, if any, to be paid.

SEC. 4. Section 7521 of said code is amended to read:

Definitions

7521. (a) A private investigator within the meaning of this chapter is a person other than an insurance adjuster who, for any consideration whatsoever engages in business or accepts employment to furnish, or agrees to make, or makes, any investigation for the purpose of obtaining, information with reference to:

Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person; the location, disposition, or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property; or securing evidence to be used before any court, board, officer, or investigating committee.

(b) A private patrol operator, or operator of a private patrol service, within the meaning of this chapter is a person who, for any consideration whatsoever:

Agrees to furnish, or furnishes, a watchman, guard, patrolman, or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind; or performs the service of such watchman, guard, patrolman, or other person, for any of said purposes.

(c) A person licensed as a private patrol operator only may not make any investigation or investigations except those that are incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property, or any other thing enumerated in this section, which he has been hired or engaged to protect, guard, or watch.

(d) An insurance adjuster within the meaning of this chapter is a person other than a private investigator who, for any consideration whatsoever, engages in any of the activities enumerated in subdivision (a) in the course of adjusting or

otherwise participating in the disposal of, any claim under or in connection with a policy of insurance.

(e) A repossessor within the meaning of this chapter is a person who, for any consideration whatsoever, engages in business or accepts employment to locate or recover personal property, including but not limited to personal property registered under the provisions of the Vehicle Code, which has been sold under a conditional sales agreement or which is subject to a chattel mortgage. A licensee under this chapter shall not engage in business or accept employment to collect claims owed or due or asserted to be owed or due to another unless the licensee has complied with the provisions of Chapter 8 (commencing at Section 6850) of Division 3 in addition to complying with the provisions of this chapter.

SEC. 5. Section 7522 of said code is amended to read:

Exceptions

7522. This chapter does not apply to:

(a) A person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship.

(b) An officer or employee of the United States of America, or of this State or a political subdivision thereof, while such officer or employee is engaged in the performance of his official duties.

(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

(e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 21 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his duties as such attorney at law.

(g) A licensed collection agency or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.

(h) Admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

(i) The legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage.

(j) Any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

SEC. 6. Section 7523.1 is added to said code, to read:

Local regulations

7523.1. The provisions of this chapter shall not prevent the local authorities of any city, county, or city and county, by ordinance and within the exercise of the police power of such city, county, or city and county from imposing local regulations upon any person engaged in the business or accepting employment for the location or recovery of personal property sold under conditional sales agreements or which is subject to the terms of a chattel mortgage, including personal property licensed under the provisions of the Vehicle Code. Licensing or registration of persons engaged in such business or of their employees may be required with an agency designated by the city, county, or city and county. Any city, county, or city and county may refuse such license or registration to any person of bad moral character and may impose such reasonable additional requirements as are necessary to meet local needs and are not inconsistent with the provisions of this chapter.

SEC. 7. Section 7525 of said code is amended to read:

Application

7525. An application shall be verified and shall include:

(a) The full name and business address of the applicant.

(b) The name under which applicant intends to do business.

(c) A statement as to the general nature of the business in which the applicant intends to engage.

(d) A statement as to the classification or classifications under which the applicant desires to be qualified.

(e) If the applicant is a person other than an individual, the full name and residence address of each of its partners, officers, and directors, and its manager.

(f) Two recent photographs of the applicant, of a type prescribed by the director, and two classifiable sets of his fingerprints.

(g) A verified statement of his experience qualifications.

(h) Such other information, evidence, statements, or documents as may be required by the director.

SEC. 8. Section 7526 of said code is amended to read:

Qualifications for receipt of license

7526. Before an application for a license is granted, the applicant or his manager, shall meet all of the following:

(a) Be at least twenty-one (21) years of age.

(b) Be a citizen of the United States.

(c) Be of good moral character and temperate habits.

(d) Comply with such other qualifications as the director may fix by rule.

SEC. 9. Section 7526.1 is added to said code, to read:

Private investigator

7526.1. An applicant, or his manager, for a license as a private investigator shall have had at least two years' ex-

perience in investigation work or the equivalent thereof as determined by the director.

SEC. 10. Section 7526.2 is added to said code, to read:

Insurance adjuster

7526.2. An applicant, or his manager, for a license as an insurance adjuster shall have had at least two years of experience in adjusting insurance claims or the equivalent thereof as determined by the director.

SEC. 11. Section 7526.3 is added to said code, to read:

Private patrol operator

7526.3. An applicant, or his manager, for a license as a private patrol operator shall have had at least one year of experience as a patrolman, guard or watchman, or the equivalent thereof as determined by the director.

SEC. 12. Section 7526.4 is added to said code, to read:

Repossessor

7526.4. An applicant, or his manager, for a license as a repossessor shall have had at least one year of experience in private investigation or collection agency work or one year of experience in recovering personal property sold under a conditional sales agreement or under the terms of a chattel mortgage or the equivalent thereof as determined by the director.

SEC. 13. Section 7528 of said code is amended to read:

Denial of license

7528. After a hearing the director may deny a license unless the applicant makes a showing satisfactory to the director that the applicant, if an individual, has not, or if the applicant is a person other than an individual, that its manager and each of its officers, directors and partners have not:

(a) Committed any act, which, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.

(b) Committed any act constituting dishonesty or fraud.

(c) A bad moral character, intemperate habits, or a bad reputation for truth, honesty, and integrity.

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Been refused a license under this chapter or had a license revoked.

(f) Been an officer, director, partner, or manager of any person who has been refused a license under this chapter or whose license has been revoked.

(g) While unlicensed committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(h) Knowingly made any false statement in his application.

SEC. 14. Section 7533 of said code is amended to read:

Pocket card

7533. Upon the issuance of a license, a pocket card of such size, design, and content as may be determined by the director shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his position, office or association with the licensee,

the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the bureau for cancellation.

SEC. 15. Section 7534 of said code is amended to read:

Change of address, etc.

7534. A licensee shall, within 30 days after such change, notify the bureau of any and all changes of his address, of the name under which he does business, and of any change in its officers or partners.

Applications, on forms prescribed by the director, shall be submitted by all new officers or partners. The director may suspend or revoke a license issued under this chapter if he determines that at the time the person became an officer or partner of a licensee, any of the facts stated in Section 7528 existed as to such person.

Repealed

SEC. 16. Section 7536 of said code is repealed.

SEC. 17. Section 7536 is added to said code, to read:

Good conduct

7536. A licensee shall at all times be legally responsible for the good conduct in the business of each employee, including his manager.

SEC. 18. Section 7538 of said code is amended to read:

Restrictions

7538. (a) Any licensee or officer, director, partner, or manager of a licensee may divulge to any law enforcement officer or district attorney, or his representative, any information he may acquire as to any criminal offense, but he shall not divulge to any other person, except as he may be required by law so to do, any information acquired by him except at the direction of the employer or client for whom the information was obtained.

(b) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report to his employer or client for whom information was being obtained.

(c) No written report shall be submitted to a client except by the licensee, qualifying manager, or a person authorized by one or either of them, and such person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such a report are true and correct.

(d) No licensee, or officer, director, partner, manager, or employee of private investigator, insurance adjuster, and repossessor licensees, shall use a badge in connection with the official activities of the licensee's business.

(e) No licensee, or officer, director, partner, manager, or employee of a licensee, shall use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he is connected in any way with the Federal Government, a state government, or any political subdivision of a state government

(f) No licensee, or officer, director, partner, manager, or employee of a repossessor licensee, shall use an alias in connection with the official activities of the licensee's business.

(g) No licensee, or officer, director, partner, manager, or employee of a licensee, shall enter any private building or por-

tion thereof without the consent of the owner or of the person in legal possession thereof.

(h) No private patrol licensee, or officer, director, partner, manager, or employee of a private patrol licensee shall use a badge, except while engaged in guard or patrol work and while wearing a uniform.

(i) No licensee shall appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien.

SEC. 19. Section 7538.1 is added to said code, to read:

Repossessors Prohibited conduct

7538.1. Persons licensed as repossessors shall be prohibited from:

(a) Recovering personal property, including personal property registered under the Vehicle Code, which has been sold under a conditional sales agreement or under the terms of a chattel mortgage before a signed or telegraphic authorization has been received from the legal owner of such personal property or from the mortgagee when such personal property is subject to the terms of a chattel mortgage.

(b) Soliciting from the legal owner the recovery of specific personal property registered under the Vehicle Code or under the motor vehicle licensing laws of other states after such property has been seen or located on a public street or on public or private property.

(c) Charging for expenses not actually incurred in connection with the recovery, transportation, and storage of personal property.

(d) Using personal property, which has been recovered, for the personal benefit of a licensee, or officer, director, partner, manager, or employee of a licensee.

(e) Selling personal property recovered under the provisions of this chapter, except at public auction with written authorization from the legal owner or the mortgagee thereof.

SEC. 20. Section 7538.2 is added to said code, to read:

Inventory

7538.2. If personal effects or other personal property, not covered by a conditional sales agreement or by a chattel mortgage, are contained in or on personal property, at the time it is recovered, a complete and accurate inventory shall be made of such personal effects or other personal property. The date and time the inventory is made shall be indicated and it shall be signed by the person or persons who recovered the personal property on behalf of the legal owner or mortgagee. The inventory shall be filed in the permanent records of the licensee and shall be made available to the director or his representatives upon demand during normal business hours. Falsification or alteration of an inventory shall be grounds for suspension or revocation of a license.

SEC. 21. Section 7540 of said code is amended to read:

Fictitious names

7540. No licensee shall conduct a business under a fictitious name unless and until he has obtained the written authorization of the bureau so to do.

The bureau shall not authorize the use of a fictitious name which is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled thereby.

The authorization shall require, as a condition precedent to the use of such name, the filing of a certificate of doing business under a fictitious name with the county clerk of the county where the licensee's principal place of business is located, in the manner provided in Chapter 2 of Title 10 of Part 4 of Division 3 of the Civil Code.

A licensee desiring to conduct his business under more than one fictitious name shall obtain the authorization of the bureau in the manner prescribed in this section for the use of each such name.

The licensee shall pay a fee of ten dollars ($10) for each authorization to use an additional fictitious name and for each change in the use of a fictitious name. If the original license is issued in a nonfictitious name and authorization is requested to have the license reissued in a fictitious name the licensee shall pay a fee of ten dollars ($10) for such authorization.

SEC. 22. Article 3.5 (commencing at Section 7544) is added to Chapter 11 of Division 3 of said code, to read:

Article 3.5. Registration of Employees of Private Investigators, Insurance Adjusters, and Repossessors

"Licensee"

7544. As used in this article, "licensee" means a private investigator, an insurance adjuster, or a repossessor, licensed under this chapter.

Registration

7544.10. Except as otherwise provided in this article, every employee of a licensee shall be registered with the director in the manner prescribed by this article.

Application for registration

7544.11. Every person in the employ of a licensee on the effective date of this article shall file with the director an application for registration within 14 days after such effective date.

Same

7544.12. Every person entering the employ of a licensee after the effective date of this article shall file with the director an application for registration within 14 days after the commencement of such employment.

Same

7544.13. The application for registration under this article shall be on a form prescribed by the director and shall be accompanied by the fee provided for in this article.

Same Contents

7544.14. The application shall be verified and shall include:

(a) The full name, residence address, residence telephone number, date and place of birth, and the social security number of the employee.

(b) A statement listing any and all names used by the employee, other than the name by which he is currently known, together with an explanation setting forth the place or places where each such name was used, the date or dates of each use

and a full explanation of the reasons why each such name was used. If the employee has never used a name other than that by which he is currently known, this fact shall be set forth in the statement.

(c) The name and address of the employer and the date the employment commenced.

(d) The title of the position occupied by the employee and a description of his duties.

(e) Two recent photographs of the employee, of a type prescribed by the director, and two classifiable sets of his fingerprints.

(f) Such other information, evidence, statements, or documents as may be required by the director.

Managers

7544.15. Managers who comply with the provisions of this chapter shall not be required to register under this article.

Clerical personnel, etc.

7544.16. Employees of a licensee who are engaged exclusively in stenographic, typing, filing, clerical, or other activities which do not constitute the work of a private investigator, insurance adjuster, or repossessor as described in subdivisions (a), (d), and (e), respectively, of Section 7521 shall not be required to register under this article.

Nonresident insurance adjusters

7544.17. No registration under this article shall be required with respect to any nonresident insurance adjuster who is licensed or permitted to act as such in the state of his domicile, and who is employed by a licensee for the purpose of investigating or adjusting a particular loss under an insurance policy or a series of losses resulting from an emergency or catastrophe common to all such losses. In no event, however, shall nonresident adjusters perform such duties in this State for a period of more than 90 days unless they are registered under this article.

Notification of employment

7544.18. A licensee who contemplates the employment of nonresident insurance adjusters for the purpose of investigating or adjusting catastrophe losses as described in Section 7544.17 shall notify the director of this fact and shall supply the director with all available facts regarding the emergency or catastrophe. Said notification shall be submitted to the director within 24 hours after it is known that nonresident adjusters will be used for investigating and adjusting such losses. The director may prohibit or restrict such employment if he finds that an emergency or catastrophe does not, in fact, exist.

Report

7544.19. Within 10 days of his employment of nonresident adjusters the licensee shall advise the director in writing of the name and home address of each such adjuster, and shall furnish any additional information concerning the individual that the director may require.

Persons in undercover work

7544.20. A licensee may use the services of persons to perform undercover work without such persons having to comply with the provisions of this article if such persons are employed for not more than 30 days at any one time. If the employment is to be for periods longer than 30 days at any one time per-

mission shall be secured from the director under the provisions of the rules and regulations established by him. Records regarding the employment of persons to perform undercover work shall not be considered as public records.

Refusal, etc., of registration

7544.21. After a hearing the director may refuse to register any employee, or may suspend or revoke a previous registration, if the individual has committed any act which, if committed by a licensee, would be grounds for refusing to issue a license, or for the suspension or revocation of a license under this chapter.

Pocket card

7544.22. Upon the completion of registration the director shall issue to the registered employee a suitable pocket card. The exhibition of this card to a licensee shall be considered as prima facie evidence that the person is registered by the Department of Professional and Vocational Standards.

Records

7544.23. The department shall keep current and accurate records of all employees and nonresident adjusters registered under this article.

Changes in employment

7544.24. Each person registered under this article shall notify the director in writing within 30 days of each change in employment by licensees. If such person ceases to be employed by a licensee he shall notify the director in writing within 30 days and shall surrender the registration card to the director. If at some subsequent time such person is again employed by a licensee he shall apply for a reissuance of a registration card. Such application shall be on a form prescribed by the director and shall be accompanied by the reregistration fee required by this article. Each employee while registered shall notify the director in writing within 30 days after any change in his residence address.

Provisions applicable

7544.25. Except as otherwise required to comply with the provisions of Article 5.5 (commencing at Section 7555) of Chapter 11 of Division 3, the proceedings under this article shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1, of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Fees

7544.26. The registration fee required by this article shall be fixed by the director at not more than ten dollars ($10) nor less than three dollars ($3). The reregistration fee required by this article shall be one dollar ($1).

SEC. 23. Section 7551 of said code is amended to read:

Suspension or revocation of license

7551. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license.

(b) Violated any provisions of this chapter.

(c) Violated any rule of the director adopted pursuant to the authority contained in this chapter.

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

(f) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of such license has committed, or permitted any employee to commit, any act which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(g) Willfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

(h) Committed assault, battery, or kidnapping, or used force or violence on any person, without proper justification.

(i) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.

(j) Acted as a runner or capper for any attorney.

(k) Been convicted of a violation of Section 148 of the Penal Code.

(*l*) Committed any act which is a ground for denial of an application for license under this chapter.

SEC. 24. Section 7552 of said code is repealed. **Repeal**

SEC. 25. Section 7553 of said code is amended to read:

Suspension or revocation of license

7553. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, partners, or its manager, knowingly employed, or has in his employment, any person who:

(a) Has failed to comply with the provisions of Article 3.5 (commencing at Section 7544) of Chapter 11 of Division 3.

(b) Has had a registration suspended or revoked under the provisions of Article 3.5 (commencing at Section 7544) of Chapter 11 of Division 3.

SEC. 26. Section 7553.1 of said code is amended to read:

Same

7553.1. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Used any letterhead, advertisement or other printed matter, or in any manner whatever represented that he is an

instrumentality of the Federal Government, a state or any political subdivision thereof.

(b) Used a name different from that under which he is currently licensed in any advertisement, solicitation, or contract for business.

SEC 27. Section 7560 of said code is amended to read:

Felony, misdemeanor

7560. Any person who knowingly falsifies the fingerprints or photographs submitted under subdivision (f) of Section 7525 or under Section 7544.14 is guilty of a felony. Any person who violates any of the other provisions of this chapter is guilty of a misdemeanor punishable by fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

SEC. 28. Section 7580 of said code is amended to read:

Fees

7580. The amount of fees prescribed by this chapter, unless otherwise fixed, is that fixed in the following schedule:

(a) The application fee for an original license in any classification is twenty-five dollars ($25).

(b) The fee for an original license as a private investigator, or as a private investigator and private patrol operator shall be fixed by the director at not more than fifty dollars ($50) nor less than ten dollars ($10).

(c) The fee for an original license as a private patrol operator shall be fixed by the director at not more than twenty-five dollars ($25) nor less than five dollars ($5).

(d) The amount of the renewal license fee for any classification is the same as fixed herein for the original license fee.

(e) The application and license fee for classifications prescribed by the director, in addition to those provided for in this chapter, and the application and license fees for a change in the type of business organization of a licensee, shall be in the amount prescribed by rule and regulation of the director.

(f) The reinstatement fee for a license which has been forfeited for failure to renew within the time fixed by this chapter is the amount of the annual license fee plus a penalty of fifty percent (50%) thereof.

(g) The fee for an original license as an insurance adjuster shall be the same as prescribed in subdivision (b) of this section.

(h) The fee for an original license as a repossessor shall be fixed by the director at not more than fifty dollars ($50) nor less than ten dollars ($10).

(i) The fee for the issuance of a branch office certificate is five dollars ($5).

(j) The fee for re-examination of an applicant or his manager is ten dollars ($10).

CHAPTER 2159

An act to amend Sections 6850, 6851, 6852, 6857, 6870, 6875, 6877, 6880, 6881, 6885, 6886, 6887, 6888, 6889, 6890, 6891, 6892, 6895, 6900, 6901, 6902, 6905, 6906, 6907, 6909, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6921, 6922, 6923, 6925, 6930, 6931, 6947, 6948, 6949, 6950, 6951, 6955, and 6956 of, and to amend and renumber Sections 6863, 6866, and 6867 of, and to add Sections 6854, 6854.5, 6855, 6860, 6861, 6865, 6865.5, 6866, 6866.5, 6867, 6867.5, 6868, 6868.5, 6876, 6876.1, 6876.2, 6878, 6878.1, 6886.1, 6906.1, 6916.1, 6925.1, 6947.1, 6949.1, and 6949.2 to, and Articles 5.5 (commencing at Section 6894) and 6.5 (commencing at Section 6904) to Chapter 8 of Division 3 of, and to repeal Sections 6854, 6855, 6860, 6861, 6862, 6864, 6864.5, 6865, 6872, 6876, 6878, 6879, 6926, 6945, and 6946 of, the Business and Professions Code, relating to collection agencies.

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6850 of the Business and Professions Code is amended to read:

6850. This chapter of the Business and Professions Code constitutes the chapter on collection agencies. It may be cited as the "Collection Agency Act."

Short title

The following terms as used in this chapter have the meaning expressed in this article.

SEC. 1.5. Section 6851 of said code is amended to read:

6851. (a) "Person" includes firm, partnership, association or corporation.

Definitions

(b) "Department" means the Department of Professional and Vocational Standards.

(c) "Director" means the Director of Professional and Vocational Standards.

(d) "Bureau" means the Collection Agency Licensing Bureau.

(e) "Chief" means the Chief of the Collection Agency Licensing Bureau.

(f) "Board" means the Advisory Board, Collection Agency Licensing Bureau.

(g) "Manager" means a qualified person.

SEC. 2. Section 6852 of said code is amended to read:

6852. "Collection agency" means and includes all persons engaging, directly or indirectly and as a primary or secondary object, business, or pursuit, in soliciting claims for collection or in the collection of claims owed or due or asserted to be owed or due to another.

"Collection agency"

SEC. 3. Section 6854 of said code is repealed.

Repeal

SEC. 4. Section 6854 is added to said code, to read:

"Collection agency"

6854. "Collection agency" does not include any of the following unless they are conducting collection agencies:

(a) Members of the State Bar of California.

(b) Persons collecting accounts for not more than one employer if all collection efforts are carried on in the name of the employer and if an employer-employee relationship exists.

(c) Common carriers.

(d) Duly licensed real estate brokers or agents doing a real estate business.

(e) Merchant-owned nonprofit credit associations.

(f) Duly licensed personal property brokers while making collections for another person of common ownership or affiliated through corporate control.

(g) Any savings and loan association subject to the jurisdiction of the Savings and Loan Commissioner of the State of California or the Federal Home Loan Bank Board.

(h) Any industrial loan company subject to the jurisdiction of the Corporation Commissioner of the State of California.

(i) Any title insurance company, or underwritten title company as defined in Section 12402 of the Insurance Code.

"Collection agency" does not include any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

SEC. 4.5. Section 6854.5 is added to said code, to read:

Exemptions

6854 5. Nothing contained in this chapter shall apply to any officer or director of a merchant-owned credit association or a member-owned nonprofit corporation who does not act in a managerial capacity and who receives no compensation for his services as such officer or director in excess of fifty dollars ($50) per month.

Repeal

SEC. 5. Section 6855 of said code is repealed.

SEC. 6. Section 6855 is added to said code, to read:

"Claim"

6855. "Claim" means any obligation arising out of a contract, express or implied, for the payment of money.

SEC. 6.5. Section 6857 of said code is amended to read:

"Unincorporated associations"

6857. "Unincorporated association" means an unincorporated group of persons organized primarily for the collection of claims of its own members

Repeal

SEC. 7. Section 6860 of said code is repealed.

SEC. 8. Section 6860 is added to said code, to read:

Collection Agency Licensing Bureau

6860. There is in the Department of Professional and Vocational Standards a Collection Agency Licensing Bureau under the supervision and control of the director. The director shall administer and enforce the provisions of this chapter.

The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director.

Before a chief is appointed the Governor shall give due consideration to any person or persons recommended by the board.

SEC. 9. Section 6861 of said code is repealed. Repeal

SEC. 10 Section 6861 is added to said code, to read:

6861. The director, in accordance with the State Civil Service Act, may appoint and fix the compensation of such clerical, inspection, investigation, and auditing personnel, as well as an assistant chief, as may be necessary to carry out the provisions of this chapter. All such personnel shall perform their respective duties under the supervision and direction of the chief. Personnel

All personnel shall be paid for services rendered from the Collection Agency Fund.

SEC. 11. Section 6862 of said code is repealed. Repeal

SEC. 11.5. Section 6863 of said code is amended and renumbered to read:

6862. The chief shall gather evidence of violations of this chapter and of any rule or regulation established hereunder by persons engaged in business as collection agencies who fail to obtain licenses and shall gather evidence of violations and furnish the same to prosecuting officers of any county or city for the purpose of prosecuting all violations occurring within their jurisdiction. Powers and duties of chief

The chief, for the purpose of gathering evidence of violations of law or of this chapter or of any rule or regulation established hereunder, shall investigate the business and examine the books, accounts, records and files used therein by the licensee and for such purpose the chief shall have free access to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all licensees.

The chief, with the approval of the director, may require the attendance of witnesses and examine under oath all persons whose testimony he requires relative to the affairs of a licensee or to the subject matter of any examination, investigation, or hearing.

SEC. 12. Section 6864 of said code is repealed. Repeal

SEC. 12.1. Section 6864.5 of said code is repealed. Same

SEC. 12 2. Section 6865 of said code is repealed. Same

SEC. 13. Section 6866 of said code is amended and renumbered to read:

6863. The director may establish and enforce such rules and regulations as may be reasonable or necessary for the examination and licensing of applicants, for the conduct of licensees and for the general enforcement of the various provisions of this chapter in the protection of the public. The director shall distribute to each licensee and each applicant for a license copies of this chapter and of such rules and regulations. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act. Rules and regulations

The willful violation of any rules and regulations established for the conduct of licensees is sufficient ground for revocation of the license of a licensee, or other disciplinary action.

SEC. 14. Section 6867 of said code is amended and renumbered to read:

Records and seal

6864 The director shall keep in his office in a suitable record provided for the purpose all applications for licenses, accompanying certificates, statements and documents and all bonds required to be filed under this chapter. The record shall state whether or not a license has been issued under the application and bond, and if revoked the date of filing the order of revocation, and if reinstated the date of filing the order of reinstatement. The director shall keep a list of all persons, whose licenses have been revoked. In the record all licenses issued shall be indicated by their serial numbers as well as by the name and address of the licensee. The record shall be open for inspection as a public record in the office of the director.

The director shall adopt a seal for his own use. The seal shall have the words "Collection Agency Licensing Bureau, State of California" thereon. The care and custody of the seal shall be in the office of the director.

SEC. 15. Section 6865 is added to said code, to read:

Advisory Board of Collection Agencies

6865. There is in the Collection Agency Licensing Bureau a California Advisory Board of Collection Agencies, which consists of five members appointed by the Governor.

SEC. 16. Section 6865.5 is added to said code, to read:

Members Qualifications

6865.5. Each member of the board shall have been actively engaged in business as a licensed collector or manager of a licensed collection agency in this State for a minimum period of five consecutive years immediately preceding his appointment and shall continue in good standing in such capacity during his term of office.

SEC. 17. Section 6866 is added to said code, to read:

Terms of office

6866. Each member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor.

The terms of the members first appointed shall expire as follows: one member, June 30, 1960; one member, June 30, 1961; one member, June 30, 1962; and two members, June 30, 1963.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

No members shall serve more than two terms of office.

SEC. 18. Section 6866.5 is added to said code, to read:

Removal

6866.5. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

SEC. 19. Section 6867 is added to said code, to read:

Meetings

6867. The board shall meet in January, April, July, and October of each year, and at such other times as it may determine. All meetings of the board shall be open and public.

Three members shall constitute a quorum for the transaction of business.

The board shall elect from its members, each for a term of one year, a chairman and a vice chairman, and may appoint such committees as it deems necessary to carry out its duties.

SEC. 20. Section 6867.5 is added to said code, to read:

Secretary

6867.5. The chief shall serve ex officio as the secretary of the board, but shall not be a member of the board.

SEC. 21. Section 6868 is added to said code, to read:

Compensation

6868. Each member of the board shall serve without compensation except that he shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties.

SEC. 22. Section 6868.5 is added to said code, to read:

6868.5. The board shall:

Powers and duties of board

(a) Inquire into the needs of the collection agency business, the functions of the bureau and the matter of the policy thereof, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the State, the welfare of the public, and the welfare and progress of the collection agency business.

(b) Confer and advise with the director as to how the bureau may best serve the State, the public, and the collection agency business.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of rules and regulations which the director has adopted as, after consideration, may be deemed important and necessary.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Confer and advise with the director and the chief in the preparation of any rules and regulations to be adopted, amended or repealed.

(f) Assist the director and the chief in the collection of such necessary information and data as the director or the chief may deem necessary to the proper administration of this chapter.

SEC. 23. Section 6870 of said code is amended to read:

Prohibition

6870. No person shall conduct within this State a collection agency or engage within the State in the business of collecting claims for others, as defined in Section 6855, or of soliciting the right to collect or receive payment for any other person of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another person without having first applied for and obtained a license.

SEC. 24. Section 6872 of said code is repealed.

Repeal

SEC. 25. Section 6875 of said code is amended to read:

License application

6875. Application for a license shall be made in writing to, and filed with, the director in such form as may be required by the director. In addition to the information or documents required by this chapter, the director may require the

submission of any other information, evidence, statements, or documents.

Subject to the provisions of this chapter, any application for a license may be made by any qualified person.

Every application for a license shall state, among other things that may be required, the name of the applicant with the name under which the applicant will do business, and the location by street and number, city and state of the office of the business for which the license is sought.

No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state, county, or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing licensee as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading. The foregoing shall not necessarily preclude the use of a name which may be followed by a geographically descriptive title which would distinguish it from a similar name licensed but operating in a different geographical area.

Repeal

SEC. 26. Section 6876 of said code is repealed.

SEC. 27. Section 6876 is added to said code, to read:

Identification cards

6876. Each individual applicant for examination and each manager, partner of a partnership and officer of a corporation, or unincorporated association, shall submit with the application two personal identification cards provided by the director upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints and personal description of each such person respectively.

Each individual licensee and each manager, partner of a partnership and officer of a corporation, or unincorporated association, licensed at the effective date of this chapter shall comply with the provisions of this section within 90 days after the effective date of this chapter.

Any person who knowingly falsifies the fingerprints or photographs submitted under this section is guilty of a felony.

SEC. 28. Section 6876.1 is added to said code, to read:

Fitness of employees

6876.1. The director may receive from the State Bureau of Criminal Identification and Investigation information relative to the fitness of employees of collection agencies, other than clerical or secretarial employees, or of managers, owners, partners, and officers of collection agencies licensed at the effective date of this chapter or of any collection agency applying for licensure. Such information shall not be considered a public record.

SEC. 29. Section 6876 2 is added to said code, to read:

Application requirements Individual

6876 2. If the applicant for license is an individual the application shall state the full residence address of the applicant and that the applicant is to be personally and actively in charge of the business for which the license is sought, or if any

other qualified person is to be actively in charge of such business, the application shall so state and set forth the name of such person.

The application shall also state whether the applicant has ever used an alias and whether the applicant has ever been adjudged a bankrupt or made an assignment for the benefit of his creditors.

The application shall be subscribed and verified by the applicant and if any other person is to be actively in charge of such business the application shall also be subscribed and verified by such person.

SEC. 30. Section 6877 of said code is amended to read:

Copartners

6877. If the applicants for license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought; or if a qualified person other than a partner is to be actively in charge of the business then the application shall state the name and address of such person.

The application shall be subscribed and verified by all of the partners and if any other person is to be actively in charge of the business the application shall also be subscribed and verified by such person. The application shall also state whether any of the partners has ever used an alias and whether any of the partners has ever been adjudged a bankrupt or made an assignment for the benefit of his creditors.

Repeal

SEC. 31. Section 6878 of said code is repealed.

SEC. 32. Section 6878 is added to said code, to read:

Corporation applicant

6878. If the applicant for license is a corporation, the application shall state the true names and complete residence addresses of all directors and officers, the true names and complete residence addresses of all stockholders and the number of shares of each and of all classes held by each and the total number of shares of each class issued and outstanding; and if the applicant for license is a nonstock corporation or an unincorporated association, the true names and complete residence addresses of all officers, directors and trustees. However, if a corporation or unincorporated association has 25 or more shareholders or members then the application need list only the names and addresses and shareholdings of those shareholders owning 10 percent or more of the outstanding shares. The application shall also state the name and address of the person to be actively in charge of the business for which the license is sought.

The application shall be subscribed and verified by a duly authorized officer of the applicant and by the qualified manager thereof, and shall be accompanied by a duly certified copy of that portion of the minutes of the meeting of the applicant at which such qualified manager was appointed by the applicant. The application shall also state whether any of the directors, officers, stockholders, members, or trustees named therein has ever used an alias and whether any of them has ever been

adjudged a bankrupt or made an assignment for the benefit of his creditors.

SEC. 33. Section 6878.1 is added to said code, to read:

Change of partners or officers

6878.1. If there is a change in the partners or officers of a collection agency notification shall be given to the director within 30 days thereof and each new partner or officer shall submit an application to the director within such time on forms prescribed by the director. Such application may be denied upon any of the grounds for which an original license application may be denied. Each new partner or officer shall comply with all the requirements set forth in this chapter for a partner or officer on an original license application.

Repeal

SEC. 34. Section 6879 of said code is repealed.

SEC. 35. Section 6880 of said code is amended to read:

Financial statement

6880. The application shall include a financial statement of the applicant, showing the assets and liabilities of the applicant and truly reflecting that the applicant's net worth is not less than the sum of five thousand dollars ($5,000), in cash or its equivalent, of which, however, not less than three thousand five hundred dollars ($3,500) shall be deposited in a bank, available for the use of licensee's business. The financial statement shall be sworn to by the applicant, if the applicant is an individual, or by a partner, officer, or manager in its behalf, if the applicant is a partnership, corporation or unincorporated association. The information contained in the financial statement shall be confidential and not a public record, but is admissible in evidence at any hearing held, or in any action instituted in a court of competent jurisdiction, pursuant to the provisions of this chapter.

SEC. 35.5. Section 6881 of said code is amended to read:

Examination

6881. All applicants shall be examined concerning their competency, experience, character and qualifications by the director; and the director or the chief may take testimony of anyone in regard thereto under oath, which each may administer.

SEC. 36. Section 6885 of said code is amended to read:

Approval

6885. No application for license shall be approved by the director unless the applicant has met the requirements of this article in addition to all other requirements of this chapter and any rules and regulations established under the chapter, except that the examination requirements shall be waived if the business for which any license is sought is to be under the active management of a person who has been actively and continuously engaged in the general collection agency business as an individual licensee, or as an active member of a licensed copartnership from May 1, 1941, to within 60 days of the date of application to the director, or under the active management of a qualified person.

Active service in the United States military or Armed Forces shall not be deemed to constitute absence from business within the meaning of this section if the business be actually and

actively resumed within six months after discharge from such service.

SEC. 37. Section 6886 of said code is amended to read:

6886. Except as in this chapter otherwise provided, the person to be actively in charge of a collection agency or office as manager shall: Managers

(a) Be a citizen of the United States.

(b) Be at least 21 years of age.

(c) Be of good moral character.

(d) Have been a bona fide resident of this State continuously for at least two years next preceding the date of the filing of the application.

(e) Pass the examination required.

(f) Pay the examination fee to the director.

SEC. 38. Section 6886.1 is added to said code, to read:

6886.1. Establishment of any of the following shall be prima facie evidence of lack of good moral character: Lack of good moral character

(a) That the applicant, or any officer, director, partner, associate, or trustee of which has committed or done any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of a license.

(b) That the applicant, or any officer, director, partner, associate, or trustee of which has committed or done any act involving dishonesty, fraud, or deceit whereby the applicant has been benefited or where some injury has been sustained by another.

(c) That the applicant, or any officer, director, partner, associate, or trustee of which has entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude arising out of, or in connection with, or related to the activities of such person in such a manner as to demonstrate his unfitness to be or become a licensee, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

SEC. 39. Section 6887 of said code is amended to read:

6887. The director may fix and determine by rule and regulation the qualifications of applicants. Rules and regulations

The rules and regulations shall require, among other things, that the educational qualifications of applicants shall be at least graduation from a four-year high school, or proof satisfactory to the director that applicants are possessed of the equivalent to a four-year high school education in point of intellectual competency and achievement.

SEC. 40. Section 6888 of said code is amended to read:

Examinations Time and notice

6888. Examinations shall be held at least every six months, at such times and places as the director directs and according to the rules and regulations established by him.

Notice of the examination shall be published at least one month prior to the date of each examination in two or more newspapers of general circulation and in one publication circulated among collection agencies. The newspapers and publication shall be selected by the director from newspapers or publications published within this State.

SEC. 41. Section 6889 of said code is amended to read:

Nature of examination

6889 Examinations shall be practical in character and of such length, scope and character as the director deems necessary to determine the fitness of applicants to engage in the general collection agency business. Both questions and answers shall be in the English language.

SEC. 42. Section 6890 of said code is amended to read:

Examination material

6890. The director shall prepare or cause to be prepared, all examination material.

The number and character of questions, examination procedure, method of grading, general average required to be obtained by successful applicants, and other details of the examinations not expressly covered by this chapter shall be determined by the director or by rules and regulations established by the director.

SEC. 43. Section 6891 of said code is amended to read:

Examination papers

6891. The examination papers of any person shall be kept for the period of one year and may then be destroyed.

The examination papers shall be open to inspection during the one-year period only by the director, the chief, their clerical assistants, and by the applicant or by someone appointed by the latter to inspect them, or by a court of competent jurisdiction in a proceeding where the contents of the papers are properly involved.

SEC. 44. Section 6892 of said code is amended to read:

Retention of records

6892. Except as in this chapter otherwise provided, the director shall keep the files and records of a licensee for a period of four years after the licensee's license has been terminated and may thereafter destroy such files and records.

SEC. 45. Article 5.5 (commencing at Section 6894) is added to Chapter 8 of Division 3 of said code, to read:

Article 5.5. Registration of Employees of Collection Agencies

Registration of employees

6894. Except as otherwise provided in this article, every employee of a licensee shall be registered with the director in the manner prescribed by this article.

Application

6894.1. Every person in the employ of a licensee on the effective date of this article shall file with the director an application for registration within 14 days after such effective date.

6894.2. Every person entering the employ of a licensee after the effective date of this article shall file with the director an application for registration within 14 days after the commencement of such employment. Same

6894.3. The application for registration under this article shall be on a form prescribed by the director and shall be accompanied by the fee provided for in this article. Same

6894.4. The application shall be verified and shall include: Same Contents

(a) The full name, residence address, residence telephone number, date and place of birth, and the social security number of the employee.

(b) A statement listing any and all names used by the employee, other than his true name, together with an explanation setting forth the place or places where each such name was used, the date or dates of each use and a full explanation of the reasons why each such name was used. If the employee has never used a name other than his true name, this fact shall be set forth in the statement.

(c) The name and address of the employer and the date the employment commenced.

(d) The title of the position occupied by the employee and a description of his duties.

(e) Two recent photographs of the employee, of a type prescribed by the director, and two classifiable sets of his fingerprints.

(f) Such other information, evidence, statements, or documents as may be required by the director.

6894.5. Managers who comply with the provisions of this chapter shall not be required to register under this article. Managers

6894.6. Employees of a licensee who are engaged exclusively in stenographic, typing, filing or other clerical activities shall not be required to register under this article. Clerical personnel, etc.

6894.7. After a hearing the director may refuse to register an employee, or may suspend or revoke a previous registration, if the individual has: Refusal, etc., of registration

(a) Committed any act which, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.

(b) Committed any act constituting dishonesty or fraud.

(c) A bad moral character, intemperate habits, or a bad reputation for truth, honesty and integrity.

(d) Been convicted of a felony or any offense involving moral turpitude, or of illegally using, carrying, or possessing a dangerous weapon.

(e) Been refused a license under this chapter or had a license revoked.

(f) Been an officer, director, partner or manager of any person who has been refused a license under this chapter or whose license has been revoked.

(g) While unregistered, committed, or aided and abetted the commission of, any act for which registration is required under this article.

(h) Knowingly falsified any of the information submitted to the director under Section 6894.4.

(i) Impersonated, or permitted or aided and abetted another to impersonate, a law enforcement officer or employee of the United States, a state, or any political subdivision thereof.

(j) Used a badge in connection with his employment, or made any statement in connection with his employment, with the intent to give an impression that he was a law enforcement officer of the United States, a state, or any political subdivision thereof, or used, with intent to deceive the public, any uniform or insignia in connection with his employment likely to be confused with that of any law enforcement officer of the United States, a state, or any political subdivision thereof.

Pocket cards

6894.8. Upon the completion of registration the director shall issue to the registered employee a suitable pocket card. The exhibition of this card to a licensee shall be considered as prima facie evidence that the person is registered by the Department of Professional and Vocational Standards.

Records

6894.9. The department shall keep current and accurate records of all employees registered under this article.

Changes in employment

6894.10. Each person registered under this article shall notify the director in writing within 30 days of each change in employment by licensees. If such person ceases to be employed by a licensee he shall notify the director in writing within 30 days and shall surrender the registration card to the director. If at some subsequent time such person is again employed by a licensee he shall apply for a reissuance of a registration card. Such application shall be on a form prescribed by the director and shall be accompanied by the reregistration fee required by this article. Each employee while registered shall notify the director in writing within 30 days after any change in his residence address.

Provisions applicable

6894.11. Except as otherwise required to comply with the provisions of Article 5.5 (commencing at Section 7555) of Chapter 11 of Division 3, the proceedings under this article shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1, of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

Fee

6894.12. The registration fee required by this article shall be fixed by the director at not more than ten dollars ($10) nor less than three dollars ($3). The reregistration fee required by this article shall be one dollar ($1).

Felony

6894.13. Any employee who knowingly falsifies the fingerprints or photograph submitted under Section 6894.4 is guilty of a felony.

SEC. 46. Section 6895 of said code is amended to read:

Bonds

6895. The applicant for a license shall file with the director concurrently with the application for license a bond in the penal sum of five thousand dollars ($5,000).

A licensee desiring a continuation of license shall, concurrently with the application for continuation thereof, file with the director a certificate continuing the original bond in full force and effect for the period for which the continuation of license is sought in the penal sum of five thousand dollars ($5,000) if, at the time of the filing of such application, the licensee has in his employ five (5) employees, or less, and in the penal sum of ten thousand dollars ($10,000) if, at the time of the filing of such application, the licensee has in his employ six (6) employees, or more. The five thousand dollar ($5,000) bond of any licensee shall be increased to ten thousand dollars ($10,000) at any time when he has in his employ six (6) employees, or more. The ten thousand dollar ($10,000) bond of any licensee shall be decreased to five thousand dollars ($5,000) at any time when he has in his employ five (5) employees, or less.

The bond, in any of the cases hereinbefore provided in this section, shall run to the people of the State of California and the bond or certificate of continuance thereof shall be executed and acknowledged by the applicant or licensee as principal and by an admitted surety insurer as surety.

SEC. 47. Section 6900 of said code is amended to read:

Withdrawal of surety

6900. Upon the filing of notice with the director by any surety company of its withdrawal as the surety of any licensee pursuant to Section 2851 of the Civil Code, the director shall forthwith give notice to the licensee of the withdrawal, which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee at his main office as shown by the records of the director. The license of any licensee shall be void upon the termination of the bond of the surety company as provided in Section 2851 unless, prior to the termination, a new bond has been filed with the director.

SEC. 48. Section 6901 of said code is amended to read:

New bond

6901. A licensee may file a new bond with the director at any time.

SEC. 49. Section 6902 of said code is amended to read:

Suspension or revocation of license

6902. Upon the cancellation, revocation, or otherwise termination of the license of an admitted surety insurer, the license of any licensee having posted a bond of such surety is suspended and shall remain suspended until a new bond is filed by an admitted surety insurer.

The license of any such licensee shall be revoked upon his failure to file a new bond within 30 days after notice in writing by the director requiring the filing thereof.

SEC. 50. Article 6.5 (commencing at Section 6904) is added to Chapter 8 of Division 3 of said code, to read:

Article 6.5. Conservator

Conservator

6904. If the director determines that a licensee has wrongfully failed to pay any sum owed to a customer, that a licensee has misappropriated trust funds, or that a licensee is insolvent,

he may appoint a conservator to take possession of the licensee's books, accounts, records, papers, files, safes, vaults, property used in connection with the business, and the trust bank account in which customer funds are deposited.

Request for hearing

6904.1. If the licensee disagrees with the determination of the director made pursuant to Section 6904, he may request a hearing. The request for a hearing shall be made in writing within 10 days after the appointment of the conservator. If a hearing is requested it shall be held within 30 days after the receipt by the director of the request. The hearing shall be conducted in accordance with the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Operation pending hearing

6904.2. If a hearing is requested the licensee may continue the operation of the collection agency under the direction and control of the conservator. The conservator shall be responsible for the preservation of all assets until a decision has been rendered by the director after the conclusion of the hearing and until all recourse to the courts has been exhausted or abandoned.

Conservator: Duties

6904.3. If no hearing is requested, or if a decision becomes final determining that the licensee has failed to pay sums owed to a customer, that the licensee has misappropriated trust funds, or that the licensee is insolvent, the conservator shall:

(a) Determine the names and addresses of all customers as shown by the books, accounts, records, and papers of the licensee.

(b) Compile records on all assigned accounts showing amounts paid and amounts still owed or due. This shall include all accounts pending in litigation or on which judgments have been secured.

(c) Notify all customers of the appointment of the conservator and of the accounts outstanding according to the books and records. Each customer shall be requested to notify the conservator of any accounts assigned which do not appear in the books and records and of any moneys paid by the licensee on such accounts Each customer shall also be requested to advise the conservator if the accounts shown on the books and records are incorrect insofar as moneys paid to the customer on such accounts is concerned.

(d) Return all uncollected accounts to the assignor creditor advising of amounts paid by debtors on all unsatisfied accounts.

(e) Fix a time limit, not to exceed four months from the date of the notification provided for in subdivision (c), during which a customer may file a claim with him. All such claims shall be verified under oath by the customer. If a customer fails to file a verified claim with the conservator during the time limit, the conservator shall be relieved of further duty or action hereunder on behalf of such customer.

(f) Notify the bank where trust funds are on deposit that a conservator has been appointed and that the trust funds shall

be held for the benefit of creditors. Such notification shall be subscribed by the director and shall bear the seal of the bureau. The receipt of such notification by a bank shall relieve it from all liability to the licensee or his heirs or assigns.

(g) Make a demand upon the surety after ascertaining all claims in the manner set forth in this section. The conservator shall have the power to settle or compromise such claims with the surety and may, in such case, execute and deliver a release and discharge of the bond involved.

(h) Bring an action on the bond if the surety refuses to pay the amount demanded pursuant to subdivision (g). If the recovery in such action, together with any funds that may be in the trust bank account, is not sufficient to pay all of the claims as finally determined, the amount recovered thereon shall be divided pro rata among such claimants.

(i) File with a bank having custody of any money or indebtedness due to the licensee in a trust bank account an affidavit showing the right of the conservator to receive such money or indebtedness under the provisions of this chapter. The receipt of such conservator shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this article and shall fully discharge the bank from any further liability with reference thereto without the necessity of inquiring into the truth of the facts stated in the affidavit.

Nothing contained in this section shall be construed to prevent any person claiming to be injured by the fraud, deceit, or willful negligence of a licensee, or by failure of a licensee to comply with the provisions of this chapter or any rule or regulation established thereunder, from bringing an action upon the bond against both principal and surety in any court of competent jurisdiction to recover damages caused by such fraud, deceit, willful negligence, or failure to comply with the provisions of this chapter or any rule or regulation established thereunder.

Compensation of conservator

6904.4. The conservator shall be compensated for his services from the assets of the licensee, or if insufficient assets are available he shall be compensated for his services from the Collection Agency Fund in accordance with the rules and regulations adopted by the director.

Liability

6904.5. The conservator, the director, and the employees of the Collection Agency Licensing Bureau shall not be held personally liable in connection with the enforcement of this article.

Bond

6904.6. At the time of his appointment, the conservator shall be required to post a bond with the director in such amount and upon such conditions as the director may prescribe.

SEC. 51. Section 6905 of said code is amended to read:

Issuance of license

6905. Upon receiving and filing the application and bond specified in Articles 4 and 6, and upon a showing by the applicant of compliance with the other requirements of this chapter and any rules and regulations established under it,

the director shall grant and issue a license substantially in the form provided in this chapter.

SEC. 52. Section 6906 of said code is amended to read:

Restrictions on license issuance

6906. Except as herein otherwise provided, the director shall not issue a license:

(a) If the applicant or person has had a license revoked for cause.

(b) If the applicant or person was a partner, officer, director, trustee, manager or stockholder of any partnership, corporation or unincorporated association the license of which has been revoked for cause.

(c) If the applicant is a partnership, corporation or unincorporated association having any partner, officer, director, trustee, or stockholder who has had a license revoked for cause.

(d) If the director has knowledge that any such applicant or person or a partner, officer, director, trustee, or stockholder of any applicant is not of good moral character, or has been adjudged disqualified for employment in the collection agency business pursuant to the provisions of Article 10.

SEC. 53. Section 6906.1 is added to said code, to read:

Same

6906.1. No license shall be issued to a person licensed as a prorater under the provisions of Division 3 (commencing at Section 12000) of the Financial Code.

SEC. 54. Section 6907 of said code is amended to read:

Same

6907. No license shall be issued to any applicant nor shall any person be permitted to take the license examination pending final disposition of any disciplinary action previously filed against such person or applicant or against any partner, officer, director, trustee, or stockholder of applicant.

SEC. 55. Section 6909 of said code is amended to read:

License Privileges

6909. Upon receipt of the license, the licensee has the right to conduct the business of a general collection agency with all the powers and privileges applicable thereto contained in but subject always to all the provisions of this chapter and any rules and regulations established under it.

The licensee shall at all times be legally responsible for the good conduct in the business of all persons employed by it.

SEC. 56. Section 6910 of said code is amended to read:

Display

6910. Each license, duplicate license, or temporary license, together with the current continuation license, if any, shall at all times be conspicuously displayed at the place of business noted in the license.

SEC. 57. Section 6911 of said code is amended to read:

Transferability, duration, etc.

6911. The license is not transferable and is effectual until the first day of July next ensuing the date thereof and so long thereafter as continued in effect in accordance with Article 11, unless sooner revoked or canceled.

In the event of the loss or destruction of a license, the licensee may file with the director an affidavit explaining the loss or destruction and pay the duplicate license fee prescribed. Thereupon the director shall issue a duplicate license bearing

the same date and number of the replaced license, and shall bear in conspicuous type the word "duplicate."

SEC. 58. Section 6912 of said code is amended to read:

6912. A licensee may remove his place of business from the street address stated in the license to another street address within the same city, or city and county, by giving notice thereof to the director in writing at least ten (10) days prior to such removal. Upon receipt of such notice the director shall enter the change in his records. A licensee desiring to remove his place of business from the street address stated in the license to another address outside of the city, or city and county, or to make any change of the business name therein shown, shall file a written application therefor with the director.

Change of address

If the director approves the application, the license shall be forwarded to the director, together with the duplicate license fee. The director shall then enter the change in his records, retain and file the surrendered license, and issue to the licensee a duplicate license setting forth the new name or address, or both, but bearing the same date and number as the surrendered license, and bearing in conspicuous type the word "duplicate."

SEC. 59. Section 6913 of said code is amended to read:

6913. Any change or series of changes resulting in an aggregate change of more than 50 percent of the membership of a membership corporation or of an unincorporated association shall terminate and void all licenses issued to it, except the license of any office or agency which is and continues under the active charge of a qualified person or a person who has been continuously in active charge of a licensed collection agency for at least five years immediately preceding any such change of membership, or which, within 30 days after any such change of membership, is placed and thereafter maintained under the active charge of a qualified person.

Change in ownership, etc.

Any transfer, cancellation, redemption or issuance of stock, or series of such transactions which result in the aggregate of a change in the ownership of more than 50 percent of the outstanding voting stock of any licensed corporation, or the dissolution of any licensed corporation, shall terminate and void all licenses issued to it, except that no change in ownership of stock shall affect the license of any office or agency of the corporation which is and continues under the active charge of a qualified person or a person who has been continuously in the active charge of a licensed collection agency for at least five years immediately preceding the transaction resulting in such change of ownership, or which, within 30 days after any such change of ownership, is placed and thereafter maintained under the active charge of a qualified person; provided, however, that the acquisition of any voting stock in any licensed corporation by a person who has had a collection agency license revoked for cause, or has been found disqualified from further employment in the collection agency business pursuant to Article 10, or by a partner, officer, director or trustee of any partnership, corporation or unincorporated association which

has had its license revoked for cause, shall be ground for immediate revocation, in the discretion of the director, of any and all licenses of such corporation.

Every licensed corporation and unincorporated association shall promptly file with the director a written report of any transfer, issuance, cancellation or redemption of stock or memberships amounting to 10 percent or more of the total voting stock or memberships then outstanding.

SEC. 60. Section 6914 of said code is amended to read:

Temporary license

6914. In case of the death of an individual licensee who leaves a going collection agency business as part of his estate the director shall, upon proper application, issue a temporary license to the personal representative, or to the nominee of the personal representative, of the deceased licensee. In the case of the dissolution, by death, or otherwise of a licensed copartnership, the director shall, upon proper application, issue to the surviving partner or partners a temporary license.

The application shall be in writing, subscribed and sworn to by the person to whom the temporary license is to be issued. The application shall be accompanied by the bond provided for in Article 6 and the temporary license fee specified in Article 12.

The provisions of Articles 4 and 5 shall not apply to any application for temporary license.

A temporary license shall be effective for a period of one year and shall not thereafter be renewed or continued.

SEC. 61. Section 6915 of said code is amended to read:

Financial statements: Contents, etc.

6915. On or before the thirty-first day of January and on or before the thirty-first day of July of each year every licensee shall file with the director a financial statement showing each customer's share of all money collected, with dates of collection, up to the close of business of the preceding month, which has not been remitted to or properly charged against customers prior to the date of execution of the statement. The statement shall also show the exact amounts of customers' funds on deposit and in licensee's possession on the date of execution of the statement together with the title of the trust account and the name of the bank in which the customers' funds are deposited. Each statement shall be verified by the oath of the licensee, if an individual, or of the managing partner, managing employee, or officer, if a partnership, corporation or unincorporated association, or by the oath of the qualified person in active charge of the agency.

Any false statement shall constitute prima facie evidence of willful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee.

The director may destroy all financial statements which have been on file for a period of at least four years.

SEC. 62. Section 6916 of said code is amended to read:

Failure to file

6916. If the financial statement is not filed within the time required, the director shall make written demand therefor

by registered mail, with return receipt, addressed to the licensee's place of business of record, and if the statement is not filed within thirty (30) days after the date of such demand the license of such licensee shall be forthwith revoked.

A financial statement filed subsequent to its due date and prior to expiration of the 30-day period following written demand therefor shall be accompanied by the delinquency fee provided by Article 12.

SEC. 63. Section 6916.1 is added to said code, to read:

License reinstatement

6916.1. A license revoked under the provisions of Sections 6902 and 6916 may be reinstated within one year of the date of revocation upon the application of the licensee, upon his complying with the rules and regulations adopted hereunder and upon the payment of the reinstatement fee provided by Section 6956. Reinstatement of a revoked license does not prohibit the bringing of disciplinary proceedings for any act committed between the date of revocation and the date of reinstatement.

SEC. 65. Section 6921 of said code is amended to read:

Office management

6921. Every office licensed after May 1, 1941, whether a main or branch office, shall be under the active charge of a qualified person. Such qualified person shall be in charge of the fiscal as well as the administrative functions of the office at all times.

This section does not apply to an office licensed prior to May 2, 1941.

SEC. 66. Section 6922 of said code is amended to read:

Change of manager

6922. Whenever a person actively in charge of an office to which Section 6921 applies ceases to be in charge, the licensee shall notify the director in writing within 10 days from such cessation.

If the notice is given the license shall remain in force for a reasonable period to be determined by the rules and regulations. If the licensee fails to give the notice as required, at the end of the 10-day period the license shall be ipso facto suspended, but the license shall be reinstated upon the filing of an affidavit by the licensee, if an individual, or by a partner, or officer of the licensee if a partnership, unincorporated association or corporation to the effect that the person formerly in charge of the office has been replaced by a qualified person.

SEC. 67. Section 6923 of said code is amended to read:

Limitation on managers

6923. Except as herein otherwise provided no person shall be in charge of any licensed office or agency if such person has ever had a license revoked for cause or has ever been disqualified from further employment in the collection agency business pursuant to Article 10; was a partner, managing employee, officer, director, trustee or stockholder of a partnership, corporation or unincorporated association a license of which has been revoked for cause; or is not of good moral character.

SEC. 68. Section 6925 of said code is amended to read:

Disciplinary proceedings

6925. Any person aggrieved may file with the director a written statement alleging acts of misconduct or violations of

this chapter or any rule or regulation established thereunder by a licensee or employee of a licensee. All such statements shall be referred to the chief for investigation and report.

It shall also be the duty of the chief to initiate and conduct investigations into the business and affairs of licensees on his own motion.

The insolvency of a licensee, the adjudication as a bankrupt of a licensee or of a partner in a licensed copartnership, or the making of a general assignment for the benefit of creditors by a licensee or by a partner of a licensed copartnership, constitutes ground for the institution of disciplinary proceedings and revocation of license or other disciplinary action.

SEC. 69. Section 6925.1 is added to said code, to read:

Provisions applicable

6925.1. All hearings conducted under this chapter shall be in accordance with the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Repeal

SEC. 70. Section 6926 of said code is repealed.

SEC. 71. Section 6930 of said code is amended to read:

Disciplinary action

6930. If it be found upon the hearing, or from the evidence in uncontested cases, that the licensee or employee has willfully violated any of the provisions of this chapter, or the rules and regulations established under it, or that he has been guilty of fraud or misrepresentation, or any act or omission inconsistent with the faithful discharge of his duties or obligations, or that a final conviction of felony or a crime involving moral turpitude has been entered against him, or that he has violated or failed to comply with any conditions imposed upon him by a decision of the director, the director shall, within thirty (30) days after final submission of the case, render the decision which may:

(a) Order the revocation of the license or licenses of the licensee or licensees accused, or order any accused employee disqualified from further employment in the collection agency business.

(b) Order the license or licenses suspended for such period of time as may be specified.

(c) Impose upon the licensee, licensees or employee compliance with such just and reasonable conditions as may be specified.

(d) Dismiss the accusation as to any one or more of the licensees or employees accused.

SEC. 72. Section 6931 of said code is amended to read:

Misdemeanor

6931. Any person who has been disqualified for collection agency employment or license pursuant to the provisions of this chapter who shall thereafter obtain employment in the collection agency business or participate therein as a licensee, as a partner, as a director, trustee, officer or shareholder of a corporation licensee, or as officer, trustee or director of an unincorporated association licensee without having first been expressly found by the director, after due hearing as provided in this chapter, to be fit to engage in the collection agency

business shall be guilty of a misdemeanor and punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding six months or by both fine and imprisonment.

SEC. 73. Section 6945 of said code is repealed. Repeal

SEC. 73.5. Section 6946 of said code is repealed. Same

SEC. 74. Section 6947 of said code is amended to read:

6947. Nothing in this chapter shall be deemed to authorize a collection agency licensee to perform any act or acts, either directly or indirectly, constituting the practice of law. Limitations

No suit may be instituted on behalf of a collection agency licensee in any court on any claim assigned to it in its own name as the real party in interest unless it appears by a duly authorized and licensed attorney at law.

A collection agency may not appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien. Nothing herein contained shall prohibit a licensee from making an oral or written demand for the return or surrender of personal property or from having property attached in an action at law pursuant to the provisions of Chapter 4 (commencing at Section 537) of Title 7 of Part 2 of the Code of Civil Procedure, or from enforcing a judgment or carrying it into execution.

No licensee or employee shall:

(a) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency or to receive compensation therefrom.

(b) Publish or post, or cause to be published or posted, any list of debtors, commonly known as "deadbeat" lists.

(c) Collect or attempt to collect by the use of any methods contrary to the postal laws and regulations of the United States.

(d) Use any unfair methods of competition as defined by the "Unfair Practices Act."

(e) Commingle the money of his customers with his own, except insofar as may be authorized by rules and regulations established hereunder.

(f) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, while engaged in collection agency business.

(g) Print, publish or otherwise prepare for distribution for the use of, or sell or offer to sell or furnish or offer to furnish to, any person any system of collection letters, demand forms or other printed matter upon his stationery, or upon stationery upon which the licensee's name appears in such manner as to indicate that a demand is being made by the licensee for the payment of any sum or sums due or asserted to be due, where such forms containing such message are to be sold or furnished

to any person to be used by such person at any address different from the address of the licensee as shown on the face of the license.

(h) Distribute collection letters, demand forms, or other printed matter which are made to be similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(i) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof, nor agree to do so for the purpose of solicitation of claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under the order of a court of competent jurisdiction.

(j) Use any name while engaged in the collection of claims, other than his true name, except under conditions prescribed by rules and regulations adopted by the director.

SEC. 75. Section 6947.1 is added to said code, to read:

"Collection costs"

6947.1. In the event that an agreement in writing, in which reference is made to "Costs of Collection" or "Collection Costs," or words of similar import, is assigned to a collection agency for collection on a contingent fee basis, or on any basis wherein the fee or remuneration due to the collection agency shall vary in accordance with the amount collected, or such agreement is sold to a collection agency, the reference to such costs in said agreement shall not be construed to be to the fee, remuneration or any part thereof, charged by a collection agency to its customer; and no collection agency shall attempt to or collect any such fee from the obligor in such agreement as any part of its fee or remuneration.

SEC. 76. Section 6948 of said code is amended to read:

Suspension or revocation of license

6948. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, partners, or its manager, knowingly employed or has in his employment, any person who:

(a) Has failed to comply with the provisions of Article 5.5 (commencing at Section 6894) of Chapter 8 of Division 3.

(b) Has had a registration suspended or revoked under the provisions of Article 5 5 (commencing at Section 6894) of Chapter 8 of Division 3.

(c) Has been denied a registration under the provisions of Article 5.5 (commencing at Section 6894) of Chapter 8 of Division 3.

SEC. 77. Section 6949 of said code is amended to read:

Surrender of license

6949. Any licensee may, prior to the suspension or revocation of his or its license, so long as no disciplinary action is then pending against said licensee, voluntarily surrender his or its license by mailing the license to the director together with a written statement of such surrender, setting forth the reasons therefor, and a written declaration of the satisfactory disposition of all accounts of the licensee prior to such voluntary

surrender, together with a written statement of notification to the licensee's surety company of such voluntary surrender, and upon receipt of the request for the cancellation of the bond from the surety company, the license shall forthwith be canceled.

SEC. 78. Section 6949.1 is added to said code, to read:

Jurisdiction of director

6949.1. The lapsing or suspension of a license by operation of law or by order or decision of the director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license or to render a decision suspending or revoking such license.

SEC. 79. Section 6949.2 is added to said code, to read:

Petition for determination of rehabilitation

6949.2. Any person whose application is rejected pursuant to the provisions of Section 6906, or is disqualified from being in charge of a licensed office or agency pursuant to the provisions of Section 6923, or whose license is suspended or revoked pursuant to the provisions of Section 6930, may file with the director a petition for determination of rehabilitation setting forth the grounds upon which petitioner claims fitness to engage in the collection agency business. If the director finds, after due investigation, sufficient evidence of rehabilitation the matter shall be set for hearing and determination in accordance with the Administrative Procedure Act, Chapter 5 (commencing at Section 11500), Part 1, Division 3, Title 2 of the Government Code, otherwise the petition shall be denied by the director without prejudice to the filing of another petition at any time not sooner than one year. After the hearing the director shall determine the fitness of the petitioner to engage in collection agency business. If the petition is denied after a hearing it will be without prejudice and the petitioner may file a new petition at any subsequent time but not sooner than one year from the date of the denial.

SEC. 80. Section 6950 of said code is amended to read:

License continuation

6950. A licensee desiring a continuation of his license shall, on or before the thirtieth day of June of each year, file with the director a request for a continuation on such forms as may be designated by the director. The request shall be accompanied by the continuation fee.

The director shall, on or before the first day of June of each year mail to each licensee, addressed to him at his last known address, a form for continuation of license and a notice that the continuation fee is due and payable, stating the amount thereof, and that if the fee is not paid by the thirtieth day of June, the license shall be automatically revoked

The director shall issue a continuation license to the licensee which shall be dated the first day of July of the year of issuance thereof and shall bear in conspicuous type the word "continuation" and the date to and including which the license is continued.

In the event a licensee fails to request a continuation of his license within the time fixed, the license is automatically revoked, but may be reinstated within 30 days of the date of revocation upon compliance with the rules and regulations established hereunder and upon application of the licensee and upon the payment of the delinquency and reinstatement fees provided by this chapter. Reinstatement of a revoked license shall not prohibit the bringing of disciplinary proceedings for any act committed during the period such license is revoked.

SEC. 81. Section 6951 of said code is amended to read:

License revival

6951. If the license of any person, partnership, association or corporation has been permitted to expire by reason of the military service, as defined in the Soldiers and Sailors Civil Relief Act of 1940, of such person, or the managing partner, or managing officer of such partnership, association or corporation, the license may be revived and continued upon application of such person, managing partner, or managing officer, filed within six months after the termination of such military service, with the director. Upon receipt of the application, payment of the continuation fee, and filing of the bond provided for by Article 6 of this chapter, the director shall issue a receipt which shall bear upon its face in conspicuous type the words "continuation of license" and the date to and including which the license is continued.

SEC. 82. Section 6955 of said code is amended to read:

Collection Agency Fund

6955. All money received under this chapter by the director shall be deposited in the State Treasury to the credit of the Collection Agency Fund, which fund is hereby continued in existence and from which fund all expenses of carrying out the provisions of this chapter shall be defrayed.

SEC. 83. Section 6956 of said code is amended to read:

Fees

6956. (a) The director shall charge and collect the following fees:

(1) An original license fee of two hundred dollars ($200).

(2) A continuation fee which shall be set by the director annually at not more than one hundred dollars ($100) and not less than fifty dollars ($50).

(3) A duplicate license fee of ten dollars ($10).

(4) A temporary license fee of thirty-five dollars ($35).

(5) A delinquency fee of ten dollars ($10).

(6) An examination fee of twenty-five dollars ($25).

(7) A copy fee of twenty-five cents ($0.25) per 100 words copied.

(8) A reinstatement fee equal to the amount of the annual continuation fee plus a penalty of 50 percent thereof.

(9) A fee of five dollars ($5) for each addressograph list of licensees in good standing.

(b) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge; and shall charge and collect a fee of one dollar ($1) plus sales tax for each addi-

tional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

Transfer of personnel

SEC. 84. All persons in the state civil service employed on the effective date hereof in the Office of the Secretary of State in carrying out functions transferred to the Department of Professional and Vocational Standards by this act are transferred to the department, subject to the provisions of Article XXIV of the Constitution and laws continued in force thereby or adopted pursuant thereto.

Transfer of funds

SEC. 85. The unencumbered balance of all money available for expenditure by the Office of the Secretary of State in carrying out any functions transferred to the Department of Professional and Vocational Standards by this act shall be made available for the support and maintenance of the department, and all books, documents, records and property of the Office of the Secretary of State relating to such functions shall be transferred to the department.

Rules and regulations continued

SEC. 86. All rules and regulations contained at the effective date hereof in Chapter 7 (commencing at Section 601) of Title 16 of the California Administrative Code shall remain in effect until amended or repealed by the director.

CHAPTER 2160

An act to amend Sections 6535, 6537, 6546, 6560, 6561, and 6562 of, and to add Sections 6546.5 and 6560.5 to, the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 6535 of the Business and Professions Code is amended to read:

Colleges of barbering Approval

6535. No college of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto for persons who apply on or before December 31, 1959, completion of the eighth grade, for persons who apply on or after January 1, 1960, completion of the ninth grade, or the equivalent education as determined by an examination conducted by the board, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,248 hours to be completed within 12 months at the rate of not more than eight hours in any one working day.

This course of instruction shall include the following subjects: scientific fundamentals of barbering, hygiene, histology of the hair and skin, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, massaging and manipulating the muscles of scalp, face or

neck, haircutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair.

SEC 2. Section 6537 of said code is amended to read:

Refresher courses

6537 No college shall enroll or admit any student in a refresher course thereof, where the refresher course is for the purpose of qualifying persons to pass the examination conducted by the board to determine fitness to practice barbering, unless the student prepares, in duplicate, a verified application, obtained by the student or the college from the board, showing that there has been a compliance with each of the following:

(a) The applicant has completed the proper grade in school as provided in Section 6546.5 or has an equivalent education as theretofore determined by an examination conducted by the board.

(b) The applicant either:

(1) Has graduated from a college approved by the board.

(2) Has met all the requirements of this chapter to take the examination for a certificate as a registered apprentice.

(3) Has met all the requirements of this chapter to take the examination for a certificate as a registered barber.

One copy of the application shall be retained by the college admitting or enrolling the student and the other shall be filed by the college with the board.

SEC. 3. Section 6546 of said code is amended to read:

Registered apprentice

6546. Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) He has completed the proper grade in school as provided in Section 6546.5, or has an equivalent education, as determined by an examination conducted by the board.

(b) He is at least 16½ years of age.

(c) He is of good moral character and temperate habits.

(d) He has graduated from a college approved by the board.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall complete a further course of study of not less than 250 hours to be completed within three months of not more than eight hours in any one working day, in a college approved by the board.

SEC. 4. Section 6546.5 is added to said code, to read:

Same

6546.5. Any person applying for a certificate of registration as a registered apprentice on or before December 31, 1959, shall have completed the eighth grade, on or after January 1, 1960, shall have completed the ninth grade, or shall have the equivalent education as determined by an examination conducted by the board. Any student enrolled in any approved barber college prior to January 1, 1960 shall need to have completed only the eighth grade or shall have the

equivalent education as determined by an examination conducted by the board.

SEC. 5. Section 6560 of said code is amended to read:

6560. Any person upon payment of the required fee, shall be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering if he complies with each of the following: Qualifications for examination

(a) He is at least 18 years of age and of good moral character and temperate habits.

(b) He has completed the proper grade in school as provided in Section 6560.5, or has an equivalent education as determined by an examination conducted by the board.

(c) He has either:

(1) A valid license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this chapter.

(2) Affidavits from at least two persons stating that he has practiced as a barber in another state or country for a period of at least two years within the last five years immediately prior to filing his application in this State.

If he fails to pass the examination, he may file a new application accompanied by the required fee and take another examination. In no event will he be permitted to practice barbering until such time as he satisfactorily passes an examination and receives a certificate of registration as a registered barber.

SEC. 6. Section 6560.5 is added to said code, to read:

6560.5. Any person applying pursuant to Section 6560 for a certificate of registration as a registered barber on or before December 31, 1959, shall have completed the eighth grade, on or after January 1, 1960, shall have completed the ninth grade, or shall have the equivalent education as determined by an examination conducted by the board. Any apprentice registered as an apprentice prior to January 1, 1960 or any student enrolled in an approved barber college prior to January 1, 1960 shall need to have completed only the eighth grade or shall have the equivalent education as determined by an examination conducted by the board. Registered barber

SEC. 7. Section 6561 of said code is amended to read:

6561. Any person, upon payment of the required fee, shall be granted permission to take an examination to determine his fitness to receive a certificate of registration as an apprentice, if he complies with each of the following: Qualifications for apprentice examination

(a) He is at least 16½ years of age and of good moral character and temperate habits.

(b) He has completed the proper grade in school as provided in Section 6546.5 or has an equivalent education as determined by an examination conducted by the board.

(c) He has either:

(1) A valid certificate of registration as an apprentice in another state or country which has substantially the same re-

quirements for registering an apprentice as required by this chapter.

(2) Affidavits that he has practiced as an apprentice in another state or country for at least six months within the last two years immediately prior to making application in this State.

If he passes the required examination, a certificate of registration as a registered apprentice shall be issued to him and the time spent in such other state or country as apprentice shall be credited upon the period of apprenticeship required by this chapter as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

If he fails to pass a satisfactory examination, he shall complete a further course of study of not less than 250 hours to be completed within three months with not more than eight hours in any one working day in a college of barbering approved by the board before he is eligible to file another application for an examination to determine his fitness to receive an apprentice certificate.

SEC. 8. Section 6562 of said code is amended to read:

Evidence of education

6562. For the purposes of this chapter, a diploma or certificate or certification duly issued by the issuing authority of the appropriate unit of any state public school or of any elementary or secondary school, in this or any other state, establishing that any individual has at least the proper grade in school as provided in Sections 6535, 6546.5, and 6560.5, shall be conclusive evidence of that fact and shall be accepted by the board. The board shall accept a certification or certificate of equivalency issued by a California elementary or secondary school, establishing that a person has at least the equivalent of the proper grade in school as provided in Sections 6535, 6546.5, and 6560.5.

CHAPTER 2161

An act to add Section 9355.16 to the Government Code, relating to the Legislators' Retirement System.

In effect September 18, 1959

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 9355.16 is added to the Government Code, to read:

9355.16. Any member of this system who is charged, by indictment, with the commission of any felony involving the accepting or giving, or offering to accept or give, any bribe, the embezzlement of public money, extortion, theft of public funds, perjury, or conspiracy to commit any of said crimes, arising directly out of his official duties, and who is a fugitive from justice, shall be suspended from membership in this sys-

tem while such charge is pending and until final disposition of the charge. At any time during the period of suspension of membership, the person so suspended shall be entitled to withdraw his accumulated contributions from the system, and such withdrawal shall constitute an election to terminate membership in the system.

This section applies only to persons who are charged with the commission after the effective date of this section of a felony described in this section by an indictment filed after the effective date of this section.

CHAPTER 2162

An act to add Section 20390.2 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 20390.2 is added to the Government Code, to read:

20390.2. When any state member of this system is charged by indictment with the commission of any felony involving the accepting or giving, or offering to accept or give, any bribe, the embezzlement of public money, extortion, theft of public money, perjury, or conspiracy to commit any of such crimes, arising directly out of his official duties, and is a fugitive from justice, the board shall conduct an investigation and shall hold a hearing for the purpose of determining whether, in the light of all factors, the offense charged is of such a nature as to justify suspension of his membership in this system. If the board so determines, he shall be suspended from membership in this system while such charge is pending and until final disposition of the charge. At any time during the period of suspension of membership, the person so suspended shall be entitled to withdraw his accumulated contributions from the system, and such withdrawal shall constitute an election to terminate membership in the system.

This section applies only to persons who are charged with the commission after the effective date of this section of a felony described in this section by an indictment filed after the effective date of this section.

CHAPTER 2163

An act to make an appropriation for a loan to the South Sutter Water District for the construction of an irrigation project, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one million two hundred sixty thousand dollars ($1,260,000) is hereby appropriated from the California Water Fund in the State Treasury to the Department of Water Resources for loan by the department to the South Sutter Water District for the construction of an irrigation project. Such loan shall be repaid by the district to the department, together with interest at a rate to be fixed by the department and approved by the Department of Finance, which rate shall be the same as the net interest cost paid by the State on the last previous sale of general obligation bonds adjusted to the next highest one-twentieth of 1 percent, in not exceeding 25 years and in accordance with terms prescribed by the department and approved by the Department of Finance.

All moneys received by the Department of Water Resources from the district shall be deposited in the State Treasury to the credit of the California Water Fund.

Notwithstanding the above provisions, if Senate Bill 425 of the 1959 Regular Session is enacted into law, the loan authorized by this section shall be made from the Local Project Assistance Fund created by Section 12881 of the Water Code and, in such case, all moneys received by the department from the district shall be deposited in the State Treasury to the credit of the Local Project Assistance Fund.

No loan authorized by this act shall be made to the district until the district can actually demonstrate the availability of federal money under a small reclamation projects loan under Public Law 984, Eighty-fourth Congress Second Session.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The South Sutter Water District is in need of financial assistance to raise its portion of the project funds to enable it to construct works required as a condition to receiving a federal loan. Since the district now has a favorable position for a federal loan it is necessary that the district's portion of project costs be assured immediately.

This project is purely a water service project and no supplemental sources of revenues are available except the actual sale of water and taxes upon the lands of the district.

It is therefore necessary that this act take effect immediately.

CHAPTER 2164

An act to amend Sections 506, 506.6, 506.7, 5001, 5003, 5003.5, 5004, 5005, 5006, 5006.1, 5006.5, 5007, 5008, 5010, 5010.5, 5012, 5015, 5016, 5019.5, 5020, 5021, 5022, 5023, 5025.11, 5025.12, 5025.2, 5033, 5034, 5037, 5041, 5042, 5060, 5063, 5064, 5072 5, 5073, 5074, 5076, 5080, 5082, 5084, 5085, 5086, 5087, 5088, 5089, 5090, and 5091 of, to repeal Sections 5012.1, 5013.5, 5035, 5036, 5075, and Article 4 (commencing at Section 5050) of Chapter 1, Division 5 of, and to add Sections 5017 and 5018 to, the Public Resources Code, relating to beaches and parks.

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 506 of the Public Resources Code is amended to read:

State Park Commission

506. There is in the Department of Natural Resources a State Park Commission consisting of seven members appointed by the Governor with the advice and consent of the Senate. Except as provided in this section, the Department of Natural Resources, acting through the Division of Beaches and Parks, succeeds to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction vested in the State Park Commission.

The members of the State Park Commission shall be selected from areas distributed throughout the State and because of their interest in park, recreation, and conservation matters and shall serve for terms of four years and until their successors are appointed and qualified. The Governor shall make appointments hereunder for terms expiring, respectively, on the fifteenth day of January, as follows: two in the year 1959, two in the year 1960, two in the year 1961, and one in the year 1962.

The commission shall establish general policies for the guidance of the Director of Natural Resources, and the Chief of the Division of Beaches and Parks in the administration, protection, and development of the State Park System.

In case of any vacancy the appointment shall be for the remainder of the unexpired term. All appointments of members made when the Legislature is not in session shall be subject to confirmation by the Senate at the next regular or special session of the Legislature.

The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected.

The Chief of the Division of Beaches and Parks shall act as secretary of the commission.

SEC. 2. Section 506.6 of said code is amended to read:

Administrative authority

506.6. The Division of Beaches and Parks shall be administered through a chief who shall have at least five years experience in park, recreational, or related types of administration. The chief shall be appointed by the Governor, subject to confirmation by the Senate. The chief shall serve at the pleasure of the director and his salary shall be fixed by the director in accordance with law. The chief shall have such duties as shall be assigned from time to time, by the director, and he shall be responsible to the director for the performance thereof.

The director may authorize the Chief of the Division of Beaches and Parks to exercise the director's power to appoint employees of the division in accordance with the State Civil Service Act. The director may authorize the chief or any employee of the division to exercise any power granted to, or to perform any duty imposed upon, the director by the State Civil Service Act.

SEC. 3. Section 506.7 of said code is amended to read:

Powers of department

506.7. The department shall have power to adopt, alter, change or amend any state master plan of shore line development.

SEC. 4. Section 5001 of said code is amended to read:

Control of State Park System

5001. The Department of Natural Resources, acting through the Division of Beaches and Parks, has control of the State Park System.

SEC. 5. Section 5003 of said code is amended to read:

Administrative authority

5003. The department shall administer, protect, and develop the State Park System for the use and enjoyment of the public. The department may establish rules and regulations not inconsistent with law for the government and administration of the State Park System. It may enter into contracts with agencies of the United States, cities, counties, or other subdivisions of the State, for the care and maintenance of park areas, and it may expend all moneys of the department, from whatever source derived, for the care, protection, supervision, extension and improvement or development of the State Park System.

It may enter into contracts with persons, firms or corporations to maintain and operate concessions within the state park areas for the safety and convenience of the general public in the use and enjoyment of the State Park System. The department shall obtain the approval of the Department of Finance before entering into any such contract if the contract would authorize occupancy for a period of more than one year of property owned by the State.

It may, with the approval of the Department of Finance, enter into contracts with a regional park district for the care and maintenance of, to maintain and operate concessions within, and to act in the management of, any beaches, parks, public campgrounds, monument site, landmark site, site of historical interest, or other state park areas under its control.

SEC. 6. Section 5003.5 of said code is amended to read:

5003.5. The department is authorized to provide means of ingress to and egress from all state parks in order to provide ready access thereto by the public and to provide means of ingress and egress to highways and roads across state parks from lands separated from such highways and roads by state parks, and for that purpose may enter into contracts or agreements with cities, counties, and other political subdivisions of the State and with other state agencies or with persons, firms or corporations for the acquisition, construction, and maintenance of suitable roads, trails, and pathways. Access to parks

When application is received by the department, other than under Section 5012, from any person, firm or corporation for right-of-way across a state park for ingress and egress to a highway or road from their lands separated from such highway or road by the state park, the department shall determine whether any reasonable access exists outside the boundaries of the park, or could be economically constructed. Where reasonable access does not exist or cannot be economically constructed outside the boundaries of the park, the department shall grant a permit for right-of-way across the park over such route and subject to such conditions and construction and maintenance specifications as the department may determine which will cause minimum alteration to the physical features of the park and minimum interference with the use of the park by the public. The permittee shall at his own expense construct and maintain the means of ingress and egress in accordance with the terms and conditions set forth in the permit, noncompliance with which in any part shall be due cause for revocation of such permit. The department may require a permittee or permittees to allow the use of such means of ingress and egress by any other applicant whose lands are similarly situated. The department shall grant a permit for such use under terms and conditions imposed upon existing users, upon payment of a reasonable compensation for construction and maintenance of the road, by the applicant to the existing permittee, or permittees.

SEC. 7. Section 5004 of said code is amended to read:

5004. The department shall gather, digest, and summarize, in its annual reports to the Governor, information concerning the State Park System and the relation to it of other available means for conserving, developing, and utilizing the scenic and recreational resources of the State. Annual reports

SEC. 8. Section 5005 of said code is amended to read:

5005. The department may receive and accept in the name of the people of the State any gift, devise, grant, or other conveyance of title to or any interest in real property, including water rights, roads, trails, and rights-of-way, to be added to or used in connection with the park system. It may receive and accept gifts, donations, contributions, or bequests of money to be used in acquiring title to or any interest in real property, or in improving it as a part of or in connection Acceptance of gifts, etc

with the State Park System, or to be used for any of the purposes for which the Division of Beaches and Parks is created. It may also receive and accept personal property for any purpose connected with the park system.

SEC. 9. Section 5006 of said code is amended to read:

Acquisition of property

5006. The department, with the consent of the Department of Finance, may acquire by purchase or by condemnation proceedings brought in the name of the people of the State of California, title to or any interest in real and personal property which the department deems necessary or proper for the extension, improvement, or development of the State Park System.

Proceedings for the condemnation of any real or personal property or any interest therein shall be taken under the provisions of the Code of Civil Procedure relating to eminent domain. The department shall not commence any such proceedings unless the director first issues a declaration declaring that public interest and necessity require acquisition by the State of the property or interest therein, described in the declaration, and that such acquisition is necessary and proper for the extension, improvement, or development of the State Park System.

SEC. 10. Section 5006.1 of said code is amended to read:

Evidence of public necessity

5006.1. The declaration of the director shall be prima facie evidence:

(a) Of the public necessity of such proposed acquisition.

(b) That such real or personal property or interest therein is necessary therefor.

(c) That such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

SEC. 11. Section 5006.5 of said code is amended to read:

Leases

5006.5. The department, with the consent of the Department of Finance, may lease any interest in real property which the department deems necessary or proper for the extension, improvement, or development of the State Park System. No payment from state money in excess of one thousand dollars ($1,000) a year shall be made pursuant to any such lease unless and until money equal to or exceeding one-half of the excess over one thousand dollars ($1,000) shall have been made available for expenditure by the State for the purpose by some person, corporation, public district, municipality or political subdivision other than the State, or by the United States or an agency thereof. No lease shall be executed under this section, or under Section 5060 of this code, until the department has first consulted with the planning commission of the county in which the department proposes to lease lands for park or recreational purposes.

SEC. 12. Section 5007 of said code is amended to read:

Contracts for care, etc., of parks

5007. Contracts may be entered into between the department and cities, counties and other political subdivisions of the State for the care, maintenance, and control, for the purposes

of the State Park System, by either party to the contract, of lands under the jurisdiction of the other party to the contract. The expenses of the care, maintenance, and control may be paid from the general fund of the city, county, or other political subdivision of the State or from the funds of the department, as the case may be.

SEC. 13. Section 5008 of said code is amended to read:

5008. The department shall protect the state parks from damage and preserve the peace therein. Protection of parks and preservation of peace

The director may confer on the Chief of the Division of Beaches and Parks and other employees which he may designate, the full authority and powers of peace officers for state parks.

Any person who violates the rules and regulations established by the department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 14. Section 5010 of said code is amended to read:

5010. The department, whenever in its judgment it is practicable to do so, shall collect fees, rentals, and other return for the use of any state park area, the amounts to be determined by the department and to be paid into the State Treasury to the credit of the State Beach and Park Fund, which is hereby created. The State Beach and Park Fund and all moneys received by the department from any source, including eminent domain, except those received under Section 5009, are hereby continually appropriated for improvement, equipment and maintenance of state parks, state monuments, roads, roadside rests, trails and pathways, and when specifically appropriated by the Legislature for construction and acquisition of the above-named projects. State Beach and Park Fund

All moneys in the State Beach Fund, the State Park Fund and the State Park Maintenance Fund are hereby transferred to the State Beach and Park Fund and all moneys now appropriated from the above-named funds are considered appropriated from the State Beach and Park Fund, and such appropriations shall remain available for the same period as they were originally made. The State Beach Fund, the State Park Fund and the State Park Maintenance Fund are abolished. All references in any law heretofore or hereafter enacted to any of such funds shall be deemed to refer to the State Beach and Park Fund.

SEC. 15. Section 5010.5 of said code is amended to read:

5010.5. The Director of Natural Resources may authorize the refund of moneys received or collected by himself or by **the Division of Beaches and Parks illegally, or by mistake, inadvertence, or error. Claims authorized by the director shall be filed with the State Controller and the Controller shall draw his warrant against the State Beach and Park Fund in payment of such refund from any appropriation made for that purpose.** Refunds

SEC. 16. Section 5012 of said code is amended to read:

Permits and easements

5012. The department may, upon application by the proper authorities, grant permits and easements for the following purposes and upon such terms as the department may prescribe:

(a) To a public agency for public roads.

(b) To a public agency for utility lines.

(c) For electric, gas, water, sewer, telephone, telegraph, and utility lines, and pipelines and structures incidental thereto, to perform a public service.

(d) To a public agency for channels or facilities for the development of small craft harbors and recreational areas.

Repeal

SEC. 17. Section 5012.1 of said code is repealed.

Same

SEC. 18. Section 5013.5 of said code is repealed.

SEC. 19. Section 5015 of said code is amended to read:

Master plans for beach acquisition, etc.

5015. No acquisition, development or protection of any beaches for public use or control and correction of beach or cliff erosion shall be accomplished in any county which has not adopted a master plan of beaches for that county, which plan shall provide for the acquisition, development, and control of ocean beaches in such county and which plan has been submitted to and approved by the department.

SEC. 20. Section 5016 of said code is amended to read:

Exchange of lands

5016. In order to eliminate or acquire privately owned lands situated within the present exterior boundaries of the Anza Desert State Park Project, the department is authorized to exchange for such lands other lands of approximately equal value which have been or may hereafter be patented to the State for park purposes by the Federal Government. In making the exchanges the department may comply with all rules prescribed by the Secretary of the Interior relating thereto.

SEC. 21. Section 5017 is added to said code, to read:

Report to Legislature

5017. Whenever the Legislature, or the director, directs the Division of Beaches and Parks to plan any state beach or park or recreational area development, the division shall forthwith cause investigations, studies, surveys to be made, and generalized plans to be prepared, with respect to the proposed development and shall report thereon to the Legislature at the next succeeding session of the Legislature, including in such report a description of the property to be acquired and the improvements to be constructed in connection with the proposed development, an estimate of the cost thereof, an estimate of the visitor days projected, and the division shall consult and advise with the appropriate local planning agency with regard thereto.

SEC. 22. Section 5018 is added to said code, to read:

Duties

5018. Whenever, after the receipt of a report submitted pursuant to Section 5017 with respect to a state beach or park or recreational area, the Legislature appropriates money for the acquisition, development, or construction of such state beach or park or recreational area, the department shall forth-

with commence with such acquisition, development, or construction.

SEC. 23. Section 5019.5 of said code is amended to read:

5019.5. Before any park or recreational area developmental plan is made, the department shall cause to be made a land carrying capacity survey of the proposed park or recreational area, including in such survey such factors as soil, moisture, and natural cover.

Land carrying capacity survey

SEC. 24. Section 5020 of said code is amended to read:

5020. (a) The Governor is hereby authorized to appoint an Historical Landmarks Advisory Committee of seven members to include such persons as he may deem are best qualified to carry out the purposes of this article and who shall serve without compensation and shall hold office at the pleasure of the Governor.

Historical Landmarks Advisory Committee

(b) The Historical Landmarks Advisory Committee shall have authority:

1. To make a census of all existing historical buildings or landmarks heretofore registered by the Department of Natural Resources, or privately marked by the Native Sons and Daughters of the Golden West, or privately marked by any other public agency or local historical society.

2. To conduct a continuing survey of all important historical sites in the State, whether previously registered or not, and recommend to the department those which, in its opinion, shall be officially registered.

3. To receive and consider applications from any governmental agency, historical association or private individuals for the designation and registration of any historical building or landmark.

4. To recommend to the department the qualifications for acceptance of registered historical buildings and landmarks which shall include but are not limited to military, political, agricultural, educational, economic and cultural events and locations within the State.

5. To recommend to the department the type of plaque and the descriptive material to be included thereon to be required before marking any historical landmark or building.

6. To recommend to the department those historical buildings and landmarks which it determines are qualified for marking.

(c) The term "landmarks" in this article shall mean historical buildings, sites and places deemed important in the economic, social, political, military and cultural annals of California.

SEC. 25. Section 5021 of said code is amended to read:

5021. The department shall consider all recommendations made by the Historical Landmarks Advisory Committee and shall register historical landmarks which in its judgment are of sufficient historical interest to warrant registration under this article. The department shall maintain a register which

Recommendations

shall identify by number and description such historical landmarks.

SEC. 26. Section 5022 of said code is amended to read:

Contracts for markers, etc.

5022. The department may contract with or co-operate with public or private agencies for suitable markers and directional signs at the site of, or on the approaches to, registered landmarks, including signs on highways and roads. All such markers shall conform to the recommendations of the Historical Landmarks Advisory Committee as provided for in Section 5020 of this article.

SEC. 27. Section 5023 of said code is amended to read:

Maintenance

5023. (a) It shall be the duty of the State Department of Public Works to keep in repair all objects or markers adjacent to a state highway which have been erected to mark registered historical places and to keep such monuments or markers free from vegetation which may obscure them from view.

(b) It shall be the duty of the county authorities, in charge of county highways, and all city authorities, with respect to streets and highways under their respective jurisdictions, to keep in repair or cause to be kept in repair all objects or markers adjacent to a public highway which have been erected to mark registered historical places and to keep such markers and monuments free from all vegetation which may obscure them from view.

(c) It shall be the duty of the department to keep in repair or cause to be kept in repair all objects, markers and monuments designating any registered historical places in respect to which no obligation in respect thereto is imposed on other governmental agencies by this section, and the department shall keep such markers and monuments free from all vegetation which may obscure them from view.

SEC. 28. Section 5025.11 of said code is amended to read:

Fremont Historical Route: Certification

5025.11. The department shall, with the advice of the Historical Landmarks Advisory Committee, certify the route followed by Colonel John Charles Fremont and party from the Nevada state line through Mono, Inyo, Alpine, Amador, and El Dorado Counties to Sutter's Fort in Sacramento County in the winter of 1843.

SEC. 29. Section 5025.12 of said code is amended to read:

Markers

5025.12. The department is authorized to place suitable markers along this certified route at intervals and at each intersection with a state highway or county road.

SEC. 30. Section 5025.2 of said code is amended to read:

Maintenance

5025.2. It shall be the duty of the department to keep in repair, or cause to be kept in repair, all markers of such historical routes.

SEC. 31. Section 5033 of said code is amended to read:

Acceptance of land in vicinity of Mission Bay State Park

5033. The department may accept as a part of the Mission Bay State Park, all privately or publicly owned land adjoining it or in its immediate vicinity, if the lands are tendered free of charge and unencumbered and, in the judgment of the

department, are of sufficient historic, scenic, scientific, or recreational value to warrant incorporation into the state park.

SEC. 32. Section 5034 of said code is amended to read:

5034. The provisions of Sections 5032 and 5033 of this article shall not affect easements or rights of way granted or acquired before August 14, 1929, upon or across such waters or lands for highway purposes; nor shall those provisions in any way affect any lease or franchise of any state-owned waters or tidelands, existing on August 14, 1929. Upon the expiration of every such lease or franchise, the lands or waters subject thereto immediately shall pass under the control of the department to be administered as part of the State Park System. Effect on easements, etc

SEC. 33. Sections 5035 and 5036 of said code are repealed. Repeal

SEC. 34. Section 5037 of said code is amended to read:

5037. The department shall provide for the preservation, development, and interpretation of the John Bidwell Mansion as a state historical monument when the State Department of Education determines that the John Bidwell Mansion is no longer necessary for classroom purposes. The department shall upon acquisition of the property provide for such restoration and improvements as are necessary to carry out the purposes of this section, upon appropriation of the necessary funds. John Bidwell Mansion

The properties acquired, restored, improved, maintained, and operated pursuant to this section shall constitute a portion of the State Park System.

SEC. 35. Section 5041 of said code is amended to read:

5041. To assure the accomplishment of this policy it is directed that: Survey, leases, etc.

(a) The department shall make a survey based on historical research to determine the type and materials of construction, location, and uses of the structures which existed on the acquired area of the town of Columbia during those "early days"; and based on the data so obtained shall prepare a master plan of restorational development to which all work of preservation and restoration shall substantially conform. Thereafter such master plan may be modified by the department acting upon additional authentic information. Pending completion of such master plan work of preservation and repair of existing structures which have existed since "early days" and the restoration and erection of such structures the authenticity of whose plans and construction may be satisfactorily determined may be accomplished by the department to the extent of availability of appropriated funds or of other funds donated to the department for such purposes.

(b) Leases of buildings within the area may be made by the department on such terms and conditions as determined by the department for occupancy, including such lawful use which is found to be the same or similar use which held in the "early days" or which as determined by the department is not inconsistent with the objective of this article.

(c) A building or buildings shall be used for the establishment of a museum to shelter and display exhibits of appliances used in mining or other activities of the vicinity, articles formerly possessed or used by "early days" inhabitants of the town, and items of historic interest or suitable for inclusion as approved by the department, whether loaned, donated or otherwise acquired.

(d) Any structures whose preservation or restoration is assured by suitable contribution, when approved by the department, may be named in honor of or as a memorial to the donor or as designated by the donor.

SEC. 36. Section 5042 of said code is amended to read:

Advisory committee

5042. The Columbia Historic Park Association, a nonprofit corporation, is designated as a committee advisory to the department in the research incident to and adoption of the master plan for development and upon policies of preservation, restoration and management of Columbia Historic State Park.

SEC. 37. Article 4 (commencing at Section 5050) of Chapter 1 of Division 5 of said code is repealed.

SEC. 38. Section 5060 of said code is amended to read:

Contracts for lease of park lands

5060. The department may enter into contracts with individuals or with other governmental agencies or departments for the lease, for park and recreational purposes and for the development and expansion of park and recreational areas, of lands which in the judgment of the department are desirable for these purposes, on such terms and subject to such conditions as the department may determine.

SEC. 39. Section 5063 of said code is amended to read:

Appraisal of land, etc.

5063. Before entering into any such lease contract, the lands proposed to be leased shall be appraised by three appraisers, appointed by the Governor, who shall determine the fair market value of the lands. The total amount of rental to be paid for the entire term under any lease contract shall not be in excess of the fair market value of the lands, as determined by the appraisers. The appraisers shall file with the Director of Finance three verified copies of their appraisal of any lands proposed to be leased. The director shall thereupon deliver one copy of the appraisal to the Department of Natural Resources.

SEC. 40. Section 5064 of said code is amended to read:

Assignment of options, etc.

5064. The department for a consideration may assign such options to other governmental agencies or departments. The department may accept gifts of money or lands from individuals and from other governmental agencies for the purpose of acquiring, by purchase or exchange, the lands under option.

SEC. 41. Section 5072.5 of said code is amended to read:

Easement abandonment

5072.5. The department may abandon any easement, or portion thereof, which has been acquired for trail or flood purposes, and which is no longer necessary for such purposes.

SEC. 42. Section 5073 of said code is amended to read:

Administration, advisory committee

5073. The provisions of this article shall be administered by the department. The Governor may appoint an advisory

committee to be known as the California Riding and Hiking Trails Advisory Committee, to consist of seven members, two from the northern, two from the southern, two from the central portion of the State, and one at large, selected from lists submitted upon invitation by the director by appropriate civilian organizations interested in the establishment and use of a State Trails System.

SEC. 43. Section 5074 of said code is amended to read:

Terms of members

5074. The terms of members of the committee are at the pleasure of the Governor. Each member of the committee shall receive his necessary expenses, including traveling expenses, incurred in discharge of his duties. Meetings of the committee shall be limited to 12 in any one fiscal year. The Governor shall abolish the committee when in his opinion the services thereof are no longer required.

Repeal

SEC. 44. Section 5075 of said code is repealed.

SEC. 45. Section 5076 of said code is amended to read:

Annual report

5076. The committee shall investigate all matters pertaining to the proposed project and shall annually prepare a report on these matters and forward it to the department in time for the department to incorporate it in the annual report of the department to the Governor concerning the State Park System.

SEC. 46. Section 5080 of said code is amended to read:

Roadside rest area system

5080. Many persons traveling along the state highways make brief stops for the purpose of eating their meals and resting before resuming their travel. At the present time there are insufficient places where such stops can be made in safety and where free facilities are provided for eating lunches and disposing of the litter therefrom. Under the present law, such facilities could be provided, subject to the availability of funds, either by the Department of Public Works or the Department of Natural Resources. In enacting this article it is not the intent of the Legislature to diminish any existing powers of either agency, but rather to provide specifically for the development of a system of roadside rest areas with appropriations made for the purpose of carrying out this article. In carrying out this article, the Department of Natural Resources and any other state or public agency may exercise all powers given to them under any law other than this article, except as expressly prohibited by this article, and shall co-operate in the exchange of pertinent information to the end that the program contemplated by this article can be co-ordinated with the locating, planning, and constructing of other public works.

It is the intent of the Legislature that the locating, constructing, equipping and maintaining of roadside rests be initiated on a statewide experimental basis with minimum equipment and facilities, other equipment and facilities to be added to existing rests and included in new construction when and to the extent it is justified by experience.

SEC. 47. Section 5082 of said code is amended to read:

Roadside rests

5082. Roadside rests shall be located, constructed, equipped, and maintained as the Department of Natural Resources finds the public interest requires in the light of the condition of the site and the extent of the traffic. Roadside rests shall be located where, in the opinion of the Department of Public Works, Division of Highways, they can be located without undue hazards to traffic. All roadside rests on state highways shall be subject to the approval of the Department of Public Works, Division of Highways, as to location, fencing, and manner and extent of access to the rest areas from the highway and from adjacent private property.

The Division of Highways shall co-operate with the Department of Natural Resources to provide an adequate number of rest areas in connection with the National System of Interstate and Defense Highways, as provided in the Highway Revenue Act of 1956 in combination with the Federal Aid Highway Act of 1956.

SEC. 48. Section 5084 of said code is amended to read:

Administration

5084. The provisions of this article shall be administered by the Department of Natural Resources.

SEC. 49. Section 5085 of said code is amended to read:

Acceptance of grants, etc.

5085. The Department of Natural Resources may accept grants on behalf of the State and may accept financial assistance for, or in aid of, roadside rests.

SEC. 50. Section 5086 of said code is amended to read:

Use of lands

5086. The Department of Natural Resources may use any state park or portion thereof for the purpose of providing roadside rests and may use property of any other state or public agency or private person or of the Federal Government leased, or the temporary use of which has been granted, for the purpose of providing roadside rests.

SEC. 51. Section 5087 of said code is amended to read:

Powers

5087. The Department of Natural Resources may exercise all or any portion of the powers it has with respect to roadside rests pursuant to Chapter 5 (commencing at Section 6500) of Division 7 of Title 1 of the Government Code. For the purposes of this article, "public agency" as used in said Chapter 5 includes any person, firm, association, organization, partnership, business trust, corporation, or company.

SEC. 52. Section 5088 of said code is amended to read:

County planning commission advice

5088. Except as to roadside rests located in state park areas, the Department of Natural Resources shall not proceed with the establishment of any roadside rest without first seeking the advice and recommendation of the planning commission of the county in which the roadside rest is to be established.

SEC. 53. Section 5089 of said code is amended to read:

Excess parcels

5089. Prior to the disposal by sale of excess fee-owned parcels acquired for state highway purposes, not needed for such purposes, the Department of Public Works shall notify the Department of Natural Resources, and the Department of Public Works and the Department of Natural Resources,

pursuant to law, shall endeavor to arrange for the conveyance to or use by the Department of Natural Resources for roadside rest purposes of any property deemed suitable therefor by the Department of Natural Resources; provided, that this requirement of notice shall not apply to the disposal of such excess parcels by exchange for other property, pursuant to the terms of right-of-way contracts making provision for such exchange, or to any other method of disposal not constituting a sale, nor shall such requirement apply to the disposal by sale or exchange of excess parcels located in urban areas or in other areas which the Department of Public Works and the Department of Natural Resources, by mutual agreement, consider unsuitable for development of roadside rests.

SEC. 54. Section 5090 of said code is amended to read:

Maintenance

5090. The Department of Natural Resources shall be responsible for the maintenance of all roadside rests constructed and equipped by that agency. It may contract with the Department of Public Works, Division of Highways, or any public or private agency for such maintenance work if the Director of Finance finds that maintenance by contract would be more economical. Subject to the approval of the Department of Public Works, Division of Highways, as to location of signs, the Department of Natural Resources may also erect and maintain signs indicating where roadside rests may be found, or may contract with the Department of Public Works, Division of Highways, for the erection and maintenance of the same. Roadside rest signs shall be of such shape and color as to be clearly distinguishable from highway directional signs.

SEC. 55. Section 5091 of said code is amended to read:

Administration of laws, etc

5091. State laws and rules and regulations of the Department of Natural Resources shall be administered and enforced within roadside rests by all employees of the State authorized by the Department of Natural Resources to do so and by all peace officers.

CHAPTER 2165

An act to amend Section 5012 of the Public Resources Code, relating to public utility and other structures in state parks and easements therefor.

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 5012 of the Public Resources Code is amended to read:

5012. The department may, upon application by the proper authorities, grant permits and easements for the following purposes and upon such terms as the department may prescribe:

(a) To a public agency for public roads.

(b) To a public agency for utility lines.

(c) For electric, gas, water, sewer, telephone, telegraph and utility lines, and pipelines and structures incidental thereto, to perform a public service or oil or gas pipelines.

(d) To a public agency for channels or facilities for the development of small craft harbors and recreational areas.

(e) To any oil and gas lessee of the State for pipeline right of way purposes.

No permit, easement, or right of way for oil or gas pipelines shall be granted pursuant to this section as to any land acquired by the State for beach or park purposes by condemnation after September 18, 1959, unless and until a period of 12 calendar months has elapsed following the date of acquisition of such land.

CHAPTER 2166

An act to amend Section 607f of the Civil Code, and Sections 6601, 6603, 13591, 15802, and 15803 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to classification of cities.

In effect September 18, 1959

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 607f of the Civil Code is amended to read:

Humane officers

607f. Any such corporation incorporated for the purpose of the prevention of cruelty to animals may by resolution of its board of directors or trustees duly entered on its minutes appoint any number of its members, who shall be citizens of the State of California, as humane officers. Each appointment of a humane officer shall be by separate resolution. Such resolution shall state the full name and place of residence and the business or occupation of the person so appointed and the fact that he is a citizen of the State of California and shall also designate the number of the badge to be allotted to such officer. Every person so appointed must within 10 days after his appointment present to the judge of the superior court in and for the county or city and county in which the corporation appointing such officer has its principal place of business a copy of such resolution duly certified to be correct by the president and secretary of such corporation and attested by its seal, together with the fingerprints of said appointee taken on standard 8 x 8 inch cards.

The judge shall send the certified copy of the resolution, together with the fingerprints of the appointee, to the Chief of the Division of Criminal Identification and Investigation, who shall thereupon submit to the judge, in writing, a report of the record in his possession, if any, of the appointee. If the

Chief of the Division of Criminal Identification and Investigation has no record of the appointee, he shall so report to the judge in writing. But in all cases, the Chief of the Division of Criminal Identification and Investigation shall retain the fingerprints submitted by the appointee as a part of his records, and he shall return to the judge the certified copy of the resolution at the time he submits his report on the appointee.

Upon receipt of the report and the certified copy of the resolution from the Chief of the Division of Criminal Identification and Investigation the judge shall examine the appointee as to his qualifications and fitness to act as a humane officer and, if he approves such appointment, shall indorse his approval on said certified copy of said resolution. Said appointee shall thereupon file said certified copy with the judge's approval indorsed thereon in the office of the county clerk of said county or city and county and shall at the same time take and subscribe the oath of office prescribed for constables or other peace officers.

The county clerk shall thereupon immediately enter in a book to be kept in his office and designated "Record of Humane Officers" the name of such officer, the number of his badge, the name of the corporation appointing him and the date of such filing. At the time of such filing the county clerk shall collect from such officer a fee of fifty cents ($0.50), which shall be in full for all services to be performed by the county clerk under the provisions of this section.

All such appointments of humane officers shall automatically expire within three years from the date on which the said certified copy of such appointment was filed with the county clerk, except that all such appointments now in effect shall expire within one year from the date that this act becomes effective. Officers whose appointments are about to expire may only be reappointed in the same manner as hereinbefore provided for new appointments.

The corporation appointing such officer may revoke such appointment at any time by resolution of its board of directors or trustees, a duly certified copy of which resolution must within five days after its adoption be filed in the office of the county clerk in which the appointment of such officer is recorded and upon such filing the county clerk shall enter the fact of such revocation and the date of the filing thereof opposite the name of such officer in such record of humane officers.

Such humane officers after qualifying as above provided shall have power at all places within the State lawfully to interfere to prevent the perpetration of any act of cruelty upon any dumb animal and may use such force as may be necessary to prevent the same and to that end may summon to their aid any bystander. They may make arrests for the violation of any penal law of this State relating to or affecting animals in the same manner as a constable or other peace officer and may carry such weapons as peace officers are

authorized to carry; except that in cities and counties and cities having a population of over five hundred thousand (500,000) as determined by the 1920 federal census no such humane officer shall carry any such weapon unless permission in writing so to do has first been granted to him by the board of police commissioners of such city or city and county.

Every humane officer must when making such arrest exhibit and expose a suitable badge to be adopted by the corporation appointing him which shall bear its name and a number. Any person resisting a humane officer in the performance of his duty as provided in this section, shall be guilty of a misdemeanor. Any person who has not been appointed and qualified as a humane officer as provided in this section, or whose appointment has been revoked as provided in this section, or whose appointment, having expired, has not been renewed as provided in this section, who shall represent himself to be or shall attempt to act as such officer shall be guilty of a misdemeanor.

Any officer of such corporation who shall knowingly or willfully sign or issue any certificate provided for in this section, which shall be in any material respect false or untrue, shall be guilty of a misdemeanor.

SEC. 2. Section 6601 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, is amended to read:

Teaching of foreign languages

6601. The board of education in every city having a population of over five hundred thousand (500,000) as determined by the 1920 federal census shall establish and maintain in each of the cities having a population of over five hundred thousand (500,000) as determined by the 1920 federal census at least one public school in which shall be taught the French, Spanish, Italian, and German languages, or any of them in connection with the studies in the English language prescribed and authorized to be taught in the elementary schools.

SEC. 3. Section 6603 of said code is amended to read:

Cosmopolitan schools

6603. Schools established pursuant to this article (commencing at Section 6601) shall be designated as cosmopolitan schools, and shall be subject to such rules and regulations as may be prescribed by the boards of education of cities having a population of over five hundred thousand (500,000) as determined by the 1920 federal census in which the schools are established and maintained.

SEC. 4. Section 13591 of said code is amended to read:

Employees

13591. In any school district situated wholly within the boundaries of a city having a population of more than five hundred thousand (500,000) but not exceeding five hundred fifty thousand (550,000) as determined by the 1920 federal census, the janitors and other employees of the school district shall be employed in the same manner and under the same conditions as teachers are employed by the district and when employed shall be removed only for cause and after charges have been filed and heard by the board of education.

All employees who have been in the service of the school district continuously for a period of one year prior to July 27, 1917, shall be deemed to have been so employed.

The board of education may make and enforce all necessary rules and regulations to carry out the provisions of this section.

SEC. 5. Section 15802 of said code is amended to read:

Insurance, etc., of school property

15802. The governing board of any school district shall furnish, repair, insure, and in its discretion rent the school property of its districts. The insurance shall be written in any admitted insurer. In districts within or partly within cities having a population of over five hundred thousand (500,000) as determined by the 1920 federal census fire insurance on property of the districts may be, in the discretion of the governing board, of the deductible type of coverage. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

SEC. 6. Section 15803 of said code is amended to read:

Fire loss fund

15803. In districts situated within or partly within cities having a population of over five hundred thousand (500,000) as determined by the 1920 federal census any board of education may establish a fund in the county treasury for the purpose of covering fire losses to school property in lieu of carrying fire insurance in admitted insurers as provided in Section 15802 of this code. In such fund shall be placed such sums, to be provided in the budget of the district, as will create an amount which, together with investments made from such fund, will be sufficient in the judgment of the board of education upon the advice of competent actuaries to protect such board of education against losses by fire on all or any part of the school property within its jurisdiction. Nothing contained herein shall be construed as prohibiting the board of education from providing protection against fire losses partly by means of such fund and partly by means of fire insurance written by admitted insurers as provided in Section 15802 of this code.

Such fund shall be considered as separate and apart from all other funds of the district and the balance therein shall not be considered as being part of the working cash of the district in compiling annual budgets or fixing annual tax rates.

Warrants shall not be drawn on or transfers made from the fund so created except to reimburse the district for losses by fire and then only after resolution duly adopted by the board of education based upon findings by competent appraisers.

The cash placed in such fund may be invested and reinvested by the county treasurer with the advice and consent of the board of education in securities which are legal investments for surplus county funds in this State. The income derived from such investments together with interest earned on uninvested funds shall be considered revenue of and be deposited in such fund.

The county treasurer shall make quarterly reports to the board of education as to the condition of the fund, using as a

basis for such report the cost or market value, whichever may be the lower, of the securities held as investments plus the cash in such fund.

CHAPTER 2167

An act to amend Sections 1044 and 15802 of the Education Code as enacted at the 1959 Regular Session, and to amend Sections 1956 and 53056 of the Government Code, relating to insurance coverage for school districts.

In effect September 18, 1959

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1044 of the Education Code is amended to read:

Liability insurance

1044. The governing board of any school district shall insure against the liability (other than a liability which may be insured against under the provisions of Divisions 4 and 5 of the Labor Code) of the district and against the personal liability of the members of the board and of the officers and employees of the district, for damages to property or damage by reason of the death of, or injury to, any person or persons, as the result of any negligent act by the district, or by a member of the board, or any officer or employee when acting within the scope of his office or employment. The insurance may be written in any insurance company authorized to transact the business of insurance in the State, or in a nonadmitted insurer to the extent and subject to the conditions prescribed by Section 1763 of the Insurance Code.

SEC. 2. Section 15802 of said code is amended to read:

Insurance, etc., of school property

15802. The governing board of any school district shall furnish, repair, insure, and in its discretion rent the school property of its districts. The insurance shall be written in any admitted insurer, or in any nonadmitted insurer to the extent and subject to the conditions prescribed in Section 1763 of the Insurance Code. In districts within or partly within cities of the first class or of the first and one-half class fire insurance on property of the districts may be, in the discretion of the governing board, of the deductible type of coverage. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

SEC. 3. Section 1956 of the Government Code is amended to read:

Employee insurance

1956. The State, a county, city, district, or any other public agency or public corporation may insure its officers, deputies, assistants, agents, and employees against any liability, other than a liability which may be insured against under the

provisions of Division 4 of the Labor Code, for injuries or damages resulting from their negligence or carelessness during the course of their service or employment and for the injuries or damages resulting from the dangerous or defective condition of public property, including public property as defined in Article 2, and due to their alleged negligence or carelessness, and the State, a school district, a county, or any municipality may insure its officers, including officers defined in Article 2, against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from false arrest or false imprisonment, either by self-insurance, or in any insurer authorized to transact such insurance in the State (except in the case of school district governing boards to the extent they are authorized to place insurance in nonadmitted insurers by Sections 1044 and 15802 of the Education Code). The premium for the insurance is a proper charge against the Treasury of the State, county, city, district, public agency or public corporation.

SEC. 4. Section 53056 of the Government Code is amended to read:

Local agency insurance

53056. A local agency may insure against liability, except a liability which may be insured against pursuant to Division 4 of the Labor Code, for injuries or damages resulting from the dangerous or defective condition of public property by self-insurance, or insurance in an admitted insurer (except in the case of school district governing boards to the extent they are authorized to place insurance in nonadmitted insurers by Sections 1044 and 15802 of the Education Code). The premium for the insurance is a charge against the local agency.

CHAPTER 2168

An act to amend Sections 759, 760, 761, 762, 763, 764 and 765 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, relating to compensation of county superintendents of schools.

[Approved by Governor July 22, 1959. Filed with Secretary of State July 22, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 759 of the Education Code is amended to read:

Class one counties

759. All county superintendents of schools in counties within class one (1) shall receive an annual salary of nineteen thousand nine hundred fifty dollars ($19,950) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay twelve thousand nine hun-

dred fifty dollars ($12,950), and the county seven thousand dollars ($7,000).

SEC. 2. Section 760 of said code is amended to read:

Class two counties

760. All county superintendents of schools in counties within class two (2) shall receive an annual salary of seventeen thousand three hundred twenty-five dollars ($17,325) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay eleven thousand three hundred twenty-five dollars ($11,325), and the county shall pay six thousand dollars ($6,000).

SEC. 3. Section 761 of said code is amended to read:

Class three counties

761. All county superintendents of schools in counties within class three (3) shall receive an annual salary of fifteen thousand two hundred twenty-five dollars ($15,225) and each shall possess a valid general administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay ten thousand two hundred twenty-five dollars ($10,225), and the county shall pay five thousand dollars ($5,000).

SEC. 4. Section 762 of said code is amended to read:

Class four counties

762. All county superintendents of schools in counties within class four (4) shall receive an annual salary of twelve thousand six hundred dollars ($12,600) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay eight thousand six hundred dollars ($8,600), and the county shall pay four thousand dollars ($4,000).

SEC. 5. Section 763 of said code is amended to read:

Class five counties

763. All county superintendents of schools in counties within class five (5) shall receive an annual salary of nine thousand nine hundred seventy-five dollars ($9,975) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay six thousand nine hundred seventy-five dollars ($6,975), and the county shall pay three thousand dollars ($3,000).

SEC. 6. Section 764 of said code is amended to read:

Class six counties

764. All county superintendents of schools in counties within class six (6) shall receive an annual salary of eight thousand four hundred dollars ($8,400) and each shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay six thousand four hundred dollars ($6,400), and the county shall pay two thousand dollars ($2,000).

SEC. 7. Section 765 of said code is amended to read:

Class seven counties

765. All county superintendents of schools in counties within class seven (7) shall receive an annual salary of six thousand three hundred dollars ($6,300) and each shall possess a valid elementary or secondary administrative credential

issued by the State Board of Education. Of the amount prescribed in this section, the State shall pay five thousand three hundred dollars ($5,300), and the county shall pay one thousand dollars ($1,000).

CHAPTER 2169

An act to add Chapter 3 (commencing at Section 17800) to Part 3 of Division 7 of the Business and Professions Code, relating to trading stamps.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.] In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing at Section 17800) is added to Part 3 of Division 7 of the Business and Professions Code, to read:

CHAPTER 3. TRADING STAMPS

Article 1. General Provisions and Definitions

17800. This chapter may be cited as the "Trading Stamp Act." Short title

17801. "Trading stamp" means any stamp or similar device issued in connection with the retail sale of merchandise or service, as a cash discount or for any other marketing purpose, which entitles the rightful holder, on its due presentation for redemption, to receive merchandise, service or cash. "Trading stamp"

17801.1. "Trading stamp" does not include any redeemable device used by the manufacturer or packer of an article, in advertising or selling it, or any redeemable devise issued and redeemed by a newspaper, magazine, or other publication. Same

17801.2. "Trading stamp" does not include any coupon, caused to be prepared by the merchant using the same and distributed by him to his customers, which coupon, ticket, certificate, card or other similar device is redeemable only by such merchant for or in connection with the purchase of specific articles of merchandise carried in his stock. Same

17801.3. The Legislature finds and declares that the devices described in Sections 17801.1 and 17801.2 are classes of articles that are not employed in connection with practices which must be regulated as provided in this chapter to protect the people of California against improper activities of irresponsible trading stamp companies. Legislative declaration

17802. "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit. "Person"

17803. "Commissioner" means the Commissioner of Corporations. "Commissioner"

"Issue"

17804. "Issue" includes use, distribute, give away, sell, furnish, and license such use, distribution, gift, sale or furnishing.

"Merchant"

17805. "Merchant" includes retailer, person dealing in services, or person in a similar capacity.

"Trading stamp company"

17806. "Trading stamp company" means a person who issues or offers to issue trading stamps and who ultimately redeems such stamps or is responsible for such redemption.

"Trading stamp company" does not include a merchant who may issue trading stamps to the public but who, in turn, has been issued such stamps by a third party, which third party is responsible for the redemption or the ultimate redemption of the stamps.

Exemption

17807. Trading stamps issued by a licensee under this chapter are exempt from the Corporate Securities Law (Division 1, commencing at Section 25000, of Title 4 of the Corporations Code).

Repeal of conflicting law

17808. All laws and parts of laws now effective in this State, to the extent that they directly or indirectly regulate trading stamp companies, or directly or indirectly regulate the distribution or redemption of trading stamps in this State, are hereby repealed; provided, however, that this chapter shall not repeal nor be construed to repeal Chapters 16 (commencing at Section 4100) and 17 (commencing at Section 4200) of Division 6 of the Agricultural Code, Chapters 10 (commencing at Section 24750), 11 (commencing at Section 24850), 12 (commencing at Section 25000), and 16 (commencing at Section 25600) of Division 9 of the Business and Professions Code, or any provisions of any of such chapters.

Article 2. Application of Chapter

Unlawful acts

17810. It is unlawful for any person to issue any trading stamp unless such stamp shall have imprinted thereon:

(a) The name of a trading stamp company licensed under the provisions of this chapter, which is responsible for the redemption of the stamp.

(b) The redeemable value thereof in cents, mills, or fractions of cents.

Redemption

17811. Any trading stamp company shall redeem upon presentation, any trading stamp which it has issued either in goods, wares, or merchandise, or in cash, good and lawful money of the United States, at the option of the holder thereof. Trading stamps shall only be presented for redemption in cash in an amount aggregating not less than one dollar ($1).

Unlawful acts

17812. It is unlawful for any person to willfully issue or redeem any trading stamp without the consent of the trading stamp company which issued such stamps

Same

17813. It is unlawful for any person to engage in the business or act in the capacity of a trading stamp company without having a license obtained under the provisions of this chapter.

Nothing contained in this chapter shall prohibit any person who was licensed as a trading stamp company under the provisions of this chapter, but who ceased to possess such a license, from redeeming the trading stamps issued pursuant to such license.

Penalties

17814. Any person violating any provision of this chapter shall be punished by a fine of not more than one thousand dollars ($1,000), and any superior court of this State shall have jurisdiction in equity on the complaint of any interested person to restrain and enjoin the violation of any of the provisions of this chapter.

Exception

17815. Nothing in this chapter shall prevent any person from redeeming, pursuant to contract, any trading stamps issued on or before June 30, 1960.

Discontinuance of stamp issuance: Merchants

17816. Any merchant who has issued to his customers or other persons the trading stamps of any licensee under this chapter, and who proposes to discontinue or does discontinue the issuance of the stamps of such licensee for any reason whatsoever, shall post a notice at every place in his establishment at which such stamps were or are issued, in letters equal at least in size to 18-point type, containing at least the following information:

(a) The fact that such stamps will no longer be issued by the merchant and the date of discontinuance of issuance.

(b) The name and address in this State, of the licensee under this chapter, who is responsible for the redemption of such stamps.

(c) The fact that the licensee is licensed by the Commissioner of Corporations of the State of California and has posted a bond with the commissioner to assure the redemption of such stamps upon presentation to the licensee.

(d) The fact that the stamps are redeemable either in goods, wares, merchandise, or in cash, good and lawful money of the United States, at the option of the stamp holder, and stating the cash redemption value of each stamp, and that it is necessary for the holder to present trading stamps in an amount aggregating not less than one dollar ($1) for redemption in cash.

The notice required by this section shall be posted within at least seven days from the date on which the issuance of such stamps is discontinued and shall remain posted for 30 days.

Any person who violates this section is guilty of a misdemeanor and is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both.

Trading stamp company

17817. No trading stamp company shall cease the issuance of trading stamps unless it notifies the commissioner in writing at least 90 days prior to such cessation, and gives written notice at such time to each merchant in the State which has at any time within one year issued trading stamps which the company is obligated to redeem.

Article 3. License and Bond

License application

17825. An applicant for a license to engage in the business of a trading stamp company under this chapter shall submit to the commissioner an application in writing on a form prescribed by the commissioner and accompanied by the fee fixed by this chapter and by representative samples of its stamps, stamp collection books, stamp redemption catalogues, and stamp distribution and redemption agreement forms, currently used in this State. Each such application shall provide the following information:

(a) The name and principal address of the company.

(b) The state of its incorporation or origin.

(c) The names and addresses of its principal officers, partners, or proprietors.

(d) The address of its principal office in this State.

(e) The name and address of its principal officer, employee, or agent in this State.

(f) The addresses of its stamp redemption places in this State.

(g) A short form of its balance sheet, as of the end of its last fiscal year prior to such filing, certified by an independent certified public accountant or an independent public accountant.

(h) Unless the principal sum of the bond hereinafter required to be filed by the company is the maximum amount, a statement of its gross income from its business in this State as a trading stamp company during such last fiscal year, certified by an independent certified public accountant or an independent public accountant.

Bond

17826. The application shall be accompanied by a bond payable to this State and duly executed by the trading stamp company and a corporate surety qualified to do business in this State, which is conditioned upon the performance by the company of its obligations to redeem trading stamps issued by retailers in this State when they are duly presented for redemption by the rightful holders.

Principal sum of bond

17827. The principal sum of the bond required by Section 17826 shall be determined in accordance with the following schedule:

Gross income from applicant's trading stamp business in the State	Principal sum of the bond
Less than $250,000	$25,000
$250,000 to $499,999	50,000
$500,000 to $749,999	75,000
$750,000 or over	100,000

If the applicant has not previously done business in the State the principal sum shall be twenty-five thousand dollars ($25,000).

17828. The bond required by Section 17826 shall remain in force and effect with the commissioner during the time for which such year's license is issued to such applicant or licensee trading stamp company, and until discharged. On the effective date of each new bond filed with the commissioner, all bonds previously filed on behalf of the same principal shall be discharged and all liability on them shall terminate. Term, etc.

In the event of a default by the principal, trading stamp company, to redeem trading stamps issued under any such discharged bond, any claims filed by the holders of those stamps shall be paid solely from the principal sum of the new bond in accordance with the procedure prescribed in this article.

Each bond filed with the commissioner, with the exception of the first bond, shall provide for the assumption of liability for the redemption of trading stamps under all preceding discharged bonds.

When an action is commenced under Section 17832 the commissioner may require the filing of a new bond and, immediately upon the recovery in such action, shall require the filing of a new bond. Failure to file a new bond within 10 days after recovery on the bond, or within 10 days after notification by the commissioner that a new bond is required constitutes grounds for the suspension or revocation of a license. The surety on the new bond shall not be required to assume any liability for trading stamps issued under preceding bonds.

17829. In the event a trading stamp company fails to redeem any of its trading stamps, any rightful holder of such trading stamps may file a complaint with the commissioner within three months after such failure to redeem. The complaint shall be accompanied by the unredeemed stamps. Claim procedure Complaint, etc.

Upon the filing of any complaint or complaints involving the alleged failure of a trading stamp company to redeem trading stamps, the commissioner shall request the trading stamp company in writing by certified mail, mailed to the company's last address of record with the commissioner, to redeem the trading stamps in cash on or before 10 days from the date on which the request is mailed.

If the amount demanded is paid, the commissioner shall make an equitable distribution of the amount to the persons who filed pursuant to this section, and shall forthwith forward the redeemed stamps to the trading stamp company.

If the trading stamp company fails to redeem the trading stamps within the specified time, the commissioner shall publish notice of such fact in three consecutive publications of one or more newspapers of general circulation published in the Cities of Sacramento, San Francisco, and Los Angeles, and therein advise that any additional claim may be filed with him, together with the trading stamps upon which the claim is based, within three months after the date of the first such publication Retailers in possession of trading stamps for issuance to their customers shall also be deemed rightful holders entitled to make such claims. If any person fails to file a claim

with the commissioner within such three months period, the commissioner shall thereupon be relieved of further duty or action hereunder on behalf of such person until such time as complaints involving the alleged default of the trading stamp company to redeem trading stamps have been again filed with the commissioner.

The publication shall also give notice of the time and place that the commissioner will hold a hearing to consider any evidence concerning the alleged default of the trading stamp company.

Notice of hearing

17830. Within 30 days after the expiration of the claim period prescribed in Section 17829, the commissioner shall notify the trading stamp company in writing by certified mail, mailed to the company's last address of record with the commissioner, and the surety on company's bond in writing by certified mail, mailed to the address shown on the bond, inviting it to appear at a hearing before the commissioner to present any relevant evidence concerning its alleged failure to redeem the trading stamps.

Hearing, payment demand

17831. If at any such hearing, which may be held at any time after 20 days from the date notification is mailed, the commissioner finds that the trading stamp company has defaulted in the redemption of its trading stamps, the commissioner shall demand cash payment from the company in an amount sufficient to satisfy all valid claims filed with him.

Action re payment

17832. If the amount demanded is paid within 10 days of the making of the demand, the commissioner shall make an equitable distribution of the amount to persons who filed pursuant to Section 17829 and shall forthwith forward the redeemed stamps to the trading stamp company.

If the amount demanded is not paid within 10 days of the making of the demand, the commissioner may bring an action in a court of competent jurisdiction against the trading stamp company and its surety to recover, on behalf of the complainants, the value of the unredeemed stamps.

Commissioner's costs

17833. The costs incurred by the commissioner in performing the duties set forth in Sections 17829, 17830, 17831, and 17832 shall constitute a proper charge against the trading stamp company which has defaulted, or, in the event of the trading stamp company's failure to pay, against the bond filed by that company, and shall constitute a prior claim against such company or such bond, except that in no event shall the surety be liable for such charge and all other valid claims, as an aggregate in excess of the principal sum of the bond.

Grounds for license denial

17834. The conviction of a felony involving moral turpitude of an applicant for license, or a partner, officer or director thereof, constitutes grounds for the denial of a license.

Surviving partners

17835. A surviving member or members of a licensed copartnership by reason of death shall be entitled to continue in business under such license, until the expiration date thereof, if the surviving member or members shall continue to comply

with the provisions of this chapter and if notice is given to the commissioner within 30 days after death of the member.

17836. In the event that any trading stamp company should cease to comply with the provisions of Section 17826, the license and all rights, powers, and privileges conferred by it to the company shall be automatically suspended. License suspension

17837. The commissioner may, after a hearing, suspend or revoke any license, if he finds that the licensee, or any of its partners, officers, or directors: License suspension or revocation

(a) Has violated any provision of this chapter.

(b) Has been convicted of a felony.

(c) Made any false statement in his application for a license.

17838. The application for a license and the bond required by this chapter shall be filed with the commissioner on or before July 1st following the effective date of this chapter and the application for a renewal of such license and the bond therefor shall be made annually on or before July 1st of each year. The trading stamp company shall pay a license fee to the commissioner at the time of filing each such application for license or renewal equal to 1 percent of the amount of the bond required to be filed by the trading stamp company under the provisions of this chapter. Filing

17839. All fees and penalties and all receipts of any kind and nature received under the provisions of this chapter, shall be paid into the State Treasury and shall be credited to the General Fund. Disposition of receipts

17840. The commissioner may, in accordance with the provisions of Chapter 4 (commencing at Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code, adopt, amend, or repeal such rules and regulations as are reasonably necessary for carrying out the provisions of this chapter. Rules and regulations

17841. The hearings provided for in this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the commissioner shall have all the powers granted therein. Provisions applicable

SEC. 2. This act shall take effect on July 1, 1960. Operative date

SEC. 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. Severability

CHAPTER 2170

An act to add Chapter 3 (commencing with Section 17750) to Part 3 of Division 7 of the Business and Professions Code, relating to the regulation, licensing, and bonding of trading stamp companies.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 17750) is added to Part 3 of Division 7 of the Business and Professions Code, to read:

CHAPTER 3. TRADING STAMP COMPANIES

"Trading stamp"

17750. "Trading stamp" means any stamp or similar device issued in connection with the retail sale of merchandise or service, as a cash discount or for any other marketing purpose, which entitles the rightful holder, on its due presentation for redemption, to receive merchandise, service or cash.

Same

17751. "Trading stamp" does not include any redeemable device used by the manufacturer or packer of an article, in advertising or selling it, or any redeemable device issued and redeemed by a newspaper, magazine, or other publication.

Same

17752. "Trading stamp" does not include any coupon, caused to be prepared by the merchant using the same and distributed by him to his customers, which coupon, ticket, certificate, card or other similar device is redeemable only by such merchant for or in connection with the purchase of specific articles of merchandise carried in his stock.

Legislative declaration

17753. The Legislature finds and declares that the devices described in Sections 17751 and 17752 are classes of articles that are not employed in connection with practices which must be regulated as provided in this chapter to protect the people of California against improper activities of irresponsible trading stamp companies.

"Trading stamp company"

17754. "Trading stamp company" means any person engaged in any manner in distributing trading stamps for retail issuance by others or in redeeming trading stamps for retailers.

"Person"

17755. "Person" means any individual, partnership, corporation, association, or other organization.

"Commissioner"

17756. "Commissioner" means the Commissioner of Corporations.

"Issue"

17757. "Issue" includes use, distribute, give away, sell, furnish, and license such use, distribution, gift, sale or furnishing.

"Merchant"

17758. "Merchant" includes retailer, person dealing in services, or person in a similar capacity.

17759. It is unlawful for any person to issue any trading stamp unless such stamp shall have imprinted thereon: Unlawful acts

(a) The name of a trading stamp company licensed under the provisions of this chapter, which is responsible for the redemption of the stamp.

(b) The redeemable value thereof in cents, mills, or fraction of cents.

17760. Any trading stamp company shall redeem upon presentation, any trading stamp which it has issued either in goods, wares, or merchandise, or in cash, good and lawful money of the United States, at the option of the holder thereof. Trading stamps shall only be presented for redemption in cash in an amount aggregating not less than one dollar ($1). Redemption

17761. It is unlawful for any person to willfully issue or redeem any trading stamp without the consent of the trading stamp company which issued such stamps. Unlawful acts

17762. It is unlawful for any person to engage in the business or act in the capacity of a trading stamp company without having a license obtained under the provisions of this chapter. Same

Nothing contained in this chapter shall prohibit any person who was licensed as a trading stamp company under the provisions of this chapter, but who ceased to possess such a license, from redeeming the trading stamps issued pursuant to such license.

17763. Nothing in this chapter shall prevent any person from redeeming, pursuant to contract, any trading stamps issued on or before June 30, 1960. Exception

17764. An applicant for a license to engage in the business of a trading stamp company under this chapter shall file with the commissioner an application for a license accompanied by representative samples of its stamps, stamp collection books, stamp redemption catalogues, and stamp distribution and redemption agreement forms, currently used in this State. Each such application shall provide the following information: License application

(a) The name and principal address of the company.

(b) The state of its incorporation or origin.

(c) The names and addresses of its principal officers, partners, or proprietors.

(d) The address of its principal office in this State.

(e) The name and address of its principal officer, employee, or agent in this State.

(f) The addresses of its stamp redemption places in this State.

(g) A short form of its balance sheet, as of the end of its last fiscal year prior to such filing, certified by an independent certified public accountant or an independent public accountant.

(h) Unless the principal sum of the bond hereinafter required to be filed by the company is the maximum amount, a statement of its gross income from its business in this State as a trading stamp company during such last fiscal year, certified

by an independent certified public accountant or an independent public accountant.

Bond

17765. The application for license shall be accompanied by a bond payable to this State and duly executed by the trading stamp company and a corporate surety qualified to do business in this State, which is conditioned upon the performance by the company of its obligations to redeem trading stamps issued by retailers in this State when they are duly presented for redemption by the rightful holders.

License issuance, etc

17765.1. The commissioner shall issue a license to any applicant who complies with the provisions of this chapter. All licenses shall expire annually on June 30th. Licenses shall be nontransferable.

Claim procedure

17766. If a company fails to redeem any of its trading stamps, any rightful holder of such trading stamps may file a complaint with the commissioner within three months after such failure to redeem. The complaint shall be accompanied by the unredeemed stamps.

Upon the filing of any complaint or complaints involving the alleged failure of a trading stamp company to redeem trading stamps, the commissioner shall request the trading stamp company in writing by certified mail, mailed to the company's last address of record with the commissioner, to redeem the trading stamps in cash on or before 10 days from the date on which the request is mailed.

If the amount demanded is paid, the commissioner shall make an equitable distribution of the amount to the persons who filed pursuant to this section, and shall forthwith forward the redeemed stamps to the trading stamp company.

If the trading stamp company fails to redeem the trading stamps within the specified time, the commissioner shall publish notice of such fact in three consecutive publications of one or more newspapers of general circulation published in the Cities of Sacramento, San Francisco and Los Angeles, and therein advise that any additional claim may be filed with him, together with the trading stamps upon which the claim is based, within three months after the date of the first such publication. Retailers in possession of trading stamps for issuance to their customers shall also be deemed rightful holders entitled to make such claims. If any person fails to file a claim with the commissioner within such three months period, the commissioner shall thereupon be relieved of further duty or action hereunder on behalf of such person until such time as complaints involving the alleged default of the trading stamp company to redeem trading stamps have been again filed with the commissioner.

The publication shall also give notice of the time and place that the commissioner will hold a hearing to consider any evidence concerning the alleged default of the trading stamp company.

Within 30 days after the expiration of the claim period prescribed in this section, the commissioner shall notify the

trading stamp company in writing by certified mail, mailed to the company's last address of record with the commissioner, and the surety on company's bond in writing by certified mail, mailed to the address shown on the bond inviting it to appear at a hearing before the commissioner to present any relevant evidence concerning the trading stamp company's alleged failure to redeem the trading stamps.

If at any such hearing, which may be held at any time after 20 days from the date notification is mailed, the commissioner finds that the trading stamp company has defaulted in the redemption of its trading stamps, the commissioner shall demand cash payment from the company in an amount sufficient to satisfy all valid claims filed with him.

If the amount demanded is paid within 10 days of the making of the demand, the commissioner shall make an equitable distribution of the amount to persons who filed pursuant to this section and shall forthwith forward the redeemed stamps to the trading stamp company.

If the amount demanded is not paid within 10 days of the making of the demand, the commissioner may bring an action in a court of competent jurisdiction against the trading stamp company and its surety to recover, on behalf of the complainants, the value of the unredeemed stamps.

The costs incurred by the commissioner in performing the duties set forth in this section shall constitute a proper charge against the trading stamp company which has defaulted, or, in the event of the trading stamp company's failure to pay, against the bond filed by that company, and shall constitute a prior claim against such company or such bond, except that in no event shall the surety be liable for such charge and all other valid claims as an aggregate in excess of the principal sum of the bond.

Surviving partners

17767. A surviving member or members of a licensed copartnership by reason of death shall be entitled to continue in business under such license, until the expiration date thereof, if the surviving member or members shall continue to comply with the provisions of this chapter and if notice is given to the commissioner within 30 days after death of the member.

License suspension

17768. In the event that any trading stamp company should cease to comply with the provisions of Section 17765, the license and all rights, powers, and privileges conferred by it to the company shall be automatically suspended.

License suspension or revocation

17769. The commissioner may, after a hearing, suspend or revoke any license, if he finds that the licensee, or any of its partners, officers, or directors:

(a) Has violated any provision of this chapter.

(b) Has been convicted of a felony.

(c) Made any false statement in his application for a license.

Disposition of receipts

17770. All fees and penalties and all receipts of any kind and nature received under the provisions of this chapter, shall

be paid into the State Treasury and shall be credited to the General Fund.

Rules and regulations

17771. The commissioner may, in accordance with the provisions of Chapter 4 (commencing at Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code, adopt, amend, or repeal such rules and regulations as are reasonably necessary for carrying out the provisions of this chapter.

Provisions applicable

17772. The hearings provided for in this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the commissioner shall have all the powers granted therein.

Principal sum of bond

17773. The principal sum of the bond required by this chapter shall be as follows:

(a) If the company has not previously done business as a trading stamp company in this State, or if the company's gross income from such business in this State during its last fiscal year was not in excess of two hundred fifty thousand dollars ($250,000), the principal sum shall be twenty-five thousand dollars ($25,000).

(b) If such gross income exceeded two hundred fifty thousand dollars ($250,000) but was not in excess of five hundred thousand dollars ($500,000), the principal sum shall be fifty thousand dollars ($50,000).

(c) If such gross income exceeded five hundred thousand dollars ($500,000) but was not in excess of seven hundred fifty thousand dollars ($750,000), the principal sum shall be seventy-five thousand dollars ($75,000).

(d) If such gross income exceeded seven hundred fifty thousand dollars ($750,000), the principal sum shall be one hundred thousand dollars ($100,000).

New bond

17774. On the effective date of each new bond, any and all liability on all bonds previously filed hereunder shall terminate, and all rightful holders of trading stamps who shall prosecute their claims hereunder shall prosecute such claims solely against the new bond and only by filing proofs of claim with the commissioner in the manner provided in this chapter.

Filing

17775. The application for license and the bond required by this chapter shall be filed with the commissioner on or before July 1st following the effective date of this chapter and the application for a renewal of such license and the bond therefor shall be filed annually thereafter on or before July 1st of each year The trading stamp company shall pay a license fee to the commissioner at the time of filing each such application for license equal to 1 percent of the amount of the bond required to be filed by the trading stamp company under the provisions of this chapter.

Discontinuance of stamp issuance: Merchants

17776. Any merchant who has issued to his customers or other persons the trading stamps of any licensee under this chapter, and who proposes to discontinue or does discontinue the issuance of the stamps of such licensee for any reason whatsoever, shall post a notice at every place in his establishment at

which such stamps were or are issued, in letters equal at least in size to 18-point type, containing at least the following information:

(a) The fact that such stamps will no longer be issued by the merchant and the date of discontinuance of issuance.

(b) The name and address in this State, of the licensee under this chapter, who is responsible for the redemption of such stamps.

(c) The fact that the licensee is licensed by the Commissioner of Corporations of the State of California and has posted a bond with the commissioner to assure the redemption of such stamps upon presentation to the licensee.

(d) The fact that the stamps are redeemable either in goods, wares, merchandise, or in cash, good and lawful money of the United States, at the option of the stamp holder, and stating the cash redemption value of each stamp, and that it is necessary for the holder to present trading stamps in an amount aggregating not less than one dollar ($1) for redemption in cash.

The notice required by this section shall be posted within at least seven days from the date on which the issuance of such stamps is discontinued and shall remain posted for 30 days.

Any person who violates this section is guilty of a misdemeanor and is punishable by imprsonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both.

Trading stamp company

17777. No trading stamp company shall cease the issuance of trading stamps unless it notifies the commissioner in writing at least 90 days prior to such cessation, and gives written notice at such time to each merchant in the State which has at any time within one year issued trading stamps which the company is obligated to redeem.

Penalties

17778. Any person violating any provision of this chapter shall be punished by a fine of not more than one thousand dollars ($1,000), and any superior court of this State shall have jurisdiction in equity on the complaint of any interested person to restrain and enjoin the violation of any of the provisions of this chapter.

Exemption

17779. Trading stamps issued by a licensee under this chapter are exempt from the Corporate Securities Law (Division 1, commencing at Section 25000, of Title 4 of the Corporations Code).

Repeal

17780. All laws and parts of laws now effective in this State, to the extent that they directly or indirectly regulate trading stamp companies, or directly or indirectly regulate the distribution or redemption of trading stamps in this State, are hereby repealed; provided, however, that this chapter shall not repeal nor be construed to repeal Chapters 16 (commencing at Section 4100) and 17 (commencing at Section 4200) of Division 6 of the Agricultural Code, Chapters 10 (commencing at 24750), 11 (commencing at Section 24850),

12 (commencing at Section 25000), and 16 (commencing at Section 25600) of Division 9 of the Business and Professions Code, or any provisions of any of such chapters.

Operative date

SEC. 2. This act shall take effect on July 1, 1960.

Severability

SEC. 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 2171

An act to add Section 1450 to the Welfare and Institutions Code, relating to county medical facilities.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 1450 is added to the Welfare and Institutions Code, to read:

1450. The board of supervisors of a county may contract for optometric service with an optometrist licensed pursuant to the provisions of the Business and Professions Code.

CHAPTER 2172

An act to add Article 10 (commencing at Section 25151) to Chapter 13 of Division 18 of the Education Code as enacted by the Legislature at its 1959 Regular Session, relating to state colleges.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing at Section 25151) is added to Chapter 13 of Division 18 of Part 4 of the Education Code as enacted by the Legislature at its 1959 Regular Session, to read:

Article 10. State College for Stanislaus County

Stanislaus State College

25151. There is hereby established a state college, to be located in Stanislaus County, to be known as the Stanislaus State College.

Laws applicable

25152. The provisions of this code relating to state colleges, and all other laws relating to state colleges, are applicable to the Stanislaus State College.

CHAPTER 2173

An act to add Section 1773.1 to the Labor Code, relating to per diem wages.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 1773.1 is added to the Labor Code, to read:

1773.1. Per diem wages shall be deemed to include employer payments for health and welfare, pension, vacation and similar purposes, when the term "per diem wages" is used in this chapter or in any other statute applicable to public works.

For the purpose of determining such per diem wages for contracts entered into with the State, the representative of any craft, classification or type of workman needed to execute the contracts entered into with the State shall file with the Department of Industrial Relations fully executed copies of the collective bargaining agreements for the particular craft, classification or type of work involved. Such agreements shall be filed within 10 days after their execution and thereafter may be taken into consideration pursuant to Section 1773 whenever filed 30 days prior to the call for bids.

CHAPTER 2174

An act to amend Section 12256 of the Revenue and Taxation Code, relating to insurance taxation.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 12256 of the Revenue and Taxation Code is amended to read:

12256. The rate of tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent except that as to gross premiums received upon policies or contracts issued in connection with a pension plan or profit-sharing plan exempt or qualified under Sections 401(a), 404, or 501(a) of the United States Internal Revenue Code as amended or renumbered from time to time, the rate of tax shall be the percentage set forth below opposite each year:

Tax rate

Year	Percentage
1960	2.15
1961	1.95
1962	1.75
1963	1.55
1964	1.35
1965 and each year thereafter	1.00

SEC. 2. The effective date of this act shall be January 1, 1960.

Effective date

CHAPTER 2175

An act to amend Section 7058 of the Business and Professions Code, relating to contractors.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 7058 of the Business and Professions Code is amended to read:

7058. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

A specialty contractor includes a contractor whose operations are principally concerned with the installation and laying of carpets, linoleum, and resilient floor covering.

CHAPTER 2176

An act to add Section 74346.5 to the Government Code, relating to the municipal court districts embracing the City of San Diego.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 74346.5 is added to the Government Code, to read:

74346.5. With respect to any position provided for by Sections 74342 to 74346, inclusive, if the salary provided by law for a person occupying a corresponding position, after the same period of service, in the municipal courts of the South Bay Judicial District, El Cajon Judicial District, or Oceanside Judicial District is higher than the salary provided by Sections 74342 to 74346, inclusive, then, notwithstanding such sections, the salary of such person occupying a position provided for by such sections shall be equal to the highest salary provided by law for a person occupying the corresponding position, and having the same period of service, in any of the three above-named judicial districts.

CHAPTER 2177

An act to amend Section 19577 of the Education Code as enacted at the 1959 Regular Session, relating to state school building aid.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 19577 of the Education Code as enacted at the 1959 Regular Session is amended to read:

19577. Notwithstanding any other provisions of this chapter (Sections 19551 to 19689, inclusive), a district which applies for an apportionment for the purchase of a site or comprehensive master plan, or for the cost of the preparation of plans and specifications, which is not a part of a construction project, shall make a separate application for such site, comprehensive master plan, or plans and specifications in the same manner as prescribed by Section 19571.

All of the provisions of this chapter (Sections 19551 to 19689, inclusive) apply to such application and apportionment except that:

(a) If the Department of Education determines that within five years in the case of an application for an elementary grade level maintained by the district, or within seven years, in the case of an application for a high school grade level maintained by the district, from the date of the application for the site or comprehensive master plan, or for the plans and specifications, there will be sufficient enrollment in the district to show the need of such site or comprehensive master plan, or for the plans and specifications, it may approve the application. The board may modify a determination respecting future enrollment in connection with an application for an elementary grade level maintained by the district to utilize a period of seven years from the date of the application if it is necessary to meet the emergency conditions existing in that certain district due to a rapid increase in the enrollment of pupils, or due to the scarcity of land within the district, or both. Any application referred to the board pursuant to this section may be either approved in whole or in part, not exceeding the amount applied for, as the board may deem appropriate, pursuant to Sections 19571 and 19576, except that the board may approve additional portions of an application and make an additional apportionment or apportionments within five years of the original approval without requiring a district to issue additional bonds. No additional approval pursuant to the original application or apportionment thereunder may be made unless the board first has investigated and determined the necessity of such additional approval or apportionment, and has received a report thereon from the Department of Education. Any provision of Section 19571 inconsistent with this

section shall not apply to such application. As used in this section, an "elementary grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (1) of subdivision (e) of Section 19553. As used in this section a "high school grade level maintained by the district" is a grade level composed of the grades and maintained by the districts specified in (2) of subdivision (e) of Section 19553.

(b) Section 19556 does not apply.

(c) An application for a site pursuant to this section may include an amount for the preparation of plans and specifications for school facilities and for the development of the site, which will conform to those eligible for construction under this chapter (Sections 19551 to 19689, inclusive).

(d) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment for a site or comprehensive master plan, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The repayment of the apportionment for plans and specifications, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the second fiscal year succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter (Sections 19551 to 19689, inclusive). If an apportionment is granted pursuant to this section for a site and such site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter (Sections 19551 to 19689, inclusive), or if an apportionment is granted pursuant to this section for plans and specifications and such plans and specifications are subsequently used in a construction project for which an apportionment is received under other provisions of this chapter (Sections 19551 to 19689, inclusive), the district shall not be required to make any further repayments for the site, or the plans and specifications, as the case may be, pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site, or the plans and specifications, as the case may be, pursuant to this section shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project.

The interpretation by the board of the word "used" in the preceding paragraph and whether or not the district has complied therewith shall be conclusive upon the district affected, after a hearing and finding of the State Allocation Board.

CHAPTER 2178

An act to add Article 13.5 (commencing at Section 997) to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to the reserves of disability insurers.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Article 13.5 (commencing at Section 997) is added to Chapter 1, Part 2, Division 1 of the Insurance Code, to read:

Article 13.5. Disability Insurance Reserves

997. (a) For statement purposes as defined in Article 10, for insolvency calculations as defined in Article 13, and for the valuation of the liabilities of insurers for all other purposes, every admitted insurer shall maintain an active life reserve which shall place a sound value on its liabilities under all disability policies and which shall not be less than the reserve according to the standards set forth in regulations issued by the commissioner and, in no event, less in the aggregate than the pro rata gross unearned premium reserve for such policies. The promulgation of such regulations by the commissioner or any changes or amendments thereof shall be in accordance with the procedure provided in Chapter 4 of Part 1, Division 3, Title 2 of the Government Code.

Subsections (b), (c) and (d) of this section shall control the amounts of reserves and liabilities, other than for specific claim losses, upon all individual disability policies until the effective date of regulations issued by the commissioner as provided in the next preceding paragraph. Such regulations, in lieu of subsections (b), (c) and (d) of this section, shall control the amounts of such reserves and liabilities during the time such regulations continue in force. In the event such regulations shall cease to be in effect, such reserves and liabilities again shall be controlled by subsections (b), (c) and (d) of this section during the time no such regulations shall be in force.

(b) Every admitted insurer which issues one or more of the following three types of individual disability policies shall maintain a reserve not less than the minimum reserve required under the provisions of this subsection (b):

(1) Policies which are guaranteed renewable for life or to a specified age at guaranteed premium rates.

(2) Policies which are guaranteed renewable for life or to a specified age but under which the insurer has reserved the right to change the scale of premiums.

(3) Policies, other than those described in type (1) of subsection (c), in which the insurer has reserved the right to cancel or to refuse renewal for one or more reasons, but has

agreed implicitly or explicitly that, prior to a specified time or age, it will not cancel or decline renewal solely because of deterioration of health after issue.

During the period within which the renewability of the policy is guaranteed or the insurer's right to cancel the policy or to refuse renewal thereof is limited, the minimum reserve shall be an amount computed on the basis of two-year preliminary term tabular mean reserves employing the following assumptions:

Mortality: 1958 Commissioners Standard Ordinary Table or 1941 Commissioners Standard Ordinary Table or American Men Ultimate Table.

Interest: 3½ percent.

Morbidity or other contingency:

Disability due to Accident and Sickness—Conference Modification of Class (3) Disability Table (1926).

Hospital Expense Benefits due to Accident and Sickness—1956 Inter-company Hospital Table.

Surgical Expense Benefits due to Accident and Sickness—1956 Inter-company Surgical Table.

For other benefits not specified above, each company shall establish reserves that place a sound value on the liabilities under such benefit.

Such mean reserves shall be diminished or offset by appropriate credit for the valuation net deferred premiums. In no event, however, shall the aggregate reserves for all policies valued on the mean reserve basis, diminished by any credit for deferred premiums, be less than the gross pro rata unearned premiums under such policies.

Negative reserves for any benefit may be offset against positive reserves for other benefits in the same individual or family policy, but if all benefits of such policy collectively develop a negative reserve, credit shall not be taken for such amount.

(c) Every admitted insurer which issues one or more of the following types of individual disability policies shall maintain the minimum unearned premium reserve required under the provisions of this subsection (c):

(1) Selected group disability policies issued under or subject to an agreement that, except for stated reasons, the insurer will not cancel or refuse to renew the coverage of individual insureds prior to a specified age unless all coverage under the same group is terminated.

(2) Any type of individual disability policy not included in one of the three types described in subdivision (b) and not included in type (1) of this subsection (c).

The minimum unearned premium reserve shall be the pro rata unearned portion of gross premiums in force and, subject to the limitations contained in Sections 922.2 to 922.8 inclusive, shall be reduced by premiums paid or credited for risks reinsured in solvent insurers.

(d) Provided the reserve on all policies to which the method or basis is applied is not less in the aggregate than the required

amount determined according to the applicable standards specified in subsections (b) and (c), an insurer may use any reasonable assumptions as to the interest rate, mortality rates or the rates of morbidity or other contingency, and may introduce an assumption as to the voluntary termination of policies. Also, subject to the preceding conditions, the insurer may employ methods other than the methods stated in subsections (b) and (c) in determining a sound value of its liabilities under such policies, including but not limited to the following: (1) the use of midterminal reserves in addition to either the gross pro rata unearned premium reserves described in subsection (c) or the net pro rata unearned premium reserve; (2) optional use of either the level premium, the one-year preliminary term or the two-year preliminary term method; (3) prospective valuation on the basis of actual gross premiums with reasonable allowance for future expense; (4) the use of approximations such as those involving age groupings, groupings of several years of issue, average amounts of indemnity; (5) the computation of the reserve for one policy benefit as a percentage of, or by other relation to, the aggregate policy reserves, exclusive of the benefit or benefits so valued; (6) the use of a composite annual claim cost for all or any combination of the benefits included in the policies valued.

For statement purposes the net reserve liability for active lives may be shown as the mean reserve with offsetting asset items for net unpaid and deferred premiums or it may be shown as the excess of the mean reserve over the amount of net unpaid and deferred premiums, or, regardless of the underlying method of calculation, it may be divided between the gross pro rata unearned premium reserve and a balancing item for the "additional reserve."

CHAPTER 2179

An act to add Section 9356.3 to the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 9356.3 is added to the Government Code, to read:

9356.3. Any member heretofore or hereafter elected to fill an unexpired term of office as Member of the Legislature, whose time of service in such capacity amounts to more than one-half of the full term for that office, shall receive credit for service for the full term of office if he makes contributions therefor to the Legislators' Retirement Fund. Such contributions shall be in an amount equal to 4 percent of the compensation he would have received as legislator during the remainder of the term.

This section applies only to members who are Members of the Legislature on the effective date of this section or who become Members of the Legislature after such date.

CHAPTER 2180

An act to amend Sections 11380, 11422, 11422.1, and 11423 of the Government Code, relating to administrative rules and regulations.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 11380 of the Government Code is amended to read:

11380. Every state agency shall:

Agency duties

(a) Transmit to the department for filing with the Secretary of State and with the Rules Committee of each house of the Legislature a certified copy of every regulation adopted by it except one which:

(1) Establishes or fixes rates, prices or tariffs.

(2) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such order is indicated to the public by means of signs or signals.

(3) Is directed to a specifically named person or to a group of persons and does not apply generally throughout the State.

(b) Transmit to the department for filing with the Secretary of State and with the Rules Committee of each house of the Legislature a certified copy of every order of repeal of a regulation required to be filed under subdivision (a) of this section.

(c) Deliver to the department at the time of transmittal for filing a regulation or order of repeal four duplicate copies of the regulation or order of repeal together with a citation of the authority pursuant to which it or any part thereof was adopted.

SEC. 2. Section 11422 of said code is amended to read:

Effective dates

11422. A regulation or an order of repeal required to be filed with the Secretary of State shall become effective on the thirtieth day after the date of filing unless:

(a) Otherwise specifically provided by the statute pursuant to which the regulation or order of repeal was adopted, in which event it becomes effective on the day prescribed by such statute.

(b) It is a regulation prescribing an agency's organization or procedure, in which event it shall become effective upon filing or upon any later date specified by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.

(c) It is an emergency regulation or order of repeal adopted pursuant to subdivision (b) of Section 11421, in which case the finding and the statement of the facts constituting the emergency shall be filed with the Secretary of State and with the Rules Committee of each house of the Legislature together with the emergency regulation or order of repeal, which shall, in that event only, become effective upon filing or upon any later date specified by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.

(d) A later date is prescribed by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.

SEC. 3. Section 11422.1 of said code is amended to read:

Emergency regulations

11422.1. No regulation adopted as an emergency shall remain in effect more than 120 days unless the adopting agency has complied with Sections 11423, 11424, and 11425, prior to the adoption of the emergency regulation, or has, within said 120-day period, given notice of the adoption of the emergency regulation in a manner substantially similar to that required for the proposed adoption of a regulation and has afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that required by Section 11425. The agency shall, prior to the expiration of the 120-day period, transmit to the department for filing with the Secretary of State and with the Rules Committee of each house of the Legislature, a certification that either Sections 11423, 11424, and 11425 were complied with prior to adoption, or that compliance was had with this section within the said period. Failure to so certify shall constitute a repeal of the emergency regulation.

SEC. 4. Section 11423 of said code is amended to read:

Notice

11423. At least 30 days prior to the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be:

(a) Published in such newspaper of general circulation, trade or industry publication, as the state agency shall prescribe.

(b) Filed with the Rules Committee of each house of the Legislature.

(c) Mailed to every person who has filed a request for notice thereof with the state agency.

(d) In cases in which the state agency is within a state department, mailed or delivered to the director of such department.

(e) When appropriate in the judgment of the state agency, (1) mailed to any person or group of persons whom the agency believes to be interested in the proposed action and, (2) published in such additional form and manner as the state agency shall prescribe.

Where the form or manner of notice is prescribed by statute in any particular case, in addition to filing and mailing notice as required herein, the notice shall be published, posted,

mailed, filed or otherwise publicized as prescribed by that statute.

The failure to mail notice to any person as provided in this section shall not invalidate any action taken by a state agency pursuant to this article. The provisions of Article 5 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the publication of newspaper notices under this section.

CHAPTER 2181

An act to amend Sections 5780.1, 5780.13, 5780.16, 5781.3, 5781.4, 5781.6, 5781.13, 5781.14, 5782.5, 5784.5, 5785.4, and 5787 of, to amend and renumber Sections 5781.9, 5781.10, 5781.11, 5781.12, 5781.15, 5781.16, 5781.17, 5781.18, 5781.19, and 5787.3 of, to repeal Section 5784.22 of, and to add Sections 5782.21, 5784.22, and 5787.01 to, the Public Resources Code, relating to recreation and park districts.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 5780.1 of the Public Resources Code is amended to read:

"Supervising authority"

5780.1. "Supervising authority," as used in this chapter, means the board of supervisors of the county in which lies the territory within the proposed district. If the territory is composed of one or more cities only, the city council of the largest city, as determined by the last United States census or by a special census taken pursuant to the provisions of Chapter 17 (commencing at Section 40200), Part 2, Division 3, Title 4 of the Government Code, shall be the supervising authority.

SEC. 2. Section 5780.13 of said code is amended to read:

Provisions applicable

5780.13. On or before the first day of February of any year that an assessment or taxes are to be levied and when the boundaries of any recreation and park district are changed for any reason whatsoever, the tax or assessment levying authority shall comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

SEC. 3. Section 5780.16 of said code is amended to read:

Termination of district

5780.16. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter which does not, prior to July 1, 1962, file the affidavit required by Section 5780.15 shall cease to exist and all its property shall revert to the city if the district is entirely within the boundaries of a city or, if not, to the county in which the district is located.

In such cases the city legislative body or board of supervisors is, ex officio, the governing body of the former district and may levy taxes and assessments and perform other acts necessary to terminate the district affairs.

SEC. 4. Section 5781.3 of said code is amended to read:

5781.3. Alternative methods may be used to initiate proceedings for the formation of a recreation and park district: Alternative methods

(a) In the first method, a supervising authority may determine by resolution that certain territory or territories are in need of the formation of a recreation and park district. The supervising authority shall proceed under the provisions of Article 4 (commencing at Section 58090) and Article 5 (commencing at Section 58130) of Chapter 1 of Division 1 of Title 6 of the Government Code to hold a public hearing on the matter and, if it determines the district should be established, to call and conduct an election on the formation of the district.

(b) Whenever it is desired to form a recreation and park district, an alternative method may be used. A petition requesting the creation and maintenance of a recreation and park district and describing exterior boundaries of the proposed district shall be signed by a number of registered voters equal in number to at least 25 percent of the number of votes cast in the territory comprising the district at the last succeeding general election at which a Governor was elected. The petition shall be presented to the supervising authority and the supervising authority shall proceed under the provisions of Article 4 (commencing at Section 58090) and Article 5 (commencing at Section 58130) of Chapter 1, of Division 1 of Title 6 of the Government Code to hold a public hearing on the matter and, if it determines the district should be established, to call and conduct an election on the formation of the district.

SEC. 5. Section 5781.4 of said code is amended to read:

5781.4. The petition shall specify one of the following methods of selecting the board of directors of the district: Petition, etc.

(a) That the board of directors shall be composed of the supervising authority.

(b) That the board of directors shall have five members appointed by the board of supervisors and by the mayors of the cities included wholly or partly in the district and shall specify the terms of office of members to be appointed.

If unincorporated territory and territory of but one city is included in the district, three members of the board of directors shall be appointed by the board of supervisors of the county in which the district is formed, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event three members of the board of directors appointed by the mayor of the city and two members appointed by the board of supervisors of the county in which the district is formed shall constitute the district board of directors.

Whenever unincorporated territory and all or parts of two or more cities are included in the district one director shall be appointed by the board of supervisors. The remaining members shall be selected by majority vote of the mayors of the cities included wholly or partly within the district.

If the district contains no unincorporated territory, the district board of directors shall consist of five directors appointed by the mayor of the city, or mayors of the cities included wholly or partly within the district. If only two cities or parts thereof are in the district, two district board members shall be appointed by the mayor of the city having the lesser population, and three members by the mayor of the city having the greater population. If more than two cities are included wholly or partly within a district, the members of the district board shall be selected by majority vote of the mayors of such cities.

The members of the board of directors of the board first appointed shall serve for four-year terms and for two-year terms and shall determine by lot which three members shall serve for four-year terms and which of two members shall serve for two-year terms.

(c) That the board of directors shall be elected as provided in this chapter.

SEC. 6. Section 5781.6 of said code is amended to read:

Formation election

5781.6. The election for the formation of a recreation and park district shall be conducted in accordance with the provisions of Article 5 (commencing at Section 58130) and Article 6 (commencing at Section 58160), Chapter 1, Division 1, Title 6 of the Government Code. At the election for the formation of the recreation and park district in which the district shall be governed by an elected board of directors, the three nominees receiving the largest vote shall be considered as having been elected for four-year terms, and the two nominees receiving the fourth and fifth largest number of votes shall be considered as having been elected for two-year terms. In all subsequent elections, members of the board of directors shall be elected for four-year terms.

SEC. 7. Section 5781.9 of said code is amended and renumbered to read:

Election of board members

5783.6. At the time of a general election in November of the year next succeeding the first election, or if the first district board is elected within less than six months before such general election, then at the time of the general election succeeding the first election and at each general election thereafter, an election shall be held for the election of the required number of members of the district board who shall take office on the first of January in the year following the election and shall hold office for a term of four years, or until their successors are elected or appointed and qualified. Members of the board of directors must be residents and registered voters within the territory comprising the district.

SEC. 8. Section 5781.10 of said code is amended and renumbered to read:

No election

5783.7. If on the fifty-fourth day prior to a general district election at 12 o'clock noon only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices,

and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board, an election shall not be held.

SEC. 9. Section 5781.11 of said code is amended and renumbered to read:

Publication

5783.8. In such case, or if no election has been held, the publication provided for in Section 5783 shall, instead of calling an election, state that no election is to be held but that the supervising authority shall appoint those nominated for the positions or shall, if no persons have been nominated, appoint any qualified persons to the positions.

SEC. 10. Section 5781.12 of said code is amended and renumbered to read:

Appointment

5783.9. If pursuant to Section 5783.8 a general district election is not held, the supervising authority shall, at a meeting held prior to the day fixed for the election, appoint to the positions those persons nominated, or shall, if no persons have been nominated, appoint any qualified persons to such positions. Any persons thus appointed shall qualify, take office and serve as if elected at a general district election.

SEC. 11. Section 5781.13 of said code is amended to read:

Vacancies

5781.13. Any vacancy in the office of a member elected to the district board shall be filled by appointment by the supervising authority for the unexpired term.

A vacancy in the office of a member appointed shall be filled by the appointing authority.

SEC. 12. Section 5781.14 of said code is amended to read:

Meeting

5781.14. Within 30 days after their first election and after each general district election or unopposed election, or at the beginning of each new term for members of an appointed board, the district board shall meet and organize as a board, electing a chairman and such other officials as may be necessary from their number, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

SEC. 13. Section 5781.15 is amended and renumbered to read:

Quorum

5782.16. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 14. Section 5781.16 of said code is amended and renumbered to read:

Board action

5782.17. The board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.

SEC. 15. Section 5781.17 of said code is amended and renumbered to read:

Members' compensation

5782.18. Each member of the district board may receive such sum as may be fixed by the board, not exceeding ten dol-

lars ($10), for each meeting of the board attended by him, not exceeding four meetings in any calendar month.

SEC. 16. Section 5781.18 of said code is amended and renumbered to read:

Members' expenses

5782.19. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.

SEC. 17. Section 5781.19 of said code is amended and renumbered to read:

Recall

5782.20. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 11050), Division 13 of the Elections Code.

SEC. 18. Section 5782.21 is added to said code, to read:

Rules and regulations

5782.21. The board of directors may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the property, improvements, and facilities under its management or belonging to the district.

SEC. 19. Section 5782.5 of said code is amended to read:

Rights and powers

5782.5. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority.

(d) To appoint and employ and pay persons who are necessary and adequately trained, to maintain and operate the property, improvements and facilities under its control and to operate programs of public recreation. The board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the State or other public agency or private organization.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts.

(g) To borrow money, give security therefor, purchase on contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this chapter.

SEC. 20. Section 5784.5 of said code is amended to read:

Tax levy

5784.5. The board of supervisors shall, at the time of levying the county taxes, levy a tax upon all the property taxable

by the district lying within the county, to meet the amount set forth in the final budget submitted by the district board. The tax shall not, however, exceed a rate of fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

SEC. 21. Section 5784.22 of said code is repealed. Repeal

SEC. 22. Section 5784.22 is added to said code, to read:

5784.22. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all such indebtedness shall be repaid in approximately equal annual installments during a period not to exceed five years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors. Acquisition of lands, etc.

SEC. 23. Section 5785.4 of said code is amended to read:

5785.4. When a city annexes any portion of the unincorporated area in the district and the district conveys real property or recreation centers to the city, the city shall maintain and operate the property or recreation centers for the purpose of public recreation City recreation facilities

SEC. 24. Section 5787 of said code is amended to read:

5787. Upon receiving a petition, signed by 25 percent of the registered voters of the district, requesting its dissolution, its governing body shall, by resolution, call an election for this purpose. The provisions of Article 10 (commencing at Section 58300), Chapter 1, Division 1, Title 6 of the Government Code shall not apply to the dissolution of districts organized under this article. Dissolution Election

SEC. 25. Section 5787.3 is amended and renumbered to read:

5784.34. In the event a district is dissolved by proceedings under Article 9 (commencing at Section 5787) of this chapter the property in the territory constituting the district at the Continuing tax liability

time of its dissolution shall continue to be subject to tax, levied as provided in Section 5784.30, to pay the principal of and interest on bonds of the district outstanding at the time of such dissolution and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such dissolution.

SEC. 26. Section 5787.01 is added to said code, to read:

Alternative method

5787.01. As an alternative method of dissolution, the governing body of the district may by resolution duly adopted, and in the absence of a petition by the registered voters, order an election to determine whether or not the district shall be dissolved.

CHAPTER 2182

An act to amend Section 14058 of, and to add Section 14057.5 to, the Health and Safety Code, and to amend Section 5781.10 of the Public Resources Code, relating to district elections.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 14057.5 is added to the Health and Safety Code, to read:

Notice

14057.5. The district board shall publish notice pursuant to Section 6066 of the Government Code that nomination petitions may be received. Notice shall be published at least seven days prior to the final date for receiving petitions.

SEC. 2. Section 14058 of said code is amended to read:

No election

14058. If at 12 o'clock noon on the fifty-fourth day prior to a general district election only one person has been nominated for each of the positions of fire commissioner to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board by the fortieth day prior to the election, an election shall not be held.

SEC. 3. Section 5781.10 of the Public Resources Code is amended to read:

Same

5781.10. If on the sixtieth day prior to a general district election only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board by the fortieth day prior to the election, an election shall not be held.

CHAPTER 2183

An act to amend Section 26453 of the Vehicle Code as enacted at the 1959 Regular Session of the Legislature, relating to the maintenance of vehicle brakes.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26453 of the Vehicle Code as enacted at the 1959 Regular Session of the Legislature is amended to read:

26453. All brakes and component parts thereof shall be maintained in good condition and in good working order. The brakes shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

CHAPTER 2184

An act to amend Section 35201.5 of the Government Code, relating to the annexation of noncontiguous territory owned by the annexing city.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 35201.5 of the Government Code is amended to read:

35201.5. Pursuant to this article, a city may annex noncontiguous territory not exceeding one hundred acres in area which lies in the same county as that in which the city is situated and which is owned by the city and used for a municipal purpose except that no territory may be annexed under the provisions of this article if, at the time the territory is proposed for annexation, one or more registered voters reside in the territory. If after the completion of such annexation, the city sells such territory or any part thereof or one or more registered voters reside thereon, such territory or part thereof ceases to be a part of the city.

If territory is annexed pursuant to this section, the annexing city may not annex any territory not owned by it and not contiguous to it although such territory is contiguous to the territory annexed pursuant to this section.

CHAPTER 2185

An act to amend Sections 858 and 859 of the Penal Code, relating to notification to parent or guardian of arrest of child or ward.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 858 of the Penal Code is amended to read:

Procedure following arrest

858. When the defendant is brought before the magistrate upon an arrest, either with or without warrant, on a charge of having committed a public offense, the magistrate must immediately inform him of the charge against him, and of his right to the aid of counsel in every stage of the proceedings. If it appears that the defendant may be a minor, the magistrate shall ascertain whether such is the case, and if the magistrate concludes that it is probable that the defendant is a minor, he shall immediately either notify the parent or guardian of the minor, by telephone or messenger, of the arrest, or appoint counsel to represent the minor.

SEC. 2. Section 859 of said code is amended to read:

Same

859. When the defendant is charged with the commission of a public offense, over which the superior court has original jurisdiction, by a written complaint subscribed under oath and on file in a court within the county in which the public offense is triable, he shall, without unnecessary delay, be taken before a magistrate of the court in which such complaint is on file. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel, ask him if he desires the aid of counsel, and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the judicial district in which the court is situated. The officer must, without delay and without fee, perform that duty. If the defendant desires and is unable to employ counsel, the court must assign counsel to defend him. If it appears that the defendant may be a minor, the magistrate shall ascertain whether such is the case, and if the magistrate concludes that it is probable that the defendant is a minor, he shall immediately either notify the parent or guardian of the minor, by telephone or messenger, of the arrest, or appoint counsel to represent the minor.

CHAPTER 2186

An act to amend Section 75030.5 of the Government Code, relating to the retirement of judges.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 75030.5 of the Government Code is amended to read:

75030.5. Any judge who has served as a constitutional officer or as a public legal officer before becoming a judge has a right to elect by written election filed with the Controller at any time prior to retirement, to make contributions pursuant to this section for, and receive credit in this system as service for all or any part of the time he served as such officer, excluding any period of time for which he is receiving or is entitled to receive a retirement allowance from any other public retirement system. As used herein, the term "constitutional officer" means the holder of an office created by the Constitution of this State, and "public legal officer" means the holder of any legal office of the State or any agency of the State or of any county or city in the State who is paid a salary or other fixed regular compensation and who is admitted and licensed to practice law in the State of California during the time of holding said office and whose principal duties in said office are legal in nature, such as Attorney General, Legislative Counsel, Commissioner of Corporations, district attorney, county counsel, city attorney, city prosecutor, public defender, or deputy of any such office admitted and licensed to practice law in the State of California during the time of holding said office and whose principal duties in said office are legal in nature.

Every judge electing to receive credit for service pursuant to this section shall at the time of filing his election, and as a condition to receiving such credit, pay into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary and paid into that fund pursuant to Section 75102 had he been a judge during the time for which he elects to receive credit for service, computed by applying the rates of deduction applicable to judges' salaries during such time to the rate of salary he actually received during his first year as a judge, plus interest at 3 percent a year, to the date of his payment, upon the amounts of such deductions and from the respective dates they would have been paid had he been a judge during the time for which he elects to receive credit for service. Such amount and interest shall be determined by the Controller in accordance with this section.

CHAPTER 2187

An act to add Section 6900 to the Labor Code, relating to safety in employment.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6900 is added to Division 5, Part 2, Chapter 2, of the Labor Code, titled "Operation Personnel," to read:

6900. Notwithstanding Section 6800, the Public Utilities Commission shall enforce the provisions of this chapter.

CHAPTER 2188

An act to amend Sections 6901 and 6903 of, and to add Section 6902.1 to, the Labor Code, relating to safeguards on railroads.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 6901 of the Labor Code is amended to read:

Passenger, mail, or express train crews

6901. No common carrier operating more than four trains each way per day of 24 hours on any main track or branch line of railroad within this State, or on any part of such main track or branch line, shall run or permit to be run, on any part of such main track or branch line, any passenger, mail or express train on which there is not employed at least one conductor, one brakeman, and the following:

(a) One engineer and one fireman for each diesel locomotive.

(b) One electric motorman for each train propelled or run by electricity.

(c) One motor or power control man for each train propelled by motive power other than diesel or electricity.

(d) Two brakemen, where four or more cars, exclusive of railroad officers' private cars, are hauled.

(e) One baggageman, except on a train upon which baggage is not hauled, and on gasoline motor cars.

The provisions of this section shall not be applicable to any diesel locomotive weighing forty-five tons (45) or less.

SEC. 2. Section 6902.1 is added to said code, to read:

Freight mixed, or work train crews

6902.1. No common carrier operating more than four trains each way per day of 24 hours on any main track or branch line of railroad within this State, or on any part of such main track or branch line, shall run or permit to be run, on any

part of such main track or branch line, any freight, mixed, or work train on which there is not employed one engineer and one fireman for each diesel locomotive weighing over forty-five tons (45).

SEC. 3. Section 6903 of said code is amended to read:

Self-propelled pile drivers, etc

6903. No common carrier operating more than four trains each way per day of 24 hours on any main track or branch line of railroad within this State, or on any part of such main track or branch line, shall run or permit to be run, on any part of such main track or branch line, any self-propelled pile driver, car, or vehicle which has sufficient power to draw or propel itself and one or more standard cars, or any train propelled or drawn by steam, electricity, or other motive power other than those trains described in Sections 6901, 6902, and 6902.1 on which there is not employed at least one conductor and one brakeman and the following:

(a) One engineer and one fireman for each diesel locomotive.

(b) One motorman for each train propelled or drawn by electricity.

(c) One motor or power control man for each train propelled by motive power other than diesel or electricity.

(d) One steam engineer or one motor or power control man for each self-propelled pile driver or other self-propelled vehicle which has sufficient power to draw or propel itself and one or more standard cars. The provisions of this section with reference to self-propelled pile drivers or other self-propelled vehicles apply only where the self-propelled pile driver or vehicle is moved under its own power from one permanent station or siding to the place of work if the distance is one-half mile or more.

The provisions of this section shall not be applicable to any diesel locomotive weighing forty-five tons (45) or less.

CHAPTER 2189

An act to add Section 26310 to the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, relating to truck and trailer brakes.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 23, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 26310 is added to the Vehicle Code, as enacted by the Legislature at the 1959 Regular Session, to read:

26310. Every vehicle using compressed air for the actuating of the brakes shall be equipped with a safety device approved by the department which will prevent the loss of air pressure if an air line breaks or a diaphragm is ruptured, and

will permit the effective application of the remaining brakes of the vehicle, or other safety device approved by the department which will, upon loss of air pressure, automatically apply the brakes to the wheels of the vehicles.

The department is hereby empowered to determine and to establish the specifications required of any such device or devices for departmental approval and, in the conducting of any test or tests of any such device or devices, the department may determine the costs of any such tests, and may require that the manufacturers of any such device being tested provide the department with the amount of money necessary to cover the costs of any such tests. The department may employ the services of private firms, individuals or public institutions in the conduct of such tests. The department may accept tests by accredited laboratories. No device shall be approved by the department that creates a hazard on the highway or increases the stopping distance of a truck or combination of vehicles.

This section shall not take effect in regard to new vehicles until January 1, 1961, or 18 months following the certification of approval of such a device by the department, whichever is later, and all other vehicles, regardless of the date of manufacture, shall be equipped by January 1, 1960, or six months following certification of approval of such a device by the department, whichever is later.

CHAPTER 2190

An act to add Section 172e to the Penal Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 24, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 172e is added to the Penal Code, to read:

172e. The provisions of Sections 172, 172a, 172b, and 172d of this code shall not apply to the sale or the exposing or offering for sale of alcoholic beverages by an on-sale licensee under the Alcoholic Beverage Control Act within premises licensed as a bona fide public eating place as provided in the Constitution and as defined in the Alcoholic Beverage Control Act (commencing at Section 23000, Business and Professions Code), and the provisions of such sections shall not be construed so as to preclude the Department of Alcoholic Beverage Control from issuing licenses for bona fide public eating places within the areas prescribed by the sections.

CHAPTER 2191

An act to amend Section 23355 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 24, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 23355 of the Business and Professions Code is amended to read:

23355. Except as otherwise provided in this division and subject to the provisions of Section 22 of Article XX of the Constitution, the licenses provided for in Article 2 of this chapter authorize the person to whom issued to exercise the rights and privileges specified in this article and no others at the premises for which issued during the year for which issued. Deliveries of distilled spirits by a licensee to another licensee may be made from the vendor's licensed premises or from a warehouse located within the county in which the vendor's licensed premises are located except as permitted by Section 23383. Deliveries to a licensed importer may also be made from any point outside the State.

CHAPTER 2192

An act to amend Sections 23320, and 23397 of, and to add Sections 23321.6, 23374.5, 23375.5, and 24052 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 24, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor: Types of licenses and fees

(1) Beer manufacturer's license	$828.00 per year
(2) Wine grower's license (to be computed only on the gallonage produced), 5,000 gallons or less	22.00 per year
Over 5,000 gallons to 20,000 gallons per year	44.00 per year
Over 20,000 to 100,000 gallons per year	82.50 per year
Over 100,000 to 200,000 gallons per year	110.00 per year
Over 200,000 gallons to 1,000,000 gallons a year	165.00 per year

	For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	$110.00 per year
(3)	Brandy manufacturer's license	168.00 per year
(4)	Distilled spirits manufacturer's license	276.00 per year
(5)	Distilled spirits manufacturer's agent's license	276.00 per year
(6)	Still license	12.00 per year
(7)	Rectifier's license	276.00 per year
(8)	Wine rectifier's license	276.00 per year
(9)	Beer and wine importer's license	No fee
(10)	Brandy importer's license	No fee
(11)	Distilled spirits importer's license	No fee
(12)	Distilled spirits importer's general license	276.00 per year
(13)	Public warehouse license	12.00 per year
(14)	Customs broker's license	12.00 per year
(15)	Wine broker's license	56.00 per year
(16)	Beer and wine wholesaler's license	56.00 per year
(17)	Distilled spirits wholesaler's license	276.00 per year
(18)	Industrial alcohol dealer's license	56.00 per year
(19)	Retail package off-sale beer and wine license	12.00 per year
(20)	Retail package off-sale general license for under $20,000 gross retail sales of distilled spirits per year	200.00 per year
	In addition, for $20,000 or more gross retail sales of distilled spirits per year	200.00 per year
(21)	On-sale beer license	84.00 per year
(22)	On-sale beer and wine license	84.00 per year
(23)	On-sale beer and wine license for trains (per train)	16.00 per year
(24)	On-sale beer license for fishing party boats (per boat)	32.00 per year
(25)	On-sale beer and wine license for boats (per boat)	56.00 per year
(26)	On-sale beer and wine license for airplanes (per scheduled flight)	16.00 per year
(27)	On-sale general license:	
	In cities of 40,000 population or over	580.00 per year
	In cities of less than 40,000 but more than 20,000 population	412.00 per year
	In all other localities	360.00 per year
(28)	On-sale general license for seasonal business:	
	In cities of 40,000 population or over	145.00 per quarter year
	In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
	In all other localities	90 00 per quarter year

(29) (a) On-sale general license for bona fide clubs,	
(b) Club license (issued under Article 4 of this chapter), or	
(c) Veterans' club license (issued under Article 5 of this chapter):	
In cities of 40,000 population or over	$330.00 per year
In cities of less than 40,000 but more than 20,000	248.00 per year
In all other localities	220.00 per year
(30) On-sale general license for trains and sleeping cars	128.00 per year
Duplicate on-sale general license for trains and sleeping car companies	32.00 per year
(31) On-sale general license for boats	332.00 per year
(32) On-sale general license for airplanes	128.00 per year
Duplicate on-sale general license for air common carriers	10.00 per year
(33) On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year

The increase in fees made by Chapter 22 of the 1954 First Extraordinary Session and by the act amending this section shall not be affected by the limitation placed by Section 26004 upon the existence of the Alcoholic Rehabilitation Commission.

The changes in fees made by the amendments to this section at the 1959 Regular Session of the Legislature shall be applicable on or after January 1, 1960, for all on-sale licenses.

SEC. 1.5. Section 23321.6 is added to said code, to read:

23321.6. The license for vessels of more than 1,000 tons burden engaged in interstate and foreign commerce shall be issued to a common carrier by water selling distilled spirits on board vessels operating in this State, and a duplicate thereof shall be obtained for each vessel on which distilled spirits are sold. Vessels over 1,000 tons

SEC. 2. Section 23397 of said code is amended to read:

23397. Alcoholic beverages may be served on trains, boats, and airplanes under on-sale licenses issued for trains, boats, and airplanes, only to passengers or employees not on duty. Service on trains, boats and airplanes

Alcoholic beverages may be served on airplanes under on-sale licenses with meals only, and no charge, in addition to the price of the ticket for passage on an airplane, shall be made for the service of such alcoholic beverages.

Beer may be served on boats under an on-sale beer license for fishing party boats except during the time such boats are at a dock.

SEC. 3. Section 24052 is added to said code, to read:

Fishing party boats

24052. The department may issue and renew on-sale beer licenses for fishing party boats on payment of the fees without regard to the provisions of Sections 23985, 23986, 23987, 23988, 24013, 24014, or 24043.

SEC. 4. Section 23374.5 is added to said code, to read:

Importer's general license

23374.5. A distilled spirits importer's general license authorizes the person to whom issued to become an importer of distilled spirits and to sell distilled spirits to distilled spirts manufacturers, distilled spirits manufacturer's agents, distilled spirits wholesalers, rectifiers and distilled spirits general importers.

SEC. 5. Section 23775.5 is added to said code, to read:

Same

23375.5. No distilled spirits importer's general license shall be issued to any person who holds an interest, directly or indirectly, in an on-sale or off-sale general license.

CHAPTER 2193

An act to amend Section 172b of the Penal Code, relating to alcoholic beverages.

In effect September 18, 1959

[Approved by Governor July 23, 1959. Filed with Secretary of State July 24, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 172b of the Penal Code is amended to read:

172b. 1. Every person who, within one and one-half miles of the boundaries of the grounds belonging to the University of California at Los Angeles on which the principal administrative offices of the university are located, as such boundaries were established as of July 1, 1959, sells or exposes for sale any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days, or by both such fine and imprisonment, in the discretion of the court.

2. The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

4. The provisions of this section shall not apply to the sale, giving away, exposing for sale, or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect

on the effective date of this section, and the provisions of this section do not prohibit the transfer of any license from one premises to another within the prescribed area if the premises to which the license is transferred are not located more than 500 feet nearer to the grounds belonging to the University of California at Los Angeles than the premises from which the license is transferred, except that no license shall be transferred to any premises within an area where the sale of intoxicating liquor is prohibited by Section 172.

CHAPTER 2194

An act to add Section 24052 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 24, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 24052 is added to the Business and Professions Code, to read:

24052. The extension of the boundaries of any institution mentioned in Sections 172, 172a, 172b, and 172d of the Penal Code shall not affect licenses issued and in effect at the time the boundaries are extended and such licenses are transferable from one person to another for use on the premises for which issued. A license authorized by this section to be located nearer such institutions than otherwise permitted is transferable from one premises to another without regard to extension of such boundaries if the premises to which the license is transferred are not located nearer to such boundaries, as they exist on the date of transfer, than the premises from which the license is transferred.

For the purposes of this section a transfer is one made on or after September 1, 1959.

CHAPTER 2195

An act to amend Section 172a of the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 23, 1959. Filed with Secretary of State July 24, 1959.]

In effect September 18, 1959

The people of the State of California do enact as follows:

SECTION 1. Section 172a of the Penal Code is amended to read:

172a. Every person who, upon or within 1½ miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of more than 1,000 students, more than 500 of

whom reside or lodge upon such university grounds or campus, sells, gives away or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor; except that the provisions of this sentence shall not apply to the sale, giving away, exposing for sale or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect at the time when the number of students enrolled increases to exceed 1,000 and the number of students residing or lodging upon the grounds or campus of any university increases to exceed 500, and this section first becomes operative as to such university grounds or campus, and the provisions of this sentence do not prohibit the transfer of any such retail package offsale beer and wine license or any such onsale beer and wine license from one premises to another within the prescribed area; provided, however, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the laws of the State of California when such prescription is dated by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within 48 hours of its date; provided further, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes; provided further, that the provisions of this section shall not apply to nor prohibit the sale, gift, or exposing, or offering for sale of ale, porter. wine, similar fermented malt, or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing, or offering for sale of beer.

In measuring distances from the university grounds or campus of the University of Southern California in the City of Los Angeles, the College of the Pacific at Stockton, and the University of Santa Clara, such distances shall not be measured by airline but by following the shortest road or roads connecting the points in question.

With respect to Leland Stanford Junior University, the provisions of this section shall not apply to the sale, giving away, exposing for sale or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act (commencing at Section 23000, Business and Professions Code) in any premises for which a license is issued and in effect on September 15, 1959.

With respect to the University of San Francisco, and the University of California Medical Center in San Francisco, the provisions of this section shall not apply to any license or the transfer thereof to any location which is issued and in effect at the time the number of students enrolled increases to exceed 1,000 and the number of students residing or lodging upon the grounds or campus increases to exceed 500.

Concurrent and Joint Resolutions and Constitutional Amendments Regular Session 1959

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE 1959 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 1—Relative to the continuation of the Joint Legislative Committee for School Visitations.

[Filed with Secretary of State, January 14, 1959.]

WHEREAS, The Joint Legislative Committee for School Visitations created by Senate Concurrent Resolution No. 8, 1955 Regular Session, has so successfully handled the problems incident to the visitation of school children to the State Capitol; and

WHEREAS, These school visitations are continuing at such a rate that to avoid confusion and preserve the educational value of the visits, it is extremely important that the Legislature should continue the Committee for School Visitations; and

WHEREAS, The subject of visitations to the Capitol by school children and the problems incident thereto are of concern to both houses of the Legislature; and

WHEREAS, Pursuant to Senate Concurrent Resolution No. 20, 1957 Regular Session, the Joint Legislative Committee was created to act until the commencement of the 1959 Regular Session; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Legislative Committee for School Visitations is hereby continued and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon the subject of visits to the Capitol by school children.

2. To continue such services and programs as it has established pursuant to Senate Concurrent Resolution No. 8, of the 1955 Regular Session, and to change, modify or terminate any of such services as the committee deems in the best interest of the State of California.

3. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigat-

ing committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the fifteenth calendar day of the 1961 Regular Session, with authority to file its report, if any, not later than the final legislative day of that session.

6. The committee or any subcommittee may meet and travel within or outside this State in executing the functions committed to it.

7. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(e) To employ such technical and clerical assistants as may be necessary to enable the committee properly to execute its functions.

8. The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 2

Assembly Concurrent Resolution No. 2—Relative to the continuance of the Joint Interim Committee on the Public Education System.

[Filed with Secretary of State, January 14, 1959]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Interim Committee on the Public Education System created by Resolutions Chapter No. 21 of the 1958

First Extraordinary Session is continued as a Joint Committee at this session, with the membership and with all rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 3

Assembly Concurrent Resolution No. 3—Relative to the continuance of the Joint Committee on Assessment Practices.

[Filed with Secretary of State, January 14, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Assessment Practices created by Senate Concurrent Resolution No. 92 of the 1957 Regular Session is continued as a joint committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 4

Assembly Concurrent Resolution No. 7—Approving amendments to the charter of the County of Sacramento, State of California, ratified by the qualified electors of said county at a special election held therein on the third day of June, 1958.

[Filed with Secretary of State, January 14, 1959.]

County of Sacramento: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and clerk of the board of supervisors of said county, as follows, to wit:

CERTIFICATE OF FACTS

Certificate

WHEREAS, the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

WHEREAS, the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution did by Resolution adopted the 14th day of April, 1958, duly propose to qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments 1 and 2, and ordered that said proposed amendments be submitted to the said qualified electors of said County at a special election to be held on the 3rd day of June, 1958; and

WHEREAS, said amendments so proposed were published ten times, to-wit: beginning April 17, 1958, and ending May 1, 1958, inclusive, in the Daily Recorder, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento; and

WHEREAS, said Board of Supervisors of said County did, by Ordinance No. 608, which was duly adopted on the 14th day of April, 1958, order the holding of a special county election on the 3rd day of June, 1958, which said Ordinance was published for five times in the Daily Recorder, a daily newspaper, printed, published and circulated in said County, on the following dates, to-wit: April 18, 21, 22, 23 and 24, 1958; and

WHEREAS, said special election was held in said County of Sacramento on the 3rd day of June, 1958, which said day was not less than thirty days nor more than sixty days after said two proposed amendments to said County Charter had been published for ten times in The Daily Recorder; and

WHEREAS, the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 25th day of June, 1958, did duly declare the result of said special election, as determined from the canvass of the returns thereof; and

WHEREAS, at said special election held on the 3rd day of June, 1958, said proposed County Charter Amendments 1 and 2 were ratified by a majority of the electors of said County voting thereon; and

WHEREAS, said Charter amendments, so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT NO. 1

That the Charter of the County of Sacramento be amended by amending Section 17 of Article VI relating to the office of County Executive, to read as follows:

County Executive

The County Executive, subject to the approval of the Board of Supervisors, may appoint a qualified member of his staff to act in his place and stead during his absence. Such appointment may be terminated at any time by the Board of Supervisors, in which event the Board of Supervisors shall appoint one of the County Officers, to be by them designated, as acting County Executive.

PROPOSED COUNTY CHARTER AMENDMENT NO. 2

That the Charter of the County of Sacramento be amended by amending Subdivision F of Section 46 of Article X thereof, to read as follows:

Budget hearings

The Board of Supervisors shall hold its budget hearings in accordance with the applicable provisions of General Law.

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.

We, the undersigned, FRANK R. ELMER, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and WM. H. DICK, Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at a special election held on the 3rd day of June, 1958, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento this 22nd day of December, 1958.

FRANK R. ELMER
Chairman of the Board of Supervisors
(SEAL) of the County of Sacramento, State of California

ATTEST:
WM. H. DICK, Clerk of the
Board of Supervisors

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.

I, WM. H. DICK, Clerk of the Board of Supervisors of the County of Sacramento, in and for the said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original on file and of record in my office, and that the same is a full, true and correct copy of such original with the endorsements thereon, and of the whole thereof.

Attest my hand and the seal of said
Board of Supervisors this Dec. 22
1958.
WM. H. DICK
Clerk of the Board of Supervisors

ENDORSED: Filed Dec. 22 1958.
BOARD OF SUPERVISORS
By WM. H. DICK, Clerk of the Board

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the County of Sacramento, as presented to and adopted and ratified by the electors of said county, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of said County of Sacramento.

CHAPTER 5

Assembly Concurrent Resolution No. 8—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general election and consolidated special elections held therein on the fourth day of November, 1958.

[Filed with Secretary of State, January 14, 1959]

City and County of San Francisco Charter amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county ten (10) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said ten (10) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election and consolidated special elections to be held in the City and County of San Francisco on the fourth day of November, 1958, the said ten (10) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election and consolidated special elections was held in said City and County of San Francisco on the fourth day of November, 1958, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "The San Francisco News," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-sixth day of November, 1958, duly certify to the board of supervisors the results of said general election and consolidated special elections as determined from the canvass of the returns thereof; and

WHEREAS, At said general election and consolidated special elections so held on the fourth day of November, 1958, seven (7) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions G, H, I, K, L, M and N, and three (3) other charter amendments submitted at said general election and consolidated special elections, to wit, charter amendments designated as Propositions J, O and P, received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending section 41 to provide that the general manager may appoint, with the approval

of the commission, a director of the Strybing Arboretum and Botanical Gardens, and to delete from said section certain obsolete provisions thereof.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1958, a proposal to amend the charter of said city and county by amending section 41 to read as follows:

ORGANIZATION OF DEPARTMENT

Organization of department

Section 41. The recreation and park commission shall appoint a general manager, who shall hold office at the pleasure of the commission. The commission shall also appoint a secretary, subject to the civil service provisions of this charter.

The general manager shall be the chief executive officer of the department. Subject to the approval of the commission, he shall have power to appoint and to remove a superintendent of recreation, a superintendent of parks, a director of the zoo, an executive secretary to the general manager, and a director of the Strybing Arboretum and Botanical Gardens, all of whom shall be exempt from the civil service provisions of this charter, and shall hold office subject to such power of removal on approval of the commission. The position of director of Strybing Arboretum and Botanical Gardens shall be held only by a person who possesses the educational and administrative qualifications and experience necessary to direct and administer a complete program for the development, operation and maintenance of an arboretum and botanical garden.

The civil service rights of persons employed under the civil service provisions of this charter in either the recreation or park departments shall continue in the recreation and park department. Seniority of any such employees who acquired civil service status in either the recreation department under the provisions of section 42 of the charter as effective January 8, 1932, or in the park department under the provisions of section 40 of the charter as amended and effective January 21, 1941, shall be determined for all purposes in each instance by the date of commencement of full-time continuous service with either the recreation or park departments. If records of the date of commencement of full-time continuous service do not exist or are inadequate in any instance from which to determine such date with certainty, other proof may be received.

PROPOSITION H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County of San Francisco by amending Section 163 thereof to provide that retired city employees of the Police and Fire Departments be eligible to serve the City

and County as expert witnesses, and to delete therefrom certain obsolete provisions.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1958, a proposal to amend the Charter of said City and County by amending Section 163 thereof so that the same shall read as follows:

PENSIONS OF RETIRED PERSONS

Pensions of retired persons

Section 163. (a) No person retired for service or disability and in receipt of a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror or in the preparation for or the giving of testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative or administrative body shall not be affected by this section or by section 165.2(J), section 168.1.12 or section 171.1.12 of the charter.

(b) Should any retired person, except persons retired for service prior to January 8, 1932, and persons retired because of disability incurred in the performance of duty, engage in a gainful occupation prior to attaining the age of sixty-two, the retirement board shall reduce that part of his monthly pension or retirement allowance which is provided by contributions of the city and county, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the compensation on the basis of which his pension or retirement allowance was determined.

PROPOSITION I

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 35 and 35.4 thereof, and adding Section 107.1 thereto, relating to the Police Department and the Department of Public Works, by the deletion of powers of the Police Department to engage in traffic engineering and adding said powers to the Department of Public Works.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1958, a proposal to amend the charter of said city and county by amending Sections 35 and 35.4 thereof and adding Section 107.1 thereto, so that the same shall read as follows:

POLICE DEPARTMENT

Section 35. The police department shall consist of a police commission, a chief of police, a police force and such clerks and employees as shall be necessary and appointed pursuant to the provisions of this charter, and shall be under the management of a police commission consisting of three members, who shall be appointed by the mayor, and each of whom shall receive an annual compensation of twelve hundred dollars ($1,200). The term of each commissioner shall be four years, commencing at twelve o'clock, noon, on the 15th day of January in the years 1945, 1946 and 1948, respectively. The incumbents serving as members of the commission on the effective date of this amendment shall continue to hold their respective positions, subject to the provisions of the charter, for the remainder of the terms for which they have been respectively appointed. Police department

The police commissioners shall be the successors in office of the police commissioners holding office in the city and county at the time this amendment shall become effective, and shall have all the powers and duties thereof, except as in this charter otherwise provided. They shall have power to regulate traffic by means of police officers and the emergency use of temporary signs or devices.

The traffic bureau is hereby established under the jurisdiction of the chief of police. The bureau shall be in charge of a traffic director, who shall have powers and duties relating to street traffic, subject to laws relating thereto and to the police commission, as follows: (a) to regulate all street traffic by means of police officers and the emergency use of temporary signs or devices; (b) to promote traffic safety education and to receive and give prompt attention to complaints in relation to street traffic and to refer all complaints relating to or arising from street design or from traffic devices, or the absence thereof, to the department of public works; (c) to collect and compile traffic accident data, copies whereof shall be furnished to the department of public works; (d) to cooperate and advise for the best performance of these functions, with the department of public works, the public utilities commission, the fire department, the department of city planning, the board of supervisors and other departments and agencies of the city and county and state as may be necessary; and (e) to review all proposed plans relating to street traffic control devices which are received from the department of public works and to make such recommendations to that department as may be deemed necessary for the proper regulation of street traffic within fifteen (15) days after receipt of said plans from the department of public works, pursuant to section 107.1 of this charter.

The powers and duties of the traffic director hereinabove stated shall not modify to any extent the powers and duties of any department or office, but shall be, first for the purpose of assisting the police commission in its regulation of traffic, and,

second, for the purpose of recommendation only, to other departments or offices upon matters within their jurisdiction, but affecting to any extent the regulation of traffic.

Power of appointment

Section 35.4. Subject to the provisions of section 20 of this charter governing the appointment and removal of non-civil service appointees, and without competitive examination, the chief of police shall have power to appoint a police surgeon; to designate a deputy chief of police, a department secretary, and a director, bureau of special services, from any rank in the department; to designate a director of traffic from among the members of the police department holding rank of lieutenant or higher; to designate a chief of inspectors from among the members of the department holding the rank of captain; to designate a director, bureau of criminal information, from among the members of the department having the rank of sergeant or higher; to designate from among the members of the department holding rank of lieutenant or higher, a captain of inspectors, who shall be administrative assistant to the chief of inspectors, a captain of traffic, and a director, bureau of personnel; and to designate a supervising captain of districts from among the members of the department holding the rank of captain. The department secretary or other suitable member of the department shall be assigned by the chief of police to serve also as secretary to the police commission without extra compensation. The chief of police shall assign a property clerk from among the members of the department, such assignment shall be made at the rank and pay of the member so assigned.

When any member of the department, detailed to any of the positions above mentioned, shall be removed from said detail or position, he shall be returned to his civil service rank and position, unless removed from the department pursuant to the provisions of section 155 of the charter.

Powers and duties of department of public works

Section 107.1. The department of public works shall have powers and duties relating to street traffic, subject to the laws relating thereto, as follows: (a) to cooperate with and assist the police department in the promotion of traffic safety education; (b) to receive, study and give prompt attention to complaints relating to street design or traffic devices or the absence thereof; (c) to collect, compile, analyze and interpret traffic and parking data and to analyze and interpret traffic accident information; (d) to engage in traffic research and traffic planning; and (e) to cooperate for the best performance of these functions with any department and agency of the city and county and the state as may be necessary.

The department shall submit to the traffic bureau of the police department, for its review and recommendation, all proposed plans relating to street traffic control devices; provided, however, that the bureau may waive submission and review of plans of particular devices designated by it. Failure of the said traffic bureau to submit to the department its recommendation on any proposed plan within fifteen (15) days after receipt

shall be considered an automatic approval of said traffic bureau. The department shall not, with respect to any traffic control devices, implement such plan until the recommendation of the traffic bureau has been reviewed or until the fifteen (15) day period has elapsed.

PROPOSITION K

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 151.3 thereof, relating to formula for fixing wage schedules for platform employees and coach and bus operators of the Municipal Railway.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1958, a proposal to amend the charter of said city and county by amending Section 151.3 thereof, so that the same shall read as follows:

BASIS OF STANDARDIZATION OF COMPENSATION OF CERTAIN EMPLOYEES

Basis of standardization of compensation of certain employees

Section 151.3. Notwithstanding any of the provisions of section 151 or any other provisions of this charter, whenever any groups or crafts establish a rate of pay for such groups or crafts through collective bargaining agreements with employers employing such groups or crafts, and such rate is recognized and paid throughout the industry and the establishments employing such groups or crafts in San Francisco and the civil service commission shall certify that such rate is generally prevailing for such groups or crafts in private employment in San Francisco pursuant to collective bargaining agreements, the board of supervisors shall have the power and it shall be its duty to fix such rate of pay as the compensations for such groups and crafts engaged in the city and county service. The rate of pay so fixed by the board of supervisors shall be determined on the basis of rates of pay certified by the civil service commission on or prior to April 1st of each year and shall be effective July 1st following; provided, that the civil service commission shall review all such agreements as of July 1st of each year and certify to the board of supervisors on or before the second Monday of July any modifications in rates of pay established thereunder for such crafts or groups as herein provided. The board of supervisors shall thereupon revise the rates of pay for such crafts or groups accordingly and the said revised rates of pay so fixed shall be effective from July 1st of the fiscal year in which such revisions are determined.

Should the budget estimates of the several departments be filed with the controller or transmitted to the mayor before any such report of said civil service commission is received by

the board of supervisors, the head of each department affected by such report may amend its budget estimate to comply with the provisions of such report.

Notwithstanding the provisions of section 151 or any other provisions of this charter the wages of the various classifications of employment of platform employees and coach or bus operators of the municipal railway shall be determined and fixed, annually as follows:

(a) For the fiscal year beginning July 1, 1957, the basic hourly rate of pay shall be established at $2.244 per hour, and for the fiscal year beginning July 1, 1958, the basic hourly rate of pay shall be established at $2.448 per hour.

(b) On or before the first Monday of August 1959 and of each year thereafter the civil service commission shall certify to the board of supervisors for each classification of employment the average of the two highest wage schedules in effect on July 1st of that year for comparable platform employees and coach or bus operators of other surface street railway and bus systems in the United States operated primarily within municipalities having each a population of not less than 500,000 as determined by the then most recent census taken and published by the director of the census of the United States, and each such system normally employing not less than four hundred (400) platform employees or coach or bus operators, or platform employees, coach and bus operators.

(c) The board of supervisors shall thereupon fix a wage schedule for each classification of platform employees and coach and bus operators of the municipal railway which shall be not in excess of the average of the two highest wage schedules so certified by the civil service commission for each such classification.

(d) When, in addition to their usual duties, such employees are assigned duties as instructors of platform employees or coach or bus operators they shall receive twenty (20¢) cents per hour in addition to the rate of pay to which they are otherwise entitled under the wage schedule as herein provided.

(e) The rates of pay fixed for platform employees and coach and bus operators as herein provided shall be effective from July 1st of the year in which such rates of pay are certified by the civil service commission; and for the fiscal year 1956-1957 the rates of pay specified in the established wage schedules shall be paid to employees in accordance with the classifications of employment to which assigned as provided in the wage schedules adopted for the fiscal year 1956-1957; provided, that the platform employees and bus and coach operators so employed by the municipal railway on January 11, 1955, shall be paid the maximum rate of pay provided in the wage schedules adopted for the fiscal year 1956-1957 regardless of classification to which assigned.

(f) Platform employees and coach and bus operators shall have the following holidays off with pay on the day such holidays are legally observed, provided such day falls within the

employee's regularly scheduled work week: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

The general manager of the municipal railway shall determine whether to pay or not to pay holiday compensation for holidays not worked by any platform employee or coach and bus operator who fails to work his regularly scheduled working day immediately preceding and following the holiday.

Platform employees and coach and bus operators shall receive eight (8) hours of pay at the straight time hourly rate provided in the wage schedule applicable to such employees for such holidays, except employees whose regular work schedule consists of less than eight (8) hours shall be compensated at the straight time hourly rate for actual hours provided in said work schedule.

Platform employees and coach and bus operators required to perform service on the day such holidays are legally observed, whether or not such day falls within the regularly scheduled work week, shall, in addition to holiday pay, be compensated on the basis of the applicable rates provided in the wage schedule.

Platform employees and coach and bus operators shall not receive holiday pay for a holiday falling during the employee's vacation period.

(g) The terms wage schedule and wage schedules wherever used in this section are hereby defined and intended to include only the maximum rate of pay provided in each such wage schedule, but shall not include other financial or nonfinancial benefits or conditions of employment.

Not later than the 25th day of July in each year as to groups and crafts, and not later than the 25th day of August as to platform employees and coach or bus operators, the board of supervisors shall have power and it shall be its duty, subject to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

On recommendation of the civil service commission the board of supervisors shall establish a rate of pay for trainee platform men and bus or coach operators at a level reflecting the current labor market but below the basic hourly rate for motorman, conductor and bus operator.

This amendment shall become effective on July 1, 1959.

Proposition L

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending section 93

thereof, relating to the leasing of water department and airport land of the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1958, a proposal to amend the charter of said city and county by amending section 93 thereof so that the same shall read as follows:

Lease of property

Section 93. When the head of any department in charge of real property shall report to the board of supervisors that certain land is not required for the purposes of the department, the board of supervisors, by ordinance, may authorize the lease of such property. The director of property shall arrange for such lease for a period not to exceed twenty years, to the highest responsible bidder at the highest monthly rent. The director of property shall collect rents due under such lease.

The public utilities commission shall have exclusive power to lease agricultural or other lands used and useful for water department purposes and at the same time available for leasing or rental for agricultural or other purposes and such leases shall be subject to administration by the operating forces of the water department.

The public utilities commission shall have exclusive power to lease lands now devoted to airport purposes or lands that may hereafter be acquired and devoted to airport purposes for a period not to exceed forty years, and the director of property shall arrange for such lease to the highest responsible bidder at the highest monthly or annual rent, subject to approval of the public utilities commission, and thereafter the administration of any and all such leases shall be by the public utilities commission. Section 123 of this charter shall not be applicable to leases referred to in this paragraph provided, however, that no lease of airport lands or agreement which divests the city and county of the right to manage, operate or control the aircraft landing field, the entire part of the airport not devoted to the aircraft landing field, or the entire airport shall be made without the approval of the board of supervisors by ordinance and referral and submission to a vote of the electors of the city and county at the election next ensuing not less than sixty days after the adoption of such ordinance, and such ordinance shall not go into effect until ratified by a majority of voters voting thereon.

Proposition M

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 93.1 thereto, relating to terms of leases of city property.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said

city and county at an election to be held therein on November 4, 1958, a proposal to amend the charter of said city and county by adding Section 93.1 thereto, to read as follows:

Long term leases

Section 93.1. The board of supervisors shall have the power, by ordinance, subject to the referendum provisions of this charter, to provide a longer term for leases executed under section 93 of this charter than that provided for therein, providing, however, that until such ordinance shall become effective the limitations contained in section 93 as to the term of the lease shall control.

Proposition N

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 165.6 thereto, relating to Social Security coverage for employees of the San Francisco Unified School District and the City and County of San Francisco other than members of the Fire and Police Departments.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1958, a proposal to amend the charter of said city and county by adding Section 165.6 thereto, reading as follows:

Social Security Coverage

Social security coverage

Section 165.6. The board of supervisors may enact, by a vote of three-fourths of its members, an ordinance or ordinances prescribing the conditions according to which any and all employees of the San Francisco Unified School District and employees of the City and County of San Francisco, other than members of the fire and police departments as defined in section 162, may be covered under the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, subject to the provisions of this section. "City and county" as hereinafter used shall mean the City and County of San Francisco and the San Francisco Unified School District.

(A) Any member of the San Francisco City and County Employees' Retirement System, hereinafter referred to as the system, who becomes covered by the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, hereinafter referred to as the Act, on account of service rendered by him to the city and county, shall have the allowance payable by the system to him upon retirement for disability after attaining age 55, or for service, reduced in the following manner:

While payable to said member, and effective (1) when he attains the retirement age as defined from time to time in the Act, said age to be analogous to the retirement age of 65 years

for men and 62 years for women in the Act on the effective date of this section, or (2) on the effective date of his retirement under the system, whichever is later, by an amount which shall bear the same ratio to one-half of the primary old age insurance benefits under the Act paid to him or payable upon being applied for, or that would be payable if he had not disqualified himself to receive them, under the Act as in effect on the effective date hereof, or as the Act may hereafter be amended or supplemented before the effective date of such reduction, as the salary paid to him on account of service credited to him under the system and entering into the determination of said primary benefit bears to the total of his salary, from whatever source, entering into said determination; provided, however, that the amount of the reduction under this paragraph shall not exceed the portion of the retirement allowance, prior to modification under an option provided by ordinance, which is not derived from contributions of said member.

(B) Every such member shall continue to contribute to the system the normal contributions required of him, except that he shall have the right to reduce his normal contributions under the system at his option to be exercised by an election on the system's form, said election to be effective on the first day of the month next following its filing in the system's office. Such reduction of normal contributions shall apply only to time during which said member is covered under the Act, and after the effective date of this section, hereby fixed as the first day of the month next following its ratification by the State Legislature, and the amount of said reduction, which may be changed from time to time by said member, in accordance with rules and regulations of the retirement board, shall not be more than the amount of said member's contribution under the Act.

Any allowance payable to or on account of such member by the system shall be reduced in addition to the reduction in the preceding paragraph (A), on the effective date of said allowance by the actuarial equivalent on that date of the normal contributions, including interest to said date, with which said member would have been but was not credited under the system because of said reduction in his normal contributions and because of amounts paid from such member's accumulated contributions for the retroactive period hereinafter provided for, and any continuation of said allowance shall be based on such reduced allowance but said allowance shall not be affected otherwise by the member's reduction of his normal contributions. Said member shall have the right to contribute amounts, which shall be administered as additional contributions, to replace all or part of such reduction in his retirement allowance.

(C) The reductions in allowances and contributions of members shall be made as provided in the foregoing paragraphs, notwithstanding any provisions in the charter to the contrary.

(D) Every employee covered by the agreement providing coverage under the Act shall be liable for the employee contributions required by the Act.

(E) The effective date of coverage under the Act may be made retroactive to such date as the board of supervisors may determine. Contributions required under the Act of each member for time included by the retroactive application shall be paid from such member's accumulated contributions held by the system on account of his compensation not in excess of the maximum compensation taxable under the Act for such retroactive time. If the required contributions under the Act exceed the member's accumulated contributions held by the system so determined, the additional contributions under the Act equal to the excess shall be paid by the member. Contributions required under the Act of the employer on account of such retroactive period shall be paid from funds held by the system on account of active members and derived from contributions of the city and county.

(F) Any member who is covered by section 210 (1) of the Act on the effective date of the agreement between the state and federal government to extend coverage to the members of the system under the Act shall not be subject to this section unless he elect to be covered in accordance with this section, such election to be on a form furnished by the system and to be filed in the office of the system not later than one hundred eighty (180) days after the effective date of such agreement. Such election shall be irrevocable. Such election shall fix the status of the member under such coverage as the same in all respects as if he had not been covered under section 210 (1), except that there shall be no adjustment of the member's accumulated contributions or of the funds held by the system, and derived from contributions of the city and county, on account of social security tax for such retroactive period.

Each member who enters the employ of the municipal railway after the effective date of the agreement between the state and federal government to extend coverage to other members of the system under the Act shall be covered under the Act in accordance with the terms of this section and the ordinance or ordinances enacted pursuant thereto.

(G) The sum of the member's allowance under the system, prior to modification under an option provided by ordinance, or as provided for in this paragraph, and his primary benefit under the Act, payable after attainment of the minimum age of qualification for such primary benefit, shall not be less than the allowance which he would have received under the system, assuming that he had not been covered under the Act. Provision shall be made for modification of the member's retirement allowance at his option, if he retires before he attains such minimum age, in such manner that will make his increased monthly retirement allowance under the system prior to attainment of such age equal to the sum of his decreased monthly allowance after attainment of such age, and his primary benefit

under the Act, upon the basis of an estimated primary benefit under the Act, subject to the requirement that the amounts of the increase and decrease in the monthly allowance shall be actuarially equivalent, and that the increase shall not be modified under an option provided by ordinance.

(H) Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

(I) The contribution rates of the city and county applicable to various memberships under section 165.2 shall be adjusted to rates determined by the actuary according to methods stated in paragraph 5, subsection (H) of section 165.2.

(J) The board of supervisors shall submit to the eligible employees for purposes of referendum as defined in the Act the question as to whether they desire coverage under the Act in accordance with conditions prescribed in this section.

(K) The powers of the board of supervisors granted in section 158 shall include the authority to make such adjustments in the retirement system, by a vote of three-fourths of its members, as are not made by this section, but as required because of changes in the Act, to carry out the purposes of this section.

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO } ss.

Certificate

This is to certify that we, Francis McCarty, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a general election and consolidated special elections held on Tuesday, the fourth day of November, One Thousand Nine Hundred Fifty-Eight; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this first day of December, One Thousand Nine Hundred and Fifty-Eight.

FRANCIS MCCARTY
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco

ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

APPROVED AS TO FORM:
DION R. HOLM
City Attorney

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco. Approval

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CHAPTER 6

Assembly Concurrent Resolution No. 9—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a direct primary election and consolidated special elections held therein on the third day of June, 1958.

[Filed with Secretary of State, January 14, 1959.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and City and County of San Francisco: Charter amendments

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county four (4) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said four (4) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof

to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a direct primary election and consolidated special elections to be held in the City and County of San Francisco on the third day of June, 1958, the said four (4) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said direct primary election and consolidated special elections was held in said City and County of San Francisco on the third day of June, 1958, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "The San Francisco News," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-fifth day of June, 1958, duly certify to the board of supervisors the results of said direct primary election and consolidated special elections as determined from the canvass of the returns thereof; and

WHEREAS, At said direct primary election and consolidated special elections so held on the third day of June, 1958, two (2) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C and D, and two (2) other charter amendments submitted at said direct primary election and consolidated special elections, to wit, charter amendments designated as Propositions E and F, received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 35.8.1 thereto to provide for a narcotic fund, not exceeding $25,000, to be disbursed by the Chief of Police.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city

and county at an election to be held therein on June 3, 1958, a proposal to amend the charter of said city and county by adding Section 35.8.1 thereto, so that the same shall read as follows:

CHIEF OF POLICE NARCOTIC FUND

Chief of police narcotic fund

Section 35.8.1. The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of $25,000 to be known as the narcotic fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the enforcement of the narcotic laws, and the police commission shall allow and order paid out of such narcotic fund, upon orders signed by the chief of police, such amounts as may be required.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 24.1 thereto, relating to excise taxes and the uniform administration and operation of such taxes under the laws of the State of California.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held therein on June 3, 1958, a proposal to amend the charter of said city and county by adding thereto Section 24.1, to read as follows:

Uniform local sales and use tax

Section 24.1. Notwithstanding any of the provisions of Section 24 or any other provisions of this charter, the board of supervisors shall have the power to enact an ordinance that will be in accordance with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California and any amendments thereto, insofar as said Part 1.5 of Division 2, as amended, provides for uniform local sales and use taxes, and it may enact such other ordinances and authorize the execution of such agreements as may be necessary or convenient to insure the imposition and collection of such taxes.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss.

Certificate

This is to certify that we, Francis McCarty, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a

direct primary election and consolidated special elections held on Tuesday, the third day of June, One Thousand Nine Hundred Fifty-Eight; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this thirtieth day of June, One Thousand Nine Hundred and Fifty-Eight.

FRANCIS MCCARTY
(SEAL) President of the Board of Supervisors of the City and County of San Francisco

ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

APPROVED AS TO FORM:
DION R. HOLM
City Attorney

Approval

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 7

Assembly Concurrent Resolution No. 13—Approving certain amendments to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in such county on the fourth day of November, 1958.

[Filed with Secretary of State, January 14, 1959]

County of Los Angeles: Charter amendment

WHEREAS, The County of Los Angeles, State of California, has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the second day of June, 1913, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth

day of November, 1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution adopted on the second day of September, 1958, duly propose to the qualified electors of said County of Los Angeles seven amendments to the charter of said county, designated as proposed County Charter Amendments Nos. 1, 2, 3, 4, 5, 6 and 7, respectively, and ordered that said amendments be submitted to said qualified electors of said county at the general election to be held in said county on the fourth day of November, 1958, which date was the day fixed by law for the holding of said general election; and

WHEREAS, Said proposed Charter Amendments Nos. 1, 2, 3, 4, 5, 6 and 7 were published for 10 times in the Los Angeles Daily Journal, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit, on September 22, 23, 24, 25, 26, 29, 30 and October 1, 2 and 3, 1958; and

WHEREAS, Said board of supervisors, by said resolution adopted on said second day of September, 1958, did order the placing of said proposed charter amendments on the ballot of said general election to be held in said County of Los Angeles on said fourth day of November, 1958, which date was not less than 30 days nor more than 60 days after said publication of such proposals, as aforesaid, for 10 times in a daily newspaper of general circulation printed, published, and circulated in said county; and

WHEREAS, Said general election was held in said County of Los Angeles on said fourth day of November, 1958; and

WHEREAS, Thereafter, the registrar of voters of said County of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county and said clerk did on the second day of December, 1958, duly enter on the records of said board of supervisors a statement of the results of said canvass and said election; and

WHEREAS, At said general election held on said fourth day of November, 1958, five of said proposed amendments were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of Los Angeles are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are in words and figures as follows, to wit:

Proposed Charter Amendment No. 1

That the Charter of said County of Los Angeles be amended by amending Section 41 thereof to read:

Discrimination

Sec. 41. No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of race, color, national origin, political or religious opinions or affiliations.

Proposed Charter Amendment No. 2

That Section 34 of the Charter of said County of Los Angeles be amended by adding paragraphs 10.1 and 10.2 thereto, to read:

Transfer of positions

(10.1) For transfer from a classified position in a district having a Civil Service System administered ex officio or by contract by the Commission and governed ex officio by the Board of Supervisors, to a similar position in the service of the County in the same grade or class, if at the time a similar transfer may be made from a classified County position to a classified position in the same grade or class of such district.

Promotional examinations

(10.2) For the participation in promotional examinations for classified positions in County service by qualified employees of those districts having a Civil Service System administered ex officio or by contract by the Commission and governed ex officio by the Board of Supervisors, and for the certification and appointment to such positions of those district employees entitled thereto during such time as qualified County employees are entitled to participate in promotional examinations and to be certified for and appointed to positions in the classified service of such districts.

Proposed Charter Amendment No. 3.

That Section 48 of the Charter of said County of Los Angeles shall be amended to read:

Vacation

Sec. 48. Every person who shall have been in the service of the county, continuously, for one year, shall be allowed a vacation for not less than two weeks on full pay, annually.

Proposed Charter Amendment No. 4.

That the Charter of said County of Los Angeles be amended by adding Section 44.5 to Article IX thereof to read:

Leasing of county-owned property

Sec. 44.5 Nothing in this Article shall prevent the leasing of County-owned real property when and as authorized by law.

Proposed Charter Amendment No. 6.

That the Charter of said County of Los Angeles be amended by adding Section 56¼ to Article XII thereof to read;

Sec. 56¼. The Board of Supervisors may contract with a city, district, public agency or political subdivision in the County for the performance by its officers or employees of any or all of the functions or duties required or authorized to be performed by the County or any County officer within the territorial limits of such city, district, public agency or political subdivision, whenever in the case of a city organized under Section 8 of Article XI of the Constitution, the discharge of such functions or duties by city officers or employees is authorized by its charter, or whenever in the case of any other city, district, public agency or political subdivision the discharge of such functions or duties by its officers or employees is authorized by law. Contract

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.

We, the undersigned, Frank G. Bonelli, Chairman of the Board of Supervisors of the County of Los Angeles, State of California and Harold J. Ostly, County Clerk and ex-officio Clerk of the Board of Supervisors of said county of Los Angeles, do hereby certify: Certificate

That the foregoing proposed and ratified amendments to the charter of said County of Los Angeles, submitted to the electors of said county at the general election held in said county on said fourth day of November, 1958, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing are full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be attested by the County Clerk and authenticated by the seal of the Board of Supervisors of the County of Los Angeles, this 3rd day of December, 1958.

FRANK G. BONELLI
(SEAL) Chairman, Board of Supervisors of the County of Los Angeles.

HAROLD J. OSTLY
County Clerk and ex-officio Clerk of the Board of Supervisors.

By GORDON T. NESVIG, Deputy

ATTEST:

HAROLD J. OSTLY, County Clerk of the County of Los Angeles, State of California

By GORDON T. NESVIG, Deputy

and

WHEREAS, Said proposed amendments to the charter of said County of Los Angeles, so ratified by the electors thereof, have been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution, and concurring therein, That said amendments to the charter of the County of Los Angeles as proposed by the board of supervisors of said county and as ratified by the electors of said county, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as a part of, the charter of the County of Los Angeles, State of California.

CHAPTER 8

Assembly Concurrent Resolution No. 14—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a municipal election held therein November 4, 1958.

[Filed with Secretary of State, January 14, 1959]

City of Long Beach Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A MUNICIPAL ELECTION HELD THEREIN NOVEMBER 4TH, 1958, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES } ss.
CITY OF LONG BEACH

Certificate

We, Raymond C. Kealer, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach four amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 4th day of November, 1958; and

That said four proposed amendments to be so submitted November 4, 1958, were designated as Propositions U, V, W and X, and were duly published the 12th day of September, 1958, in the Long Beach Independent, and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-3869, order the holding of said municipal election in said City of Long Beach on November 4, 1958, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: October 22, 1958, October 23, 1958, and October 24, 1958; and

That said municipal election was held in said City of Long Beach on November 4, 1958, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 9th day of December, 1958, duly declare the results of said municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified two of said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION U

That the Charter of the City of Long Beach be amended by adding thereto a new section to be designated as section 294.2, to read as follows:

Bidders within city limits

In determining the lowest responsible bidder for furnishing materials, equipment or supplies when bids are filed pursuant to a notice inviting bids, the City Manager and the Board of Water Commissioners shall award the contract to the lowest responsible bidder maintaining a place of business within the City limits of the City of Long Beach if such bid is not more than one per cent in excess of the bid filed by the lowest responsible bidder who does not maintain a place of business within said City limits.

If the award made is based upon the one per cent preference the contract shall specify that the same was entered into within the limits of the City of Long Beach.

This section shall not be applicable unless payment is made solely from funds and revenues of the City of Long Beach, exclusive of funds and revenues derived from tidelands.

PROPOSITION W

That the Charter of the City of Long Beach be amended by amending subsection (a) of Section 229c thereof to read:

Leasing or contracting

Sec. 229c. (a) The Board shall have the power, by ordinance, to lease, or to contract for the operation of, any wharf, pier, mole, transit shed, or other like facility belonging to or possessed by the City of Long Beach within the Harbor District, for periods not exceeding forty (40) years for all purposes which will foster and promote water-borne commerce, subject to such terms and conditions and such rental and compensation as may be prescribed by the Board.

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long

Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, Raymond C. Kealer, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 12th day of December, 1958.

RAYMOND C. KEALER
(SEAL) Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach. Approval

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CHAPTER 9

Assembly Concurrent Resolution No. 15—Relative to Dr. Ernest O. Lawrence.

[Filed with Secretary of State, January 14, 1959]

WHEREAS, On August 27, 1958, Dr. Ernest Orlando Lawrence, one of the world's greatest physicists, came to an untimely end at the age of 57; and

WHEREAS, With only 25 dollars worth of copper, sealing wax and other crude materials, Dr. Lawrence built the first cyclotron on the grounds of the University of California at Berkeley, an event of extraordinary significance in our advance toward the Atomic Age, and one which won for him the Nobel Prize; and

WHEREAS, Around the original and subsequent cyclotrons at the campus in Berkeley, Dr. Lawrence established a scientific laboratory which played a key role in developing the first nuclear bomb through the production of the first self-exploding uranium 235; and

WHEREAS, At that laboratory hundreds of radioactive isotopes were discovered; many synthetic elements, including plutonium, were created and identified; and the important cosmic ray particles, known as mesons, were produced and studied; and

WHEREAS, In the years immediately preceding his death, Dr. Lawrence devoted much of his time to assuring the world that the knowledge he did so much to acquire would be used in the promotion of peace rather than war; and

WHEREAS, In addition to the Nobel Prize, Dr. Lawrence was the recipient of numerous other honors for his work in the field of science; and

WHEREAS, Dr. Lawrence's achievements have had and will continue to have a significant effect on the shaping of the world of tomorrow; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members join with people everywhere in paying homage and honor to the memory of Dr. Ernest Orlando Lawrence; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to present to his widow, Mrs. Mary Kimberly Lawrence, an appropriately prepared copy of this resolution.

CHAPTER 10

Assembly Concurrent Resolution No. 18—Approving a charter amendment to the charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1958.

[Filed with Secretary of State, January 14, 1959.]

City of Inglewood: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF INGLEWOOD OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF INGLEWOOD

Certificate

We, the undersigned, George C. England, Mayor of the City of Inglewood, County of Los Angeles, State of California and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and was at all times herein mentioned, a city having a population of more than 3500 inhabitants and has been ever since the year 1927, and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926 and approved by the Legislature of the state of California on the 27th day of January, 1927, (Statutes and Amendments of 1927, p. 2205).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the City Council of the city of Inglewood, being the legislative body thereof, duly and regularly submitted to the qualified electors of the City of Inglewood certain propositions for certain amendments to the Charter of the City of Inglewood at a special municipal election consolidated with the State General Election called and held for that purpose in said city on the 4th day of November, 1958.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the state of California and in accordance with the provisions of the Charter of the City of Inglewood on the 10th day of September, 1958, and on the 21st day of September, 1958 in the Inglewood Daily News, a daily newspaper of general circulation, printed and published in the City of Inglewood, and the official newspaper of said City of Inglewood and in each edition thereof during the days of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law and copies thereof were mailed to each of the qualified electors of said City of Inglewood within the time and manner required by law.

And until the date fixed for the election, November 4, 1958, as hereinafter set forth, there was published in said Inglewood Daily News an advertisement stating that copies of said proposed Charter amendments could be had upon application therefor at the office of the City Clerk of the said City of Inglewood.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times to and including the 4th day of November, 1958, the date fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Inglewood consolidated said special municipal election

with the General State Election held in said City of Inglewood on the 4th day of November, 1958.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law the said consolidated elections were duly and regularly held in said City after due notice given and published on the 4th day of November, 1958 which day was not less than forty (40) days and not more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Inglewood Daily News, the official newspaper of said City of Inglewood.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly canvass the returns of said consolidated election and did adopt its resolution declaring the results of the canvass and declaring the results of the returns of said election.

That said Council of said City did by said resolution find, determine and declare that a certain proposed amendment to the Charter of the City of Inglewood and hereinafter set forth was ratified by a majority vote of the electors of said City voting thereon.

That as to said amendment to the Charter of the City of Inglewood this certification shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection with said amendment.

That said amendment to the Charter of the City of Inglewood, so ratified by the electors of said City, is as follows:

That Section 4 of Article XXVI of the Charter of the City of Inglewood hereby is amended and the same shall read as follows:

Board of Education

"Section 4. The Board of Education shall consist of five members elected from the school district at large at the times and in the manner in this charter provided for the holding of general municipal elections and said members shall hold office for a term of four years and shall continue in office until their successors shall be elected and qualified. The members of the Board of Education holding office when this amendment takes effect shall continue in office under the provisions of this charter, as modified, and until their successors have been elected and qualified.

At the general municipal election held in April of 1959, two members of the Board of Education shall be elected to take office on July 1, 1959 and to hold office until their successors are elected and qualified at the general municipal election in April of 1963.

The terms of the two members whose terms expire June 30, 1960 shall be extended until their successors are elected and qualified at the general municipal election in April of 1961.

The expiration date of the one member whose term would otherwise expire June 30, 1961 shall be advanced to 12:00 midnight on the Sunday next succeeding the declaration of the result of the general municipal election held in April of 1961.

At the general municipal election held in April of 1961, three members of the Board of Education shall be elected to hold office until their successors are elected and qualified at the general municipal election in April of 1965."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Inglewood with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Inglewood to be affixed this 30th day of December, 1958.

GEORGE C. ENGLAND
(SEAL) Mayor of the City of Inglewood, California
HELEN RIECK
City Clerk of the City of Inglewood, California

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Inglewood, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Inglewood. Approval

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CHAPTER 11

Assembly Concurrent Resolution No. 20—Approving certain amendments to the charter of the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held thereon on the fourth day of November, 1958.

[Filed with Secretary of State, January 14, 1959]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Stockton Charter amendment

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A SPECIAL CHARTER AMENDMENT ELECTION HELD THEREIN ON THE 4TH DAY OF NOVEMBER, 1958, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN } ss.
CITY OF STOCKTON

Certificate

We, DEAN C. DECARLI, Mayor of the City of Stockton, and B. L. TRAHERN, City Clerk of the City of Stockton, do hereby certify as follows:

That the said City of Stockton in the County of San Joaquin, State of California, is now and at all of the times mentioned herein was a city containing a population of more than 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders' charter adopted pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1923 (Stats. 1923, page 1321), and filed with the Secretary of State of the State of California on January twenty-nine, 1923; and

That, pursuant to Section 8 of Article XI of the Constitution of the State of California, the legislative body of said city, i. e., the City Council of said city, did on its own motion, by its resolution numbered 21262, adopted on September 8, 1958, duly submit to the qualified electors of the City of Stockton six (6) certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a special municipal charter amendment election by said resolution called for said purpose in said city on the 4th day of November, 1958, which said election was duly consolidated with the State of California general election to be held in San Joaquin County and in said city on said 4th day of November, 1958; and

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the charter of the City of Stockton on the 15th day of September, 1958, in the STOCKTON DAILY RECORD, a newspaper of general circulation published daily except Sunday in the said City of Stockton and the official newspaper of said city, and in each edition thereof during said day of publication.

That said Council caused copies of said proposals to be printed in convenient pamphlet form and in type of not less

than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said city, and, beginning on September 15, 1958, advertised in said STOCKTON DAILY RECORD daily, except Sunday, up to and including the day fixed for said election, a notice that pamphlet copies of said proposals were on file and could be had on application therefor at said office of the City Clerk of said city.

That said State of California general election and said municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the charter of said city and by law on said 4th day of November, 1958, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said STOCKTON DAILY RECORD.

That the City Council of said City of Stockton did, in the manner provided by law, duly and regularly cause all ballots cast at said special municipal charter amendment election, consolidated with the State of California general election, as aforesaid, to be canvassed by the Board of Supervisors of San Joaquin County, and did, by resolution duly adopted on November 24, 1958, confirm said canvass and did duly find and declare that a majority of the qualified voters voting on Proposals A, B and D voted in favor thereof and that each of said Proposals A, B and D to amend the charter of said city were ratified.

That a majority of the qualified voters voting on each of said Proposals A, B and D voted in favor of the ratification of and did ratify each of said proposals to amend said charter of said city.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

(A) By amending Section 13 of Article IV to read as follows:

"SECTION 13. To constitute an ordinance, a bill must before final action thereon, be passed to print and published at least once in the official newspaper of the city and if any amendment is made to any proposed ordinance, the ordinance as amended must be published at least once before its final adoption, provided that ordinances establishing or amending rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring or other regulations having to do with the public health, safety, or welfare, where such rules and regulations or amendments thereto have been printed as a code in book form, may be adopted by the City Council in whole or in part, by reference thereto, without further publication thereof, provided, however, that no less than three (3) copies of such code shall be filed, for use and examination by the public, in the office of the city clerk at least six days prior to the adoption thereof; provided, further, that an ordinance or any amendment of an

Publication of ordinance

ordinance for the issue of revenue bonds pursuant to Art. IIIA of this charter need not be passed to print or published if three copies of said ordinance of issue or amendment are filed for use and examination by the public in the office of the city clerk at least six days prior to the adoption thereof and provided further that notice of said filing is published in the official newspaper of the city at least once prior to final adoption of said ordinance of issue or amendment."

Repeal

(B) By repealing Section 23 of Article IV.

(3) By amending Section 7-1 of Article VI to read as follows:

Compensation of council

"SECTION 7-1. Each member of the city council shall receive the sum of twenty dollars ($20.00) for each council meeting attended; provided, that the total compensation of each member shall not exceed the sum of one hundred dollars ($100 00) in any one month."

(D) By amending Section 12 of Article XI to read as follows:

Extra policemen

"SECTION 12. The city council shall authorize the appointment and provide for the compensation of such extra policemen as may, from time to time, become necessary for temporary duty. The city manager may authorize the appointment of special policemen to be paid by the persons, firms, or corporations petitioning for the same. All extra and special policemen shall possess all the powers and discharge all of the duties of regular policemen, and shall be under the direction and control of the city manager, and be subject to and obey all rules and regulations of the police department."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Stockton with the original proposals submitting the same to the electors of said city and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Stockton are hereby submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to each of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Stockton to be affixed hereto this 31st day of December, 1958.

DEAN C. DECARLI
(SEAL) Mayor of the City of Stockton
B. L. TRAHERN
City Clerk of the City of Stockton

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly pre-

sented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Stockton, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the charter of said City of Stockton. Approval

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CHAPTER 12

Assembly Concurrent Resolution No. 21—Approving charter amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1958.

[Filed with Secretary of State, January 14, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Sacramento: Charter amendments

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO } SS
CITY OF SACRAMENTO

We, the undersigned, CLARENCE L. AZEVEDO, Mayor of the City of Sacramento, State of California, and PAUL H. MANBY, City Clerk of said City, do hereby certify and declare as follows: Certificate

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been ever since the year 1921, and now is organized, existing and acting under a Free-

holder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January, 1921, (Statutes of 1921, Page 1919).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the City Council of the City of Sacramento being the legislative body thereof, duly and regularly submitted to the qualified electors of the City of Sacramento certain propositions for certain amendments to the Charter of the City of Sacramento at a special municipal election consolidated with the State general election called and held for that purpose in said City on the 4th day of November, 1958.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and the Charter of the City of Sacramento, on the 23rd day of September, 1958, in the SACRAMENTO UNION, a daily newspaper of general circulation printed and published in the City of Sacramento, the official newspaper of said City of Sacramento.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the election, November 4, 1958, as hereinafter set forth, there was published in said SACRAMENTO UNION an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 4, 1958, the date fixed for said election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Sacramento consolidated said special municipal with the general State election held in said City of Sacramento on November 4, 1958.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said consolidated elections were duly and regularly held in said City after due notice given and published, on November 4,

1958, which day was not less than forty (40), nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the SACRAMENTO UNION, the official newspaper of said City of Sacramento.

That thereafter the Board of Supervisors of Sacramento County did, in the manner provided by law, duly and regularly canvass the returns of said consolidated elections, and forwarded the results of the canvass of the returns of said election to the City Council; that the said Council of said City did, by motion duly made, seconded and carried, find, determine and declare that certain proposed amendments to the Charter of the City of Sacramento, as hereinafter set forth, were approved and ratified by a majority vote of the electors of said City voting thereon, as shown by said canvass of the returns.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of Sacramento so ratified by the electors are as follows:

That Article IV of the Charter of the City of Sacramento be amended to read as follows:

"QUALIFICATIONS OF COUNCILMEN

Sec. 20. Members of the Council shall be electors of the municipality and residents of the city for a period of not less than five consecutive years immediately preceding the date of the election. Residence as an elector in territory afterwards annexed to the city is to be deemed to qualify one as an elector of the municipality for the purpose of computing the necessary period of residence for members of the Council. Residence as an elector within the annexed territory and residence as an elector within the city may be combined in order to constitute the five-year period. They shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office; and any such contract in which any member is or may become interested may be declared void by the Council. Any member of the Council who shall have been convicted of a crime involving moral turpitude while in office shall thereby forfeit his office."

Councilmen: Qualifications

That Article XX of the Charter of the City of Sacramento be amended to read as follows:

"OFFICERS' AND EMPLOYEES' GENERAL QUALIFICATIONS

Sec. 165. Every officer or employee of the City must be a citizen of the United States and a resident of the City of Sac-

Officers and employees: Qualifications

ramento not less than three (3) consecutive years immediately preceding his appointment. Residence within territory afterwards annexed to the city is to be deemed residence within the city, and the period of residence within the annexed territory may be combined with the period of residence within the city in order to constitute the three (3) consecutive years. All City employees must reside within the city limits. In case of flood, fire or other public calamity, the City Manager may employ on city work persons other than citizens or residents. The provision of this section regarding residence shall not apply in the case of the City Manager or of professionally trained experts.

The effect of this section shall be suspended in time of any war in which the United States is engaged."

That Article VIII of the Charter of the City of Sacramento be amended to read as follows:

Civil Service Board

"Sec. 41. The Civil Service Board shall consist of five citizens of the City who shall have no connection with City government. At the time of the said appointment, the City Council shall designate one of the citizens so appointed to serve for a term which shall expire December 31, 1959, one for a term which shall expire December 31, 1960, one for a term which shall expire December 31, 1961, one for a term which shall expire December 31, 1962, and one for a term which shall expire on December 31, 1963. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of five years. Vacancies in the Civil Service Board from whatever cause shall be filled by the City Council for the unexpired term."

That Article VIII of the Charter of the City of Sacramento be amended by adding a new Section numbered 41a, to read as follows:

"COMPENSATION

Compensation

Sec. 41a. Each member of the Civil Service Board, Retirement Board, and Planning Commission who holds his commission by appointment from the City Council, shall receive the sum of $10.00 per meeting attended not to exceed $30.00 per member per month. Provided further, should any person be a member of more than one of these boards, attendance at another board meeting may be counted up to but not exceeding $30.00 per month."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Sacramento with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of each.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto this 31st day of December, 1958.

(SEAL)

CLARENCE L. AZEVEDO
Mayor of the City of Sacramento
PAUL H. MANBY
City Clerk of the City of Sacramento

APPROVED AS TO FORM:
EVERETT M. GLENN
City Attorney of the City of Sacramento

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Sacramento, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Sacramento.

CHAPTER 13

Assembly Concurrent Resolution No. 26—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on November 4, 1958.

[Filed with Secretary of State, January 15, 1959.]

City of Bakersfield Charter amendments

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than 50,000 inhabitants as ascertained by the last preceding special census certified to on May 26, 1958, by the U. S. Department of Commerce, Bureau of Census, under the authority of Congress of the United States, and is now and has been ever since the twenty-third day of January, 1915, organized and existing under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of

said city at an election held for that purpose on the seventh day of November, 1914, and approved by the Legislature of the State of California in January, 1915; and filed with the Secretary of State on January 23, 1915; and

WHEREAS, On the nineteenth day of August, 1958, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion, passed a resolution to submit to the electors of said city, at a special election to be held November 4, 1958, certain proposed amendments to the city charter of the City of Bakersfield, and on said date the City Council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be held on the fourth day of November, 1958, which said date was fixed by said City Council of the City of Bakersfield as the time for voting on said amendments as proposed, and which said election was consolidated with the state general election held within said city on said date; and

WHEREAS, Said proposed amendments were published on September 6, 1958, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and copies of said charter amendments were printed in pamphlet form and in type of not less than 10-point, which pamphlets were duly mailed to each qualified elector of said city, and did advertise until the day fixed for the election upon such charter amendments, in a newspaper of general circulation in said city, a notice that copies thereof may be had upon application therefor, all in accordance with subdivision (d) of Section 8 of Article XI of said Constitution; and

WHEREAS, Said special election was duly and regularly held on the fourth day of November, 1958, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendments, and at said special election the said proposed amendments to said charter were voted upon by the qualified electors of the City of Bakersfield, and at said special election a majority of the qualified electors voting thereon voted in favor of and did ratify said proposed amendments to said charter, said proposed amendments so ratified being in the words and figures as follows, to wit:

TEMPORARY EMPLOYMENT.

Temporary employment

Section 47.1. Nothing contained in this charter is intended to prevent the employment of persons for temporary services in the several departments of the City; provided, however, that such persons shall not be continued in service for a period of time exceeding 120 working days in any one department in any period of one year.

QUALIFICATIONS OF COUNCILMEN.

Section 17. Members of the Council, and candidates therefor, shall be residents of the city for three years and electors of the ward which they represent. Councilmen shall not hold any other public office except that of notary public or member of the state militia, and shall not be interested in any contract, job, work or service for the municipality, as such interest is or may be defined in Title 1, Division 4, Article 4 of the Government Code of the State of California. Any member who shall cease to possess any of the qualifications herein required shall forfeit his office, and any such contract, in which any member is or may become interested, shall be void. No member of the Council shall, except in so far as is necessary in the performance of the duties of his office, directly or indirectly take any part in the appointment, promotion or dismissal of any officer or employee in the service of the city other than the officers or employees of the Council. Qualifications of councilmen

OFFICERS APPOINTED BY THE COUNCIL.

Section 34. The Council shall appoint the following officers: Officers appointed by council

1. City Manager, who may or may not be a resident of the City at the time of his appointment, and whose term of office shall be at the pleasure of the Council.
2. Treasurer.
3. Assessor.
4. Attorney.
5. Clerk.
6. Auditor.

HEADS OF DEPARTMENTS.

Section 38. The following officers shall be appointed by the City Manager: Heads of departments

1. Chief of Police.
2. Chief of Fire Department.
3. City Engineer.
4. Superintendent of Streets.
5. Building and Plumbing Inspector.

RESTRICTIONS UPON OFFICERS.

Section 46. The provisions of the State law contained in Title 1, Division 4, Article 4 of the Government Code of the State of California, shall be applicable to officers of the City. Restrictions upon officers

DATES OF NOMINATING AND GENERAL ELECTIONS.

Section 67. A general election shall be held on the second Tuesday of April of each odd-numbered year commencing in the year 1961, for the election of members of the Council. A nominating election shall be held on the sixth Tuesday prior to the date fixed for the general election in each odd-numbered Dates of nominating and general elections

year. The members of the Council elected shall hold office until their successors are elected and qualified. (This amendment shall become effective ninety (90) days from and after its filing with the Secretary of State, but in no event earlier than April 22, 1959.)

DATE OF PRESENTING PETITION AND FORM THEREOF.

Date of presenting petition and form thereof

Section 72. For the election to be held in 1959 under this Charter subject to the amendment to this section, a petition for nomination, consisting of not less than twenty-five nor more than fifty individual certificates for any one candidate, may be presented to the Clerk not earlier than January 26, 1959 and not later than February 20, 1959. Thereafter, said petition for nomination may be presented not earlier than ninety (90) days, nor later than sixty (60) days before the nominating election. The Clerk shall endorse thereon the day, hour and minute when the petition was presented to him.

The certificates constituting such petition, before being presented to the Clerk, shall be fastened together in a secure and suitable manner, arranged in alphabetical order according to surnames, and the certificates shall then be numbered consecutively.

EXAMINATIONS OF PETITIONS BY CITY CLERK.

Examinations of petitions by city clerk

Section 73. When a petition of nomination is presented for filing to the Clerk, he shall forthwith examine the same, and ascertain whether it is sufficient under the provisions of this charter. Within seven days thereafter he must examine and determine whether or not it is sufficient and shall attach to said petition his certificate, showing the result of said examination, and forthwith send by registered mail, or deliver, a copy of said certificate to the person seeking a nomination. If the petition be found insufficient, such certificate of the Clerk shall designate each individual certificate found to be defective and the defect therein. If the petition be insufficient, it may be amended or supplemented by the presentation of an additional nominating petition or petitions containing additional nominating certificates, not later than forty-five days before the date of the nominating election. The Clerk shall, within five days after the presentation of such additional nominating petition, make like examination and determination of the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, the petition shall be returned to the person seeking a nomination named as the person to whom the petition is to be returned. If necessary, the Council shall provide extra help to enable the Clerk to perform his duties, under any election provision of this Charter. (This amendment shall become effective ninety (90) days from and after its filing with the Secretary of State, but in no event earlier than April 22, 1959.)

WITHDRAWAL OF CANDIDATE FOR NOMINATION.

Withdrawal of candidate for nomination

Section 75. Any person who has filed his declaration of candidacy, as in this article provided, may, not later than forty (40) days before the day of the nominating election, cause his name to be withdrawn from nomination, by filing with the Clerk an affidavit stating that he so withdraws, and no name so withdrawn shall be printed on the ballot. (This amendment shall become effective ninety (90) days from and after its filing with the Secretary of State, but in no event earlier than April 22, 1959.)

FILING OF PETITIONS.

Filing of petitions

Section 76. If either the original or the amended petition be found to conform to the provisions of this article, the Clerk shall file the same not later than forty (40) days before the date of the nominating election. When a petition of nomination shall have been filed with the Clerk, it shall not be withdrawn nor added to, and no signature shall be revoked thereafter. (This amendment shall become effective ninety (90) days from and after its filing with the Secretary of State, but in no event earlier than April 22, 1959.)

ELECTION PROCLAMATION.

Election proclamation

Section 78. Immediately after such petitions are filed, the Clerk shall enter the names of the candidates in a list, with the offices to be filled, whether for a full or unexpired term and the names of the candidates for each, and shall, not later than forty (40) days before the nominating election certify such list as being the list of candidates nominated, and the Council shall cause said certified list to be filed and published in the proclamation calling the election for three (3) successive days, commencing seven (7) days before the day of election. Said proclamation shall in all other respects be governed by ordinances. (This amendment shall become effective ninety (90) days from and after its filing with the Secretary of State, but in no event earlier than April 22, 1959.)

ELIGIBILITY.

Eligibility

Section 146. Members of the Board of Education must be qualified registered electors of the Bakersfield School District for three (3) years next preceding their election.

Repeal

That Article VI, entitled "Department of Public Welfare," consisting of Sections 61, 62, 63, 64 and 65 of the Charter of the City of Bakersfield be and the same is hereby repealed.

Same

That Article VIII, entitled "Judicial Department", consisting of Sections 98, 99, 100, 101, 102, 103, 104, 105, 106 and 107 of the Charter of the City of Bakersfield be and the same is hereby repealed.

Same

That Section 133 of the Charter of the City of Bakersfield, entitled "Ice a Public Utility", be and the same is hereby repealed.

Same

That Section (215) 8, of the Charter of the City of Bakersfield, entitled "Temporary Employment", be and the same is hereby repealed.

and

WHEREAS, In accordance with the law in such cases made and provided, the Board of Supervisors of the County of Kern caused the clerk of said county to canvass the returns of said election, and said clerk did duly and regularly canvass the returns of said election and on the eighth day of December, 1958, did certify the results of said canvass to the City Council of the City of Bakersfield, and on the eighth day of December, 1958, the said city council did duly find, determine and declare the result of said special election as determined from the canvass of the returns therefor aforesaid to be that a majority of the qualified electors of said city voting thereon had voted in favor of said amendments to the charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, clerk of said city, whose certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF KERN } ss.
CITY OF BAKERSFIELD

Certificate

This is to certify that we, Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at a special election held within the City of Bakersfield on November 4, 1958, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 5th day of January, 1959.

(SEAL)

FRANK SULLIVAN
Mayor of the City of Bakersfield
MARIAN S. IRVIN
Clerk of the City of Bakersfield

and

WHEREAS, Said amendments to the charter of the City of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of altera-

tion or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That said amendments to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same are hereby approved as a whole for and as amendments to the said charter of the City of Bakersfield. Approval

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CHAPTER 14

Assembly Concurrent Resolution No. 19—Approving a charter amendment to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the third day of June, 1958.

[Filed with Secretary of State January 19, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Richmond, a municipal corporation of the County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Richmond. Charter amendment

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF RICHMOND OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA } ss
CITY OF RICHMOND

We, the undersigned, CARL F. LYFORD, Mayor of the City of Richmond, California, and HARLAN J. HEYDON, City Clerk of said City, do hereby certify and declare as follows: Certificate

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has been, ever since the year 1909, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 9th day of February, 1909, and approved by Legislature of the State of California,

by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolution No. 6688, adopted on March 24, 1958, duly and regularly submitted to the qualified electors of said City a certain proposal hereinafter referred to as Amendment-A to amend the Charter of the City of Richmond and to be voted upon by the said qualified electors at a special election by said Resolution called for said purpose in said City on the 3rd day of June, 1958, and the said Council by its aforesaid Resolution did request the Board of Supervisors of the County of Contra Costa to consolidate said special election for said purpose with the State primary election to be held on the 3rd day of June, 1958, and to canvass the returns of the vote thereon.

That on April 1, 1958, the Board of Supervisors of the County of Contra Costa consented to and ordered the consolidation of said special election with the State primary election to be held on the 3rd day of June, 1958.

That said Amendment-A was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Richmond; that said Amendment-A was published and advertised as aforesaid on the 4th day of April, 1958, and that said publication was in THE INDEPENDENT, a newspaper of general circulation published daily except Sunday in the said City of Richmond and the official newspaper of said City, and in each edition thereof during the said day of publication; that said City of Richmond has a population of less than one hundred twenty-five thousand (125,000); that said publication on the 4th day of April, 1958, also contained a "Notice to Voters", wherein, among other things, was set forth the proposal that had been made for amendment of the Charter of said City in the manner therein set forth, to be voted upon at the primary election to be held in said City on the 3rd day of June, 1958; that from and after April 4, 1958, the City Clerk of the City of Richmond caused to be published in said official newspaper, daily except Sunday, up to and including the day fixed for said election, to wit: April 4, 1958, a notice to voters reading as follows:

"NOTICE OF AVAILABILITY

Copies of the proposed amendment of Article V of the Charter of the City of Richmond to be voted upon June 3, 1958 are available upon request at the Office of the City Clerk, City Hall, Civic Center, Richmond, California."

and that continuously from April 4, 1958, up to and including June 3, 1958, there were available in the office of the City

Clerk of the City of Richmond, City Hall, Richmond, California, copies of the full text of said amendment hereinafter referred to as Amendment-A.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Clerk caused copies of said Proposition A to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said city.

That in accordance with the provisions of the Charter of the City of Richmond, and in the manner provided by law, the said primary election was duly and regularly held in said City after due notice was given and published, the day of election being on June 3, 1958, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforesaid proposed amendment in "THE INDEPENDENT", the official newspaper of said City.

That thereafter, said primary election was duly and regularly held on Tuesday, June 3, 1958, and the Board of Supervisors of the County of Contra Costa, State of California, did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 24th day of June, 1958, by resolution, duly declare and certify the results of said primary election as determined from the canvass of the returns thereof.

That the said Council of the City of Richmond, did, by its Resolution numbered 6775, duly and regularly adopted on July 7, 1958, declare the results of said election on said proposal to amend the Charter of the City of Richmond and did accept the official notice of canvass of votes on said proposition, as certified by the Board of Supervisors, as aforesaid.

That at said primary election, a majority of the qualified electors voting on said proposal to amend the Charter of the City of Richmond voted in favor of said amendment hereinafter set out, and the said Board of Supervisors of said County did by said Resolution dated June 24, 1958, find, determine and declare that the said proposed amendment to the Charter of the City of Richmond was ratified by a majority of the qualified electors of said City voting thereon, and the said Council of the City of Richmond, did, by its said Resolution numbered 6775, adopted July 7, 1958, accept the determination and declaration of the Board of Supervisors of said County that the said proposed amendment to the Charter of the City of Richmond was ratified by a majority of the qualified electors of said City voting thereon, as aforesaid.

That the vote on the said Amendment-A as declared by Resolution No. 6775 of the Council of the City of Richmond was as follows:

AMENDMENT-A	Yes 9458
	No 5605

That said amendment to the Charter so ratified by the qualified electors of the City of Richmond at said primary election was in words and figures as follows:

AMENDMENT-A, amending Sections 3 and 5 of Article V of the Charter of the City of Richmond to read as follows:

First: To amend Section 3 of Article V as follows: (Words underlined to be added.) (Words in bold face type to be deleted.)

Petitions of nomination

"ARTICLE V. Sec. 3. Petitions shall be filed in the office of the City Clerk for the nomination of Councilmen, or with the Clerk of the Board of Education for the nomination of members of said Board, not earlier than the ninetieth day nor later than 12 o'clock noon of the sixtieth day prior to the day fixed for the election of the same, asking that the person named therein be a candidate for the office of _____ (naming it) and giving the residence of said person within the City of Richmond *or the Richmond School District.* Such petitions shall be signed by *not less than twenty (20) nor more than thirty (30)* qualified and registered voters ~~equal in number to at least three per centum of the votes cast at the preceding election for offices for which the nomination is asked.)~~ The requirements as to signatures ~~(other than the number thereof),~~ the verification of the petition and certification thereof provided in Section 1 of Article VIII for petitions for recall, shall apply in petitions for nominations for public office. *A filing fee in the amount of two per cent (2%) of the annual salary of the office to which nomination is sought shall be paid to the Clerk at the time of filing the petition for nomination.*

Second: To amend Section 5 of Article V as follows: (Words underlined to be added.) (Words in bold face type to be deleted.)

Primary election

"ARTICLE V. Sec. 5. If a primary election is held, it shall be the duty of the Council, in case of the nomination of Councilmen, and of the Board of Education, in case of the nomination of members of said Board, to provide for the holding of same, shall designate the precincts, polling places, appoint officers of election (which need not be more than one inspector, one judge and one clerk) but such precincts, polling places and officers shall conform as nearly as possible to those designated and selected for and at the election of officers thereafter to follow. In case the Council or Board of Education fail to make the necessary provision for such primary election, then the Clerk or the Clerk of the Board of Education shall perform such duties. The proper Clerk shall give notice of such primary election and shall state therein the names of the candidates whose petitions shall have been filed and such notice shall be published in the official newspaper of the city for five days prior to the day of such election. He shall also cause ballots to be printed, stating the office to be filled and the candidates therefor whose petitions have been filed, printing the names of such candidates upon said ballot

in the order *provided in the general laws of the State governing elections within municipalities* ~~in which such petitions shall have been filed.~~ Said ballot shall contain a direction as to the number of candidates which one voter may vote for, which shall be the same number as is to be elected to the office at the regular election to follow; also instructions required to be printed on ballots by the general laws, so far as such instructions may be applicable. All ballots cast or marked contrary to such instructions shall be void. The polls shall be open during the same hours as required for the regular election thereafter to follow and in all respects the election shall be held and conducted, and the votes cast thereat shall be counted and returns thereof made as may be required for the election at which are to be elected the officers for the nomination of which the primary election is held."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Richmond with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendment.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Richmond to be affixed this 3rd day of October, 1958.

CARL F. LYFORD
(SEAL) Mayor of the City of Richmond
HARLAN J. HEYDON
Clerk of the City of Richmond

Attest:

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Richmond, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Richmond. Approval

CHAPTER 15

Senate Concurrent Resolution No. 1—Approving six certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on June 3, 1958.

[Filed with Secretary of State, January 20, 1959.]

County of San Diego Charter amendments

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the Office of the Secretary of State on January 17, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolution and order adopted on April 1, 1958, duly propose to the qualified electors of said County of San Diego, six amendments to the charter of said county, designated on the ballot as County Propositions 1, 2, 3, 4, 5 and 6, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on June 3, 1958, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendments to the charter of the County of San Diego were published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on April 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, 1958; and

WHEREAS, Said general election was held in said County of San Diego on June 3, 1958, which said day was not less than 30 days and not more than 60 days after said proposed amendments to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on June 3, 1958, at which said election said proposals were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the Registrar of Voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on June 23, 1958 duly enter on the records of said

board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on June 3, 1958, said proposed amendments to the charter of the County of San Diego were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

COUNTY PROPOSITION 1 FIRST PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Sections 13, 14 and 17 of said charter be amended and Sections 31.1 and 31.2 be added to said charter to read as follows:

Elective county officers

SECTION 13: The Elective County Officers, other than members of the Board of Supervisors, shall be:

Assessor;
Coroner and Public Administrator;
County Clerk;
District Attorney;
Recorder;
Sheriff;
Members of the County Board of Education;
Tax Collector;
Treasurer;

each of whom shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law. The Tax Collector shall be ex officio License Collector. The County Clerk shall be ex officio Clerk of the Superior Court and Clerk of the Board of Supervisors. The Coroner shall be ex officio Public Administrator.

Appointive county officers

SECTION 14: The Appointive County Officers shall be:

Agricultural Commissioner;
Auditor and Controller;
Board of Law Library Trustees (members of);
County Counsel;
County Surveyor and Road Commissioner;
Fish and Game Warden;
Livestock Inspector;
Probation Officer;
Purchasing Agent;
Registrar of Voters;
Sealer of Weights and Measures;
Superintendent of Schools.

Such other officers as are now or may hereafter be required by law shall also be appointive.

County council

SECTION 17: There is hereby created the office of County Counsel which shall be in the classified service. The Board of Supervisors shall be the appointing authority for the County Counsel. On the effective date of this amendment all personnel in the County Counsel's office, which is that part of the office of the District Attorney and County Counsel commonly known as the Civil Division, shall be and become personnel in the office of County Counsel without diminution of salary or loss of rights or benefits to which they were entitled as employees in such Civil Division and all deputies district attorney in said Civil Division shall become deputies county counsel. On said effective date the District Attorney and County Counsel shall be and become the District Attorney without diminution of salary or loss of rights or benefits to which he was entitled as District Attorney and County Counsel and all personnel in the office of District Attorney and County Counsel, other than those in the Civil Division, shall continue to serve as personnel in the office of District Attorney without diminution of salary or loss of rights or benefits to which they were entitled as personnel in the office of District Attorney and County Counsel.

Conflict of interest

SECTION 31.1: When the County Counsel determines that there is a conflict of interests in performing his duties and for that reason he is unable to represent or advise the County or a school district or any other district, or any board, commission or officer thereof with respect to a specific matter or case or to perform any other duty imposed upon him by law, the District Attorney, upon request of the Board of Supervisors, may represent or advise the County or such school or other district, or board, commission or officer thereof or perform such other duty of the County Counsel; provided, however, this section shall not be construed to require the County Counsel to disqualify himself from representing or advising the County or any school or other district or any officer, board or commission or performing any duty imposed upon him by law, nor shall it be construed to limit the power of the Board of Supervisors to employ counsel to assist the County Counsel.

Functions performed

SECTION 31.2: The District Attorney may perform such functions of the County Counsel and the County Counsel may perform such functions of the District Attorney as may be agreed upon from time to time by the District Attorney and County Counsel and approved by the Board of Supervisors, provided, however, that such agreement may be canceled at any time by the Board of Supervisors or District Attorney or the County Counsel.

COUNTY PROPOSITION 2 SECOND PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 37 of said charter be amended to read as follows:

Deposit of fees and moneys

SECTION 37: All County and judicial district officers, employees, boards and commissions by whom fees are collected

for the performance of official duties, or otherwise, and all officers or employees collecting or receiving moneys pertaining to or for the use of the County, shall pay or transmit all such fees and moneys, without deduction therefrom, into the County Treasury daily, and shall thereupon be credited by the Treasurer and Auditor with the amounts so paid; and shall on or before the 5th day of each month, make an accounting and settlement with the Auditor and Treasurer, setting forth in detail the fund allocation of the moneys so collected and paid in; except that such daily payment or transmittal may, in the discretion of the County Controller, not be required when the aggregate of moneys so collected shall be less than Fifty ($50.00) Dollars, or where the headquarters of the officer, board or employee making such collections is so located as to make such daily payment or transmittal infeasible.

Any county or judicial district officer, board or commission with the approval of the County Controller may establish and use, in accordance with rules prescribed by the County Controller, one or more bank accounts for the receipt and disbursement into the County Treasury of such fees and moneys collected by such officer, board or commission.

Failure to pay or transmit or deposit or disburse moneys so collected in accordance with the provisions of this section shall constitute misconduct in office, punishable by suspension or removal therefrom.

County Proposition 3 Third Proposed Amendment to the Charter of the County of San Diego

That Section 90 of said charter be amended to read as follows:

Section 90: The Auditor and Controller shall withhold payment of any salary or compensation for services from any person holding or performing the duties of a position in the classified service unless the Director of Personnel has certified that the person has been appointed or employed in accordance with the provisions of this article and of the rules established thereunder, and unless the head of the office, department or institution in which the person is employed, or the authorized representative of such head, certifies that such services have been performed in accordance with this article and said rules.

Certification by Director of Personnel

County Proposition 4 Fourth Proposed Amendment to the Charter of the County of San Diego

That Section 78.1 be added to said charter to read as follows:

Section 78.1: Nothing in this Article shall prevent the County or any officer, board, commission or agency of the County from employing an independent contractor to provide services of a professional, scientific or technical nature where the Civil Service Commission has determined that it is impractical to have such service furnished by a person employed

Independent contractor

or to be employed in the classified service and the employment of such independent contractor will not require the removal, suspension, layoff or transfer of any employee in the classified service.

COUNTY PROPOSITION 5 FIFTH PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 34 of said charter be amended to read as follows:

Powers and duties

SECTION 34: The Auditor and Controller shall perform all the duties and shall have all the powers conferred by general law and this Charter He shall be the chief accounting officer of the County and shall exercise general supervision over the accounts of all County, judicial district and school district officers, commissions, boards and employees of the County charged in any manner with the receipt, collection or disbursement of public funds, or of other funds, handled in their capacity as County officials or employees. He shall have the power, and it shall be his duty, to prescribe the method of installing, keeping and rendering accounts of, and the financial reports to be rendered by the several County, judicial district and school district officers, boards, commissions and employees of the County. He shall have full access to all books of account, all records, contracts, correspondence and all other documents and papers pertaining to financial transactions of the County and its departments.

(a) The Controller shall keep accounts showing the financial transactions of all departments, offices and other subdivisions of the County. Such accounts and accounting procedure shall be adequate to record: (1) all budgeted revenue and appropriations, together with additions or transfers thereto, and to show at all times the amount of encumbrances, expenditures or transfers therefrom and the balances therein; (2) all revenues accrued and liabilities incurred; (3) all cash receipts and disbursements; and (4) all transactions affecting the custody or disposition of values.

(b) The Controller shall determine, where practicable, the unit cost of work done by the County, for the purpose of determining whether similar work could be done under public contract at a lower cost. The Controller shall devise adequate systems of internal check of all departments and offices of the County relative to the custody, collection or disbursement of public funds.

(c) The Controller shall make a monthly report, not later than the 20th day of each month, showing a summary statement of revenues and expenditures for the preceding calendar month and for that portion of the fiscal year ending on the last day of such preceding month. Such statement shall be detailed as to assets, liabilities, income, expenditures, appropriations and funds in such manner as to show the financial condition of the County and of each department, office, bureau or division thereof, for that portion of the fiscal year to and includ-

ing the preceding calendar month, and with comparative figures for the similar period in the preceding fiscal year. The Controller shall, at the same time, prepare statements showing the cash position of the County and the unencumbered balance in each fund. A copy of each report and annual reports compiled therefrom, and special fiscal reports as requested, shall be transmitted to the Board of Supervisors and all department heads concerned and to two (2) local daily newspapers, and shall be kept on file in the Controller's office.

(d) The Controller shall audit the accounts of all County, judicial district and school district officers, boards, commissions and employees of the County charged in any manner with the custody, collection or disbursement of public or other funds. The Controller shall audit monthly all accounts and moneys coming into the hands of the County Treasurer. He shall make an audit monthly of each departmental revolving fund authorized by this Charter, or by the Board of Supervisors.

When requested by the Board of Supervisors or any officer, board or commission for its own department, he shall audit the accounts of any such officer or department. On the death, resignation, removal, expiration of term or retirement of the head of any department or office, or any officer or employee charged with the receipt, collection or disbursement of public funds, he shall forthwith make an audit of the accounts of such department, officer or employee, and file copies of his report of such audit with the County Clerk and the Board of Supervisors. If an elective officer is elected to succeed himself and qualifies, the required expiration of term audit may be omitted by the Controller, provided that the audit of that officer's accounts is made not later than the succeeding fiscal year.

(e) The Controller must at least once in every six (6) months examine all official bonds and investigate the sufficiency and solvency of the sureties thereon and forthwith report, in writing, the facts to the Board of Supervisors. Upon receipt of such report, the Board shall take such action as shall be necessary to protect the County, and may require new bonds and may suspend any officer or employee until a sufficient bond is filed and approved. The Board of Supervisors shall make similar periodic examination of the Controller's bond.

(f) The Board of Supervisors shall order an annual audit of the Controller's books of accounts, records and transactions, to be made by one or more certified public accountants. The report of such annual audit for the fiscal year shall be filed with the Clerk of the Board of Supervisors and shall be open to public inspection, and two copies thereof furnished to the Auditor and Controller.

(g) It shall be unlawful for any officer or employee of the County to refuse to permit the Controller, or his deputy, to have access to any books, accounts or records in the custody

of said officer or employee, for the purpose of making an audit or investigation as authorized by this Charter; or to refuse, neglect or fail to aid and assist such Controller in making such investigation or audit; or to refuse to comply with rules pertaining to systems or methods of accounting. Any officer or employee who refuses, wilfully hinders, obstructs, or prevents an audit or investigation, or compliance with rules as herein provided, shall be deemed guilty of misconduct in office. Upon written complaint of the Controller, filed with the Board of Supervisors, the Board of Supervisors shall, if such complaint is found true, immediately suspend such officer or employee from his office, without pay, and the said suspension without pay shall continue until the reasonable requests of said Controller for an investigation or audit shall have been fully complied with and until said Board of Supervisors shall order the suspension lifted.

COUNTY PROPOSITION 6 SIXTH PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 69 of said charter be amended to read as follows:

County vehicle markings

SECTION 69: The Board of Supervisors shall cause all motor vehicles belonging to the County to have painted conspicuously, on each side, the words "Property of San Diego County," together with the name of the department to which said motor vehicle belongs, except that such motor vehicles as may be designated by the Sheriff, District Attorney and Probation Officer, in their respective departments, with the approval of the Board of Supervisors, as necessary for confidential departmental investigations, may be exempted from the foregoing provisions.

Every department shall cause to be kept a record showing the daily use of each motor vehicle, the time of going out, the number of miles travelled, and time of its return to the garage.

It shall be the duty of the person in charge of motor vehicles to keep a record of the amount of gasoline used in each motor vehicle, together with a record of the repairs thereon required.

All records required by this section shall be filed in the office of the County Auditor on or before the 15th day of each month.

A violation of any provision of this section shall constitute misconduct in office.

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

Certificate

We, the undersigned, Dean E. Howell, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk and ex officio clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on June 3, 1958, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 11th day of December, 1958.

(SEAL)

DEAN E. HOWELL
Chairman of the Board of Supervisors of the County of San Diego, State of California

ROBERT B. JAMES
County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, State of California

ATTEST:
R. B. JAMES
County Clerk of the County of San Diego, State of California

(SEAL)

WHEREAS, Said proposed amendments to the charter of the County of San Diego, each and all of which were so ratified by a majority of the electors voting thereon at said general election held on June 3, 1958, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of San Diego, as proposed by the board of supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the charter of the County of San Diego.

CHAPTER 16

Senate Concurrent Resolution No. 4—Approving amendments to the charter of the City of Burbank, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the third day of June, 1958.

[Filed with Secretary of State, January 20, 1959.]

City of Burbank Charter amendments

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of Burbank, a municipal corporation situated in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Burbank and the city clerk of said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF BURBANK

Certificate

We, the undersigned, DALLAS M. WILLIAMS, President of the Council of the City of Burbank, State of California, and NAOMI G. PUTNAM, City Clerk of said City, DO HEREBY CERTIFY AND DECLARE AS FOLLOWS:

The City of Burbank, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI, of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a special election called for that purpose, held within said city on the 3rd day of June, 1958, certain proposed amendments to the City Charter of said city.

Said proposed amendments were published in the Burbank Daily Review, a newspaper of general circulation printed and published in said city and having a general circulation therein, said newspaper being the official newspaper of said city, on the 7th day of April, 1958, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said city, and, until the day fixed for said election, advertised in said Burbank Daily Review, a newspaper having a general circulation in said city, a notice that copies thereof could be had upon application

therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 3rd day of June, 1958, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to, and duly and regularly ratified by, the said qualified voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with and that said amendments are as follows:

CHARTER AMENDMENT NO. 1

Section 33 of the Charter of the City of Burbank is amended to read:

PUBLIC SERVICE DEPARTMENT

SECTION 33. There shall be a Public Service Department and a General Manager thereof, appointed by the City Manager. Public service department

The Public Service Department shall supervise the construction, reconstruction, operation and maintenance of all public utilities now or hereafter owned and operated by the City, including the generation, purchase, distribution and sale of electric energy, water and gas, and may, with the approval of the Council, lease or rent any property connected with or appurtenant to any of its utilities and fix the rental charges thereof.

All funds received by the Public Service Department shall be deposited in the City Treasury to the credit of the Department. An amount not to exceed Two Per Cent (2%) of the Department's gross sales of electricity (exclusive of wholesale sales of electricity to other public or privately owned utilities) shall, in the Council's discretion, be deposited or transferred to the City's General Fund, to pay bills incurred by the City for lighting its public streets, and an amount not to exceed Five Per Cent (5%) of the Department's gross sales of water and electricity, in lieu of taxes (exclusive of wholesale sales to other public or privately owned utilities) shall be deposited or transferred to the City's General Fund if, in the discretion of the Council, it is so ordered.

Funds not immediately needed by the Public Service Department may be temporarily loaned to other departments of the City pending collection of tax receipts or other funds owing to such other department.

CHARTER AMENDMENT No. 2

The first part of the sentence of the last paragraph of Section 5 of the Charter of the City of Burbank preceding the comma and relating to compensation for a Councilman is amended to read:

Compensation

Each Member of the Council shall receive $25.00 for each meeting attended, not to exceed six paid meetings each month, * * *

CHARTER AMENDMENT No. 3

The last paragraph of Section 55 of the Charter of the City of Burbank is amended, as follows:

Contracts

Every contract, or order for repairs, alterations, work or improvement and every purchase of materials or supplies, involving an expenditure of more than Three Hundred Dollars ($300.00) shall be in writing and signed on behalf of the City by the City Manager or his authorized representative.

CHARTER AMENDMENT No. 4

Section 54 of the Charter of the City of Burbank is amended to read:

CONTRACT WORK AND PURCHASES

SECTION 54.

Contract work and purchases

(a) Contract Work

Every contract, involving an expenditure of more than Three Thousand Dollars ($3,000.00), for the erection or construction of public buildings and structures, for streets, drainage and sewer work, for the installation of pipe (other than water pipe), fire hydrants, wells, pumping plants, power plants, gas mains and generators, and works for protection against overflow, and each separate purchase of materials or supplies for the same where the expenditures required for such purchase shall exceed the sum of Three Thousand Dollars ($3,000.00), shall be let by the City Manager, subject to the approval of the Council, to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which shall be at least ten (10) days before the time for openings bids; provided that the Council may order rejected any and all bids presented and may order readvertisement in its discretion. After rejecting the bid or bids, the Council may determine and declare that, in its opinion, the work in question may be performed more economically or more satisfactorily by the City with its own employees; or, that such materials or supplies may be purchased at a lower price, or more advantageously, in the open market; and, after the adoption of a resolution to this effect by a four-fifths vote, or, if no bid or bids are received, the City Manager may proceed to have said work done or such materials or supplies purchased without further observance of the provisions of this section if within budgetary appropriations; and, provided

further, that such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the Council to be of urgent necessity and shall be authorized by resolution by a four-fifths vote. The City Manager is authorized to sign all contracts hereunder.

Nothing in this section shall apply to or prohibit the doing of such work, or any portion thereof, by the City with its own employees without first advertising for bids when the estimated cost of doing such work does not exceed the sum of Ten Thousand Dollars ($10,000.00).

(b) Purchases of Supplies, Materials, Equipment and Services Generally

Before making any purchase of, or contract for, supplies, materials, equipment, or services (other than professional or contractual services which are, in their nature, unique and not subject to competitive bidding), the City Manager or, when designated, the Purchasing Agent or Buyer shall provide for competitive bidding, under such definitions, conditions, terms, rules and regulations and with such exceptions as the Council shall prescribe by ordinance to be adopted by, and only amended by, the unanimous vote of all the Members of the Council.

Charter Amendment No. 5

Section 32, including the caption thereof, of the Charter of the City of Burbank is hereby repealed. Repeal

Charter Amendment No. 6

A new subparagraph 8. is added to paragraph (b) of Section 10 of the Charter of the City of Burbank, to read as follows:

8. Be responsible that all ordinances and laws are enforced. Enforcement responsibility

It shall be the responsibility and duty of each Department Head in the City to inform and advise the City Manager of any information indicating lack of law enforcement in the City.

This is to certify that we, Dallas M. Williams, President of the Council of the City of Burbank, and Naomi G. Putnam, City Clerk of the City of Burbank, have compared the ratified amendments with the original proposed amendments submitted to the qualified electors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Burbank to be attached on this 26th day of August, 1958.

(SEAL)

DALLAS M. WILLIAMS
President of the Council of the City of Burbank, California

NAOMI G. PUTNAM
City Clerk of the City of Burbank, California

and

WHEREAS, Said amendments to the charter of the City of Burbank so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Burbank as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said charter of the City of Burbank.

CHAPTER 17

Senate Concurrent Resolution No. 7—Approving a certain amendment to the charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a special election held therein on November 4, 1958.

[Filed with Secretary of State, January 20, 1959]

City of Newport: Charter amendment

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of Newport Beach, a municipal corporation, in the County of Orange, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

STATE OF CALIFORNIA
COUNTY OF ORANGE } SS.
CITY OF NEWPORT BEACH

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF NEWPORT BEACH

Certificate

WE, the undersigned, JAMES B. STODDARD, Mayor of the City of Newport Beach, and MARGERY SCHROUDER, City Clerk of said City, do hereby certify and declare as follows:

That the City of Newport Beach, a municipal corporation in the County of Orange, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said city, being the legislative body thereof, on its own motion, submitted to the qualified electors of said city a certain proposal for the amendment of the Charter of said city at a special election duly and regularly called and held for that purpose in said city on the 4th day of November, 1958, said charter amendment being herein designated as Newport Beach Charter Amendment.

That on the 11th day of September, 1958, said City Council caused said Newport Beach Charter Amendment to be duly and regularly published and advertised in each and every edition of said 11th day of September, 1958, in the Newport Harbor Ensign, the official newspaper of said city, printed, published and circulated in said city.

That said special election was duly and regularly held in said city on the date fixed by said Council, to wit, November 4, 1958, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendment, and the returns of said special election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify said Newport Beach Charter Amendment, hereinafter specifically set forth.

That said amendment to the Charter of said city so ratified by the voters of said city is as follows, to wit:

NEWPORT BEACH CHARTER AMENDMENT

Article VI of the Table of Contents of the Charter of the City of Newport Beach was amended to delete the entry "Section 604 City Treasurer" and to read as follows:

"ARTICLE VI. OFFICERS AND EMPLOYEES
Section 600 Officers to be Appointed by the City Council
Section 601 Administrative Departments
Section 602 City Attorney. Powers and Duties
Section 603 City Clerk. Powers and Duties
Section 605 Director of Finance
Section 606 Administering Oaths
Section 607 Department Heads. Appointment Powers
Section 608 Illegal Contracts. Financial Interest
Section 609 Acceptance of Other Office
Section 610 Nepotism
Section 611 Official Bonds"

Section 600 of Article VI of said Charter was amended to read as follows:

Appointive officers

"Section 600. Officers to be Appointed by the City Council. In addition to the City Manager, there shall be a City Attorney and a City Clerk, who shall be appointed by and serve at the pleasure of the City Council and may be removed only upon the affirmative votes of a majority of the members of the City Council."

Section 604 of Article VI of said Charter was deleted therefrom.

Section 605 of Article VI of said Charter was amended to read as follows:

Director of Finance

"Section 605. Director of Finance. There shall be a Director of Finance appointed by the City Manager and subject to suspension or removal by the City Manager who shall have power and shall be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager, and be head of the Finance Department of the City.

(b) Compile the budget expense and income estimates for the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies.

(d) Receive all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court, or from any office, department, or agency of the City.

(e) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(f) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit, approve and provide for the payment of all bills, invoices, payrolls, demands or charges against the City and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.

(g) See that all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(h) Through the City Manager submit to the City Council and to the certified public accountant employed by the City as an independent auditor a monthly statement of all receipts, disbursements and fund balances in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(i) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

(j) Assume the title of and act as City Treasurer and with the approval of the City Manager appoint deputies as necessary to act under the provisions of any law requiring or permitting action by a city treasurer.

(k) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the City Council."

Section 802 of Article VIII of said Charter was amended to read as follows:

Positions included in system

"Section 802. Positions included in the System. The civil service system shall include all full time, regular and permanent positions or employment on the Police and Fire Departments of the City and may, by ordinance, include any other appointive officers or positions in the service of the City except the following:

1. All elective officers.

2. City Manager, Assistant City Manager, if any, one private secretary to the City Manager, City Attorney, Assistant City Attorney, if any, City Clerk, Director of Finance, City Engineer, all Department Heads, and all employees of the Library Department, including the Librarian.

3. All members of boards and commissions.

4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not longer than six months in any one calendar year.

5. Persons employed to render professional, scientific, technical or expert service.

6. Persons who render part-time service without pay or who are paid on an hourly or per diem basis."

Section 1114 of Article XI of said Charter was amended to read as follows:

Presentation of demands

"Section 1114. Presentation of Demands. All claims for damages against the City must be verified and presented to the City Clerk within ninety days after the occurrence, event or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal de-

mand. Each such demand shall be presented to the Director of Finance within ninety days after the last item of the account or claim accrued. The Director of Finance shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and provide for its payment out of the proper fund. Otherwise he shall reject it. The City Council may overrule any rejection by the Director of Finance and order the demand paid.

The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or reject the demand in whole or in part."

Section 1115 of Article XI of said Charter was amended to read as follows:

Registering demands

"Section 1115. Registering Demands. Demands on the City which are not paid for lack of funds shall be registered. All registered demands shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution."

Section 1117 of Article XI of said Charter was amended to read as follows:

Independent audit

"Section 1117. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a qualified certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance and City Attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said

city, and find and certify that it is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Newport Beach to be affixed hereto this 16 day of December, 1958.

(SEAL)

JAMES B. STODDARD
Mayor of the City of
Newport Beach, California
MARGERY SCHROUDER
City Clerk of the City of
Newport Beach, California

and

WHEREAS, Said proposed charter amendment as ratified (being hereinabove set forth) has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the charter of the City of Newport Beach as proposed to, and adopted and ratified by, the qualified electors of said City of Newport Beach be and the same hereby is approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the City of Newport Beach. Approval

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CHAPTER 18

Assembly Concurrent Resolution No. 6—Relative to the death of Mrs. Ed. Fletcher.

[Filed with Secretary of State, January 21, 1959.]

WHEREAS, It was with the most sincere and profound regret that the Members of the Legislature of the State of California learned of the death in San Diego, on November 22, 1958, of the gracious and beloved Mrs. Ed. Fletcher, the widow of our late colleague, the Honorable Ed. Fletcher; and

WHEREAS, Mrs. Fletcher, who for three generations of San Diegans symbolized the ideal mother, tried to live in the shadow of her family, as the quiet inspiration to her husband's leadership and as the wellspring of the character and strength of their 10 children; and

WHEREAS, The Legislature of the State honored her on one Mothers Day as California's Outstanding Mother and, in 1949, she was cited as the State Mother of California by the American Mothers Committee of the Golden Rule Foundation; and

WHEREAS, Born in Waverley, Massachusetts, on January 11, 1876, where her family had lived for many years, Mrs.

Fletcher came to California as a bride with her husband shortly after their marriage on April 8, 1896, in the First Congregational Church of Ayer, Massachusetts; and

WHEREAS, A civic leader in her own right, her name often graced the social pages of San Diego publications in support of worthwhile endeavors. She was a charter and a life member of the YWCA, a member of the Wednesday Club, and active in the First Congregational Church of San Diego; and

WHEREAS, The members of the Pals Club, a club composed of the wives of the State Senators and Assemblymen, made her the president of their organization in 1940; and

WHEREAS, Mrs. Fletcher has left a priceless heritage to her community and state. The rich and full life which she lived, a life which combined a love of home and family with a faith in religion, should serve as an inspiration and as an example to everyone; and

WHEREAS, To mourn her passing and receive the heartfelt sympathy of all, she leaves her sons, Ed Fletcher, Jr., Charles, Willis, Stephen, Ferdinand, and Col. Eugene Fletcher, U.S.A.F., ret., all of San Diego, and Lawrence Fletcher of Piedmont, California; her daughters, Mrs. B. H. Taylor and Mrs. H. Pitts Mack of San Diego, and Mrs. Vernon C. Hawk of Lockport, New York; 30 grandchildren; 21 great grandchildren; and a brother, Eugene Batchelder, who also lives in San Diego; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California proclaim the sorrow and deep sense of loss with which they note the passing of Mrs. Ed. Fletcher and do hereby extend their sincerest sympathies to all the members of her family in their bereavement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the children and brother of Mrs. Ed. Fletcher.

CHAPTER 19

Assembly Concurrent Resolution No. 22—Relative to the probation of the University of Southern California by the National Collegiate Athletic Association.

[Filed with Secretary of State, January 21, 1959.]

WHEREAS, The National Collegiate Athletic Association has recently placed the University of Southern California on probation for two additional years, thereby extending the two-year probationary period for this university which was scheduled to end this year; and

WHEREBY, As a result of this action, the University of Southern California will be unable to defend this year the N. C. A. A.

championships in baseball, tennis, and track which it won last year and will be barred from all national championship competition for at least one year; and

WHEREAS, The violations which gave rise to this drastic action by the N. C. A. A. were such that, except for the fact that the University of Southern California was already on probation, they would not have warranted such a severe penalty; and

WHEREAS, Such a penalty goes much farther than merely punishing the university and its administrators, it unduly penalizes the hundreds of innocent students and prospective students who should, as an important aspect of their academic life, be given the opportunity to participate in intercollegiate sports and compete for national team and individual championships; and

WHEREAS, The University of Southern California is one of the major institutions of learning in this State and has brought great glory to the State of California through its notable achievements in the academic world and its outstanding record as a producer of both individual and team champions in national and world amateur competition; and

WHEREAS, It is felt by the Members of this Legislature that the penalty imposed by the N. C. A. A. upon the University of Southern California is disproportionately harsh in view of the minor rule infraction involved, the outstanding record and reputation of the university, and the unfair effect this penalty has upon the many innocent students and prospective students at the university; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the National Collegiate Athletic Association be respectfully requested to reconsider the recent action taken by it with respect to the University of Southern California in the light of the factors mentioned in this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the National Collegiate Athletic Association.

CHAPTER 20

Assembly Concurrent Resolution No. 33—Introduced by Mr. George A. Willson (on behalf of Assemblymen Bane, George E. Brown, Jr., Cameron, DeLotto, Garrigus, Kennick, Lunardi, Marks, Petris, Reagan, Waldie, Williamson, and Z'berg; and Senators Fisher, Holmdahl, McAteer, O'Sullivan, Rattigan, Rodda, Shaw, Slattery, and Stiern).

[Filed with Secretary of State, January 21, 1959.]

WHEREAS, The 1959 Legislative Orientation Conference for new members of the Legislature was held at the State Capitol in Sacramento from 9 o'clock a.m. to 5 p.m. on each of the two days preceding the convening of the 1959 Regular Gen-

eral Session of the Legislature, that is to say, on January 3 and 4, 1959; and

WHEREAS, The "Class of 1959" contains the largest number of new Members of the Legislature ever to participate in such a conference since 1956 when the first California conference was held; and

WHEREAS, The new Legislators of the Class of 1959 are deeply appreciative of the efforts expended in their behalf by many persons whose devoted service made the 1959 Legislative Orientation Conference outstandingly successful; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature desires to express its sincere congratulations for the successful planning of the 1959 Legislative Orientation Conference to the members of the Assembly and Senate Rules Committees of the 1958 Session, and particularly to Assemblyman Augustus F. Hawkins who assumed the responsibility for arranging the conference, and to Ralph N. Kleps, Legislative Counsel, for his gracious and effective chairmanship of the conference; and be it further

Resolved, That the Legislature wishes to thank the state officers and employees who gave generously of their time and effort to assist in familiarizing the new Legislators with the services available to them in carrying out their duties; and be it further

Resolved, That the Chief Clerk is directed to transmit suitably prepared copies of this resolution to Ralph N. Kleps, Legislative Counsel, who acted as Chairman of the 1959 Legislative Orientation Conference, and to the speakers on the program, who were:

Richard Rodda, Capitol Correspondents Association
William H. Merrifield, Auditor General
Paul E. Gallagher, State Printer
A. Alan Post, Legislative Analyst
Tony Beard, Sergeant at Arms of Assembly
Dr. William Davis, State Historian
Carma L. Zimmerman, State Librarian
Julian Beck, Legislative Secretary to Governor
A. C. Morrison, Chief Deputy Legislative Counsel
Joseph A. Beek, Secretary of Senate
Arthur A. Ohnimus, Chief Clerk of Assembly
Frank C. Newman, Professor of Law, University of California
Russell Barthell, Assistant to Chancellor, University of California at Los Angeles
Dwight Waldo, Acting Director, Bureau of Public Administration, University of California
Jay Doubleday, Supervisor of Assembly Intern Program

CHAPTER 21

Senate Concurrent Resolution No. 3—Relative to extending the date for final report of the Joint Interim Committee on Water Resources Development Problems.

[Filed with Secretary of State, January 22, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the date for the final report of the Joint Interim Committee on Water Resources Development Problems (created by Resolutions Chapter 329 of the 1957 Regular Session) to the Legislature is extended to the thirtieth legislative day of the 1959 Regular Session.

CHAPTER 22

Senate Concurrent Resolution No. 5—Approving amendments to the charter of the City of Salinas, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the State of California direct primary election held on the third day of June, 1958.

[Filed with Secretary of State, January 22, 1959.]

WHEREAS, Proceedings have been taken for the proposal, adoption, and ratification of amendments to the charter of the City of Salinas, a municipal corporation in the County of Monterey, State of California, as hereinafter set out in the certificate of the mayor and city clerk of said city as follows: City of Salinas: Charter amendments

CERTIFICATE OF MAYOR AND CITY CLERK OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } SS.

We, the undersigned, ARTHUR C. ATTERIDGE, Mayor of Salinas, and ELTON TAVERNETTI, City Clerk of Salinas, do hereby certify and declare as follows: Certificate

That the city of Salinas, County of Monterey, State of California, is now, and at all times mentioned in this certificate has been, a city containing a population of more than three thousand five hundred (3,500) inhabitants, and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding Census taken under the authority of Congress of the United States, and has been ever since the year 1918, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the

Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at the general election held on the 5th day of November, 1918, in the manner, form, and substance as required by law, and was thereafter duly approved by the Assembly of the State of California, the Senate concurring, and filed with the Secretary of State on the 24th day of January, 1919.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the city of Salinas, being the legislative body of said city, duly and regularly submitted to the qualified electors of said city certain proposals designated as "Charter Amendments" to amend the Charter of said city and to be voted upon by said qualified electors at a special municipal election consolidated with the State of California Direct Primary Election held on the 3rd day of June, 1958.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 8th and 15th days of April, 1958, in the Salinas Californian, a daily newspaper of general circulation published in said city of Salinas, and in each edition thereof during the days of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten-point; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the city of Salinas, was published in the Salinas Californian, a newspaper of general circulation published in said city, on the 8th day of April, 1958, and on each day thereafter to and including the 3rd day of June, 1958, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said city to and including the 3rd day of June, 1958, the date fixed for said election.

That said special municipal election was duly and regularly held in said city of Salinas, after due notice given and published, on the 3rd day of June, 1958, which day was not less than forty days, nor more than sixty days, after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Salinas Californian.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared, by the proper officers thereunto duly and properly authorized, that each of the amendments to the Charter of the city of Salinas hereinafter set forth was ratified by a majority of the electors of said city voting thereon; that the Council of said city did by its Resolution No. 3642

(N.C.S.) duly declare the results of said election as determined by the canvass of the returns thereof

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the city of Salinas so ratified by the electors of said city are in the words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1

That Section 69 of the Charter of Salinas is amended to read as follows:

"Sec. 69. No special tax shall be levied by the Council unless such levy shall first have been submitted to an election of the people, and approved by at least two-thirds of the qualified electors who voted thereon; provided that this section shall not pertain to any ordinance or resolution of the city of Salinas now or hereafter adopted relating to local or special assessment proceedings, nor to any proceedings taken under the general laws of the State of California." Special tax

CHARTER AMENDMENT NO. 2

That Section 80 of the Charter of Salinas is amended to read as follows:

"Sec. 80. Unless otherwise provided by ordinance of the city of Salinas, proceedings for all public improvements which are to be paid for by assessment upon private property shall be according to the general laws of the state." Public improvement assessment

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the city of Salinas to be affixed hereto, this 5th day of January, 1959.

ARTHUR C. ATTERIDGE
(SEAL) Mayor of the city of Salinas
ELTON TAVERNETTI
City Clerk of the City of Salinas

and

WHEREAS, the said proposed amendments to the charter of the City of Salinas so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the charter of the City of Salinas herein set forth as presented and submitted to and ratified and adopted by the qualified electors of Approval

the City of Salinas, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Salinas.

CHAPTER 23

Senate Concurrent Resolution No. 9—Relative to the continuance of the Joint Committee on Water Problems.

[Filed with Secretary of State, January 22, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Committee on Water Problems created by Senate Concurrent Resolution No. 105 (Resolution Chapter 337) of the 1957 Regular Session is continued as a joint interim committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature, including any recess, but not later than the sixtieth calendar day of the session with authority to file its final report not later than that date.

3. The provisions of the Joint Rules of the Senate and Assembly as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of joint rules at this session, the joint rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 24

Senate Concurrent Resolution No. 10—Relative to the selection of the State of California and the City of Los Angeles as the site of the 1960 Democratic National Convention.

[Filed with Secretary of State, January 22, 1959.]

WHEREAS, The Members of the Legislature of the State of California have learned that the Site Committee of the Democratic National Committee has selected the State of California and the City of Los Angeles as the site for holding the 1960 Democratic National Convention; and

WHEREAS, The members and the people of the State are proud of the State's historic contributions to the development of both the Democratic and the Republican Parties, having provided them with significant popular strength as well as numerous leaders of great stature; and

WHEREAS, The members and the people appreciate the selection of the State of California and the City of Los Angeles, as indicative of the State's national prominence in the field of politics; and

WHEREAS, The members and the people are grateful for the economic stimulus provided by holding the Democratic National Convention in the State and are grateful for the enhancement of the State's national prestige by its selection; and

WHEREAS, Delegates and guests from all of the states and territories will be assured of a most cordial and heartfelt welcome from the people of California, and will be afforded the scenic beauties as well as the personal hospitality for which this State is justly famous; and

WHEREAS, The Republican National Committee has not as yet selected a site for its 1960 National Convention; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California extend its appreciation to the Site Committee of the Democratic National Committee for having chosen the State of California and the City of Los Angeles as the site for the 1960 National Convention; and be it further

Resolved, That the Legislature urge the Democratic National Committee to ratify the action of the Site Committee; and be it further

Resolved, That the Legislature urge the Republican National Committee to select the State of California as the site of its 1960 National Convention; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Chairman of the Democratic National Committee, Mr. Camille Gravel, Jr., Chairman of the Site Committee of the Democratic National Committee, the Chairman of the Republican National Committee, and the Honorable Norris Poulson, Mayor of the City of Los Angeles.

CHAPTER 25

Assembly Concurrent Resolution No. 34—Relative to commending Walter Kane of Bakersfield, and congratulating him on being named "Man of the Year in Traffic Safety."

[Filed with Secretary of State, January 22, 1959.]

WHEREAS, Walter Kane was born in Marlboro, Massachusetts, in 1900, received his education in the schools of that state,

and served in the Air Corps during World War I prior to coming to California where he took a position with the Bakersfield Californian, and later became its publisher; and

WHEREAS, In addition to outstanding achievement in his chosen profession, Walter Kane has been a prominent civic leader and citizen of his State and community for 37 years and has, through the pages of the Bakersfield Californian, campaigned ceaselessly to obtain a wider public acceptance of effective and efficient traffic enforcement for the welfare and safety of all of Kern County's citizens; and

WHEREAS, Walter Kane has gone beyond the scope of his responsibilities as a newspaper publisher in his sincere efforts in traffic accident prevention; and

WHEREAS, Recognition of his work in the field of traffic safety has been accorded Walter Kane in his being named as a director of the California Traffic Safety Foundation, a statewide nonprofit organization dedicated to reducing California's traffic accident toll; and

WHEREAS, Walter Kane was selected for Kern County's highest traffic safety honor for his behind-the-scenes leadership which resulted in a 17 percent reduction in traffic deaths in Kern County during 1958; and

WHEREAS, He has been selected by the Kern County Safety Council as "Man of the Year in Traffic Safety" and will be honored at a traffic safety awards dinner in Bakersfield; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature joins with the citizens of Kern County in commending Walter Kane for his significant contributions toward safety on the roads and congratulates him on being named "Man of the Year in Traffic Safety"; and be it further

Resolved, That Walter Kane is commended for his leadership in substantially reducing traffic fatalities in Kern County; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to forward suitably prepared copies of this resolution to Walter Kane, the Kern County Safety Council, and the California Traffic Safety Foundation.

CHAPTER 26

Assembly Concurrent Resolution No. 24—Relative to the School of Education of the University of Southern California.

[Filed with Secretary of State, January 22, 1959.]

WHEREAS, The School of Education of the University of Southern California, together with its predecessor, the Department of Education, is in its fiftieth year in the field of professional education, and has achieved a position of pre-emi-

nence in the field of education and a nationwide reputation for excellence; and

WHEREAS, The school has been a pioneer in the development and use of modern university courses for the training of teachers, supervisors, and administrators; and

WHEREAS, It has contributed to the science of education through its balanced emphasis upon meaningful research; and

WHEREAS, It has promoted extended services in education such as the reading center and the hearing clinic; and

WHEREAS, It has trained and sent forth many well-qualified teachers, supervisors, and administrators to help staff the public schools of California and other states of the Union; and

WHEREAS, These educators have, through their creative leadership, exerted a tremendous influence in the improvement and modernization of the public schools, and have been instrumental in enhancing the ability of the schools to meet the many problems posed in the field of education by the rapidly changing modern world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Dr. Irving R Melbo, Dean of the School of Education, and the faculty of that school be congratulated and commended for their outstanding work in the field of education and for their outstanding contribution in so building on the work of their predecessors as to bring the School of Education of the University of Southern California national recognition as a leader in its field; and be it further

Resolved, That the Assembly and Senate extend to Dean Melbo and the faculty of the School of Education best wishes for continued success in their efforts to extend the frontiers of education; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare suitable illuminated copies of this resolution for presentation to Dr. Irving R. Melbo, Dr. Norman Hawkins Topping, and Dr. Albert S. Raubenheimer.

CHAPTER 27

Assembly Concurrent Resolution No. 23—Relative to the continuance of the Joint Interim Committee on Water Resources Development Problems.

[Filed with Secretary of State, January 27, 1959]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Interim Committee on Water Resources Development Problems created by Resolution Chapter No. 329 of the 1957 Regular Session is continued as a joint interim committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this

session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, until March 1, 1959, with authority to file its final report not later than such date.

3. The provisions of the Joint Rules of the Senate and Assembly, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 28

Assembly Concurrent Resolution No. 37—Approving the amendment to the charter of the County of Alameda voted for and ratified by the electors of said county at an election held therein on the third day of June, 1958.

[Filed with Secretary of State, January 27, 1959.]

County of Alameda Charter amendment

WHEREAS, The County of Alameda, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the eighteenth day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California, on the eighteenth day of January, 1927, and filed in the Office of the Secretary of State on the eighteenth day of January, 1927 (Statutes 1927, page 2029); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendment to said charter set out in the certificate of the Chairman of the Board of Supervisors and the County Clerk and Ex Officio Clerk of the Board of Supervisors of the County of Alameda, to wit:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF THE CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 3RD DAY OF JUNE, 1958. Certificate

PREAMBLE

BE IT KNOWN THAT:

WHEREAS, the County of Alameda, State of California, has, at all times mentioned herein, been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January, 1927; and

WHEREAS, the Board of Supervisors, by Resolution No. 86791, adopted April 1, 1958, ordered an amendment to the charter of the County of Alameda submitted to the qualified electors of the County of Alameda at a county charter election consolidated with the direct primary election, a general election within the meaning of Article XI, Section 7½, of the Constitution of the State of California, for the purpose of amending County Charters, on Tuesday, June 3, 1958, from the hour of seven o'clock a.m. of said day until the hour of seven o'clock p.m. of said day, and established the special election precincts for same as the precincts established for the direct primary election on said date, and designated the polling places therein and the names of the election officers for each precinct as those established and appointed for the direct primary election on June 3, 1958, and provided that the said county charter election should be held in all respects as if there were only one election and only one form of ballot to be used; and

WHEREAS, the Board of Supervisors, by Resolution No. 86925, passed April 17, 1958, duly prepared and ordered submitted at said county charter election, consolidated with the direct primary election, held on the 3rd day of June, 1958, one (1) proposed amendment to the charter of the County of Alameda, and duly ordered that said proposal should be forthwith published for ten (10) times in The Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in the said County of Alameda, which said proposal was set forth in full and at length, and was and is in words and figures hereinafter set forth; and

WHEREAS, thereafter the said proposed amendment to the charter of the County of Alameda was duly published in full and at length in said newspaper for ten times and on the following dates, to wit: on April 22, 23, 24, 25, 26, 27, 28, 29, 30 and on May 1, 1958, and said election at which said proposal was submitted to the vote of the qualified electors of said county was not less than thirty (30) days nor more than sixty (60) days after publication of said proposal as aforesaid; and

WHEREAS, immediately subsequent to said publication, said Board of Supervisors, by Resolution No. 87110, adopted May 6, 1958, duly prescribed the form and title to be printed on the election ballot to be used at said election on June 3, 1958, for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title said proposal appeared on said ballot; and

WHEREAS, subsequent to said publication the County Clerk of Alameda County caused to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there were voters therein, said copies being designed "Sample Ballot" upon their face, and mailed one sample ballot, postage prepaid, to each voter in the County of Alameda, not more than forty (40) nor less than ten (10) days before June 3, 1958, the day fixed for said election, and completed the mailing of said sample ballots at least ten (10) whole days before said election; and

WHEREAS, at said election said proposal was duly submitted to the vote of the qualified electors of said county and appeared on the ballot at said election in the following form, to-wit:

AMENDMENT TO THE CHARTER OF THE COUNTY OF ALAMEDA

Shall the Charter of the County of Alameda, which now requires appointment of a Live Stock Inspector, be amended to exclude such office from those required by the Charter, by amending Section 17 of the Charter, so that the appointment of such officer will be permissive, when needed, under State law?	YES
	NO

and,

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, said election was held in said County of Alameda on the 3rd day of June, 1958, which day was not less than thirty (30) days nor more than sixty (60) days from the completion of the publication of said proposed amendment as

hereinafter set forth; and that said election was held and conducted in the same manner as provided by law for general elections; and

WHEREAS, the returns of said election held in the County of Alameda on the 3rd day of June, 1958, at which election said proposal was duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the Board of Supervisors of the County of Alameda and said Board caused to be entered in the records of said Board in Appendix No 2, in Minute Book No. 103 a statement of the result of said election which statement shows the proposition voted upon, the number of votes given in each precinct for and against such proposition and the number of votes given in the County of Alameda for and against such proposition voted upon; and

WHEREAS, the majority of the qualified electors voting thereon voted in favor of the adoption of said amendment to the charter of the County of Alameda; to-wit: Proposition A; and the Board of Supervisors of the County of Alameda did thereafter declare that said proposed amendment duly adopted by the electors of the County of Alameda; and

WHEREAS, said amendment so ratified by the electors of said County of Alameda at said election held on June 3, 1958, is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW, THEREFORE, the undersigned, Leland W. Sweeney, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack G. Blue, County Clerk and Ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signature with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendment to said charter of said County, so ratified by the majority of the electors voting thereon at said election held on the 3rd day of June, 1958, as submitted to said electors, is in words and figures as follows, and is and shall, if so approved by said legislature be in the words and figures following, to wit:

"PROPOSAL

TO AMEND THE CHARTER OF THE COUNTY OF ALAMEDA, WHICH NOW PROVIDES THAT THE LIVE STOCK INSPECTOR SHALL BE AN APPOINTIVE OFFICER, TO OMIT SAID OFFICE FROM THOSE SPECIFICALLY PROVIDED FOR BY THE CHARTER.

by deleting the words 'Live Stock Inspector' from Section 17 of the Charter, which now provides who shall be appointive officers."

We hereby certify that the facts set forth in the preamble of this certificate preceding said amendment to said Charter is true; and for and on behalf of said County of Alameda we

being duly authorized, do hereby request the Legislature of the State of California, to approve said amendment to said Charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 5th day of January, 1959.

LELAND W. SWEENEY
(SEAL) Chairman of the Board of Supervisors of the County of Alameda, State of California.
JACK G. BLUE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

ATTEST:
JACK G. BLUE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

WHEREAS, Said proposed amendment to the charter of the County of Alameda, so ratified by the majority of the electors voting thereon at the election held on the 3rd day of June, 1958, has been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendment to the charter of the County of Alameda, as presented to, adopted and ratified by the electors of the said County of Alameda and as hereinabove fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, and as an amendment to and as a part of the charter of the County of Alameda.

CHAPTER 29

Senate Concurrent Resolution No. 2—Approving amendments to the charter of the City of San Bernardino, County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the third day of June, 1958.

[Filed with Secretary of State, January 27, 1959.]

City of San Bernardino Charter amendments

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of amendments, here-

inafter set forth, to the charter of the City of San Bernardino, a municipal corporation situated in the County of San Bernardino, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.
CITY OF SAN BERNARDINO

Certificate

We, the undersigned, E. D. Kremer, Mayor of the City of San Bernardino, State of California, and Jack T. Felton, City Clerk of said city DO HEREBY CERTIFY AND DECLARE as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a city of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI, of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a special election held within said city on the 3rd day of June, 1958, certain proposed amendments to the city Charter of said city, which said election was duly and regularly consolidated with the statewide Primary Election held on said date.

Said proposed amendments were published in the San Bernardino Evening Telegram, a newspaper of general circulation printed and published in said city and having a general circulation therein, said newspaper being the official newspaper of said city, on the 17th day of April, 1958, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said city and, until the day fixed for said election, advertised in the San Bernardino Evening Telegram, a newspaper having a general circulation in said city, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 3rd day of June, 1958, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said city Charter.

Said proposed amendments were duly and regularly submitted to, and duly and regularly ratified by, the said quali-

fied voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with and that said amendments are as follows:

"It is hereby proposed that Article XIII, Section 246, of the Charter of the City of San Bernardino be amended to read as follows:

Civil Service Board

'Section 246. A Civil Service Board is hereby created which shall consist of five members who shall be qualified electors of the City and appointed as hereinafter provided. The three members in office on the first Monday in May, 1959, shall continue to serve for the remainder of their respective terms. On July 1, 1958, or as soon thereafter as this Charter amendment becomes effective, the Mayor, with the consent and approval of the Council, shall appoint one member to serve until the first Monday of May, 1959, and one to serve until the first Monday of May, 1961, and thereafter, by rotation in the following manner: Two members shall be appointed on the first Monday of May, 1959, two on the first Monday of May, 1961, and one on the first Monday of May, 1963, each for a term of six years. On the first Monday of May, 1965, and every odd-numbered year thereafter, the Mayor, with the consent and approval of the Council, shall appoint the same number of members of the Civil Service Board for a term of six years as the number of members whose term of office expires at that time, who shall take office the first Monday of May of said year, or as soon thereafter as appointed and qualified. Members of the Board shall not hold any other public office."

"It is hereby proposed that Article IV, Section 51, of the Charter of the City of San Bernardino be amended to read as follows:

Vacancies in elected offices

'Section 51. The Mayor, with the consent and approval of the Common Council, shall appoint all officers, and fill all vacancies in an elective office not otherwise provided for in this Charter; provided that in no case where a vacancy has occurred and an appointment been made to an elective office, shall the officer hold beyond the next general municipal election at which time an election shall be held for that office so vacated to fill the unexpired term. In case of a vacancy in the office of Mayor, the vacancy shall be filled by the Common Council by a majority vote, and the appointee shall hold office for the unexpired term."

"It is hereby proposed that Article VIII, Section 140, of the Charter of the City of San Bernardino be amended to read as follows:

Purchases exceeding two thousand dollars

'Section 140. No supplies, material or other item of expenditures, for an amount exceeding Two Thousand Dollars, except for personal services or any purchases made from any other government or governmental agency, shall be ordered, or purchased by the Mayor and Common Council, or any

board, or department of the City, authorized to incur any expenditure, except after first advertising for sealed proposals and awarding a contract to the lowest and best bidder. Each proposal must be accompanied by bidder's bond, certified or cashier's check, or cash, in an amount not less than ten (10) per cent of the sum bid, which must be forfeited to the City upon failure of said bidder to enter into the contract awarded. All contracts awarded by the Mayor and Common Council shall be by ordinance or resolution. A sufficient bond, payable to the City, with two or more sureties, or cash, or a surety company bond, may be required to secure faithful performance of each contract awarded."

THIS IS TO CERTIFY that we, E. D. Kremer, Mayor of the City of San Bernardino, and Jack T. Felton, Clerk of the City of San Bernardino, have compared the ratified amendments with the original proposed amendments submitted to the qualified electors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendments.

WE FURTHER CERTIFY that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this 25th day of August, 1958.

E. D. KREMER
(SEAL) Mayor of the City of San Bernardino, California
JACK T. FELTON
City Clerk of the City of San Bernardino, California.

and

WHEREAS, Said amendments to the charter of the City of San Bernardino so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Bernardino as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said charter of the City of San Bernardino. Approval

CHAPTER 30

Senate Concurrent Resolution No. 6—Relative to the adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, January 27, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following Rules be adopted as the Joint Rules for the 1959 Regular Session:

JOINT RULES OF THE SENATE AND ASSEMBLY

COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the Rules of each house.

Joint Committees

2. The Rules Committee of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

BILLS AND RESOLUTIONS

Definition of Word Bill

4. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the Federal Government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

Preparation and Introduction of Bills

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Digest of Bills Introduced

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it.

The digest shall be printed on the bill as introduced in distinctive type upon the lower part of the first page thereof.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

Introduction of Departmental Bills

10.5. No departmental bill shall be introduced at the request of or on behalf of any state officer or agency after the thirtieth calendar day of any general session, nor shall any departmental bill be introduced in both houses of the Legislature at any session.

The Secretary of the Senate and the Chief Clerk of the Assembly shall have distinctive covers or backs prepared for departmental bills that are introduced at the request of or on behalf of any state officer or agency, which shall show at whose request the bill is introduced. Any such bill when printed shall include in its heading a statement that the introduction of the bill was requested by a state officer or agency and setting forth the title of the officer or agency that made the request. Only those bills which are so identified shall be construed to be departmental bills within the provisions of this rule.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories, the Legislative Digest and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories, the Legislative Digest and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of the sum of one hundred fifty dollars ($150) at a general session or twenty-five dollars ($25) at a budget session. Not more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

13.1. The Legislative Counsel shall provide for the compilation and periodic publication of the digests mentioned in Rule 8.5 in separate pamphlets for each house. He shall also provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the pamphlet digests (comprising the Legislative Digest) and the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of such printing shall be paid from the legislative printing appropriation.

Other Legislative Printing

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A Daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions

originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

Action in One House on Bill Transmitted From the Other

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

Passage and Enrolling of Bills

Passage of Bills Preceding Final Adjournment

23. No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the Office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

Amendments and Conferences

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or

amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the

majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and the Assembly.

Report of Committee on Conference

29. The report of the committee on conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than two of the Senate Members and two of the Assembly Members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill.

The report of a conference committee shall be in writing, and a copy of any amendments proposed in the report shall be placed on the desk of each member of the house before it is acted upon by the house.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Measures

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put

to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

Miscellaneous Provisions

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual.

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 24 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee

of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first named author analyzing the constitutionality, operation or effect of a pending bill or other legislative measure, he is authorized and instructed to deliver two copies of the opinion to the first named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform each subsequent requester that such a resolution is being, or has been, prepared, and shall furnish such subsequent requester with the name of the member for whom the resolution was, or is being, prepared.

Expense of Members

35. As provided in Section 23b of Article IV of the Constitution, each Member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the

committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of fifteen cents ($0.15) per mile each way for travel within the State and ten cents ($0.10) per mile each way for travel outside the borders of the State incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twenty dollars ($20) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant

therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members therof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36.5. The provisions of this rule shall apply whenever a joint interim committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Legislative Budget Committee

37. In addition to any other committee provided for by these Rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not re-elected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not re-elected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the

committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The

chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the Government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

Registration of Legislative Representatives

37.5. In addition to the duties hereinabove prescribed the Legislative Analyst is directed, so long as he is designated to be "clerk" or "secretary" pursuant to; Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the Joint Rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

38. Adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. All regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Interhouse Co-operation

40. The Joint Committee on Interhouse Co-operation is hereby created. It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof, concerning the relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has a continuing existence and may meet, act, and conduct its business at any place within the State, during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate membership shall consist of the President pro Tempore of the Senate, and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker, the Chairman of the Assembly Committee on Rules and the three other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between sessions in the Senate membership of the committee shall be filled by the Senate Committee on Rules. Vacancies occurring in the Assembly membership shall be filled by appointment by the Speaker.

The committee shall have authority to make rules to govern its own proceedings. It may also create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold.

The provisions of Joint Rule 36 shall apply to the committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the Chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Interim Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within 30 days after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

CHAPTER 31

Assembly Concurrent Resolution No. 10—Relative to the centennial celebration of the admission of Oregon to the Union.

[Filed with Secretary of State, January 28, 1959.]

WHEREAS, The State of Oregon, having been admitted to the Union on February 14, 1859, will this year embark upon a centennial celebration; and

WHEREAS, The highlight of the centennial celebration will be an exposition, including a two-week international trade fair, at Portland, opening June 10th and lasting a symbolic 100 days; and

WHEREAS, The State of California wishes to join with her sister states in congratulating the State of Oregon in its centennial year and to declare her confidence that the fledgling state of yesterday, existing on a raw material economy, will grow into the industrial giant of tomorrow and grow in magnitude in the hundreds of years to come; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California salutes the State of Oregon upon the 100th anniversary of her admission to the Union, and sends sincere felicitations to the elected officers and citizens of that glorious state; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Honorable Mark Hatfield, Governor of Oregon, and to the President of the Senate and the Speaker of the House of the Oregon Legislature.

CHAPTER 32

Assembly Concurrent Resolution No. 12—Relative to the passing of Mr. Ray R. Ingels.

[Filed with Secretary of State, January 28, 1959]

WHEREAS, The passing of Mr. Ray R. Ingels at his home in Potter Valley, Mendocino County, marks the loss of one who gave much in the service of this State and the Nation; and

WHEREAS, Mr. Ingels served this State with distinction as an Assemblyman from 1928 to 1930 and as State Senator from 1930 to 1934; and

WHEREAS, His outstanding abilities were further recognized in 1935 when he was appointed by Governor Frank F. Merriam as the first salaried director of the Department of Motor Vehicles; and

WHEREAS, Mr. Ingels served his Nation with honor as a member of the armed forces in World War I; and

WHEREAS, Mr. Ingels, born in Kokomo, Indiana, August 28, 1890, became a California resident in 1900 and graduated from the University of California in 1913; and

WHEREAS, His honorable career in public life and as a rancher in Potter Valley reflected a sincere desire to aid in the development of this State; and

WHEREAS, He is survived by his daughters, Mrs. Robert Magruder of Potter Valley, and Mrs. Norma Green of El Cerrito, Contra Costa County, four grandchildren, his brothers, Clarence Ingels of Long Island, New York and Bert Ingels of New Jersey; and his sisters Mrs. Ray Condit of Hollywood and Mrs. Edna Farris of Long Beach; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California joins the family and friends of Mr. Ray R. Ingels in mourning the loss of this fine person who contributed so greatly to the welfare of the citizens of this State and the Nation; and be it further

Resolved, That the Chief Clerk is directed to transmit suitably prepared copies of this resolution to the family of Mr. Ingels.

CHAPTER 33

Assembly Concurrent Resolution No. 16—Relative to congratulating Adolfo Lopez Mateos on his election to the Presidency of the United States of Mexico.

[Filed with Secretary of State, January 28, 1959.]

WHEREAS, It has come to the attention of the Legislature that Adolfo Lopez Mateos was recently elected the fifty-seventh President of the United States of Mexico in December of 1958, and

WHEREAS, President Lopez Mateos is eminently qualified for this highest of political offices, being an outstanding lawyer, educator, and devoted servant of the people, shown by his service for many years in high political offices, as Senator from the State of Mexico, Ambassador to Costa Rica, and Secretary of Labor under the immediate past president, Ruiz Cortines, in which office he achieved a tremendous record of efficiency in governmental operation; and

WHEREAS, In his rise to fame this great young dignitary was an outstanding student while attending Mexico City's French Lycée and secondary school in Toluca, and he also developed his ability as a rugged athlete, especially in the fields of soccer, boxing, and mountain climbing; and

WHEREAS, He brings to the office of president the wisdom and experience gained from his many years of public life, to be used now in the most important position in the government of Mexico; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby extend their heartiest congratulations to Adolfo Lopez Mateos upon his election as the President of the United States of Mexico; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to President Adolfo Lopez Mateos.

CHAPTER 34

Assembly Concurrent Resolution No. 41—Relative to the passing of Cecil B de Mille.

[Filed with Secretary of State, January 28, 1959]

WHEREAS, The Members of this Legislature are deeply grieved to learn of the sudden passing of Cecil B. de Mille, outstanding American and citizen of California; and

WHEREAS, Although world-famous as a motion picture producer, Mr. de Mille's diversified talents were early manifested as the organizer and president of Mercury Aviation Company, in Hollywood, which was in the years 1918 to 1923, the first commercial aviation company to carry passengers on regular flights, and were further illustrated by Mr. de Mille's career as a playwright and theatrical producer for 10 years; and

WHEREAS, Mr. de Mille has been identified with the motion picture business since 1913 and until 1951 as president of Cecil B. de Mille Productions, Incorporated, and subsequently as the head of Paramount Studios, in Hollywood; and

WHEREAS, His great contributions to the entertainment of the people of the United States and of the world and to the motion picture arts and sciences are exemplified by such outstanding productions as "The Ten Commandments"; "The Volga Boatman"; "The King of Kings"; "The Sign of the Cross"; "Cleopatra"; "The Crusades"; "The Plainsman"; "The Buccaneer"; "Union Pacific"; "North West Mounted Police"; "Reap the Wild Wind"; "Story of Dr. Wassell"; "Unconquered"; "Samson and Delilah"; "The Greatest Show on Earth" and many other landmark photoplays; and

WHEREAS, Mr. de Mille's contributions to the people of this State and the United States were not restricted to the motion picture field as is illustrated by the fine series of radio programs produced by him during the years 1936 to 1945, which were known as the "Lux Radio Theater"; and

WHEREAS, The honor and esteem which were accorded Mr. de Mille during his lifetime by the people of the United States were demonstrated over the years by numerous testimonials and honors bestowed upon him, among which were the Order of Holy Sepulchre; the degree of doctor of literature; the degree of doctor of fine arts; and the Order of Orange Nassau; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature hereby wish to express their grief on the passing of Cecil B. de Mille and to extend their sincere condolences to the surviving members of his family and the many personal friends who survive him; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. Constance de Mille, his widow, and the other members of his family, and to his longtime associates in the Paramount Pictures organization.

CHAPTER 35

Senate Concurrent Resolution No. 12—Approving the charter of the City of Needles, County of San Bernardino, State of California, ratified by the qualified electors of said city at a special election held therein on the third day of June, 1958.

[Filed with Secretary of State, January 28, 1959.]

City of Needles: Charter

WHEREAS, Proceedings have been taken and had for the preparation, proposal, adoption and ratification of a charter for the City of Needles, as hereinafter set forth in the certificate of the mayor and the city clerk of said city, to wit:

CERTIFICATE OF ADOPTION OF NEW CHARTER FOR THE CITY OF NEEDLES, CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.
CITY OF NEEDLES

Certificate

We, the undersigned, B. C. Cunningham, Mayor of the City of Needles, State of California, and F. B. Wilkin, Clerk of said City, do hereby certify and declare as follows:

That the City of Needles, in the County of San Bernardino, State of California, now is and at all times herein referred to was a city containing a population of more than 3500 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That on June 3, 1957, the City Council of the City of Needles passed and adopted, by more than a two-thirds majority, their resolution submitting to the electors of the City of Needles, the question of whether a Board of Freeholders should be elected to frame a proposed new charter, and secondly for the office of Freeholder. That by Resolution No. 6-3-57-2, the City Council of the City of Needles did call such special election to be held on the 13th day of August, 1957; that at such election held on said day, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the electors thereof, which said board within one year after the result of said election was declared, duly prepared and proposed, and on the 19th day of March, 1958, filed in the office of said City Clerk, a new charter for the government of said city and upon said charter designated the 3rd day of June, 1958, as the date upon which said charter should be submitted to the electors of said city for ratification; that said proposed charter and said declaration of the date for the submission thereof to the electors for ratification were duly signed by all of the members of the said board of freeholders; that thereupon the said city council duly called and gave notice of such special election to be held on the 3rd day of June, 1958, and did within fifteen (15) days after the filing of said charter cause the same to be published once, to wit;

on the 3rd day of April, 1958, in The Desert Star, a newspaper of general circulation, printed and published in the said city, and the same was printed in each edition thereof, and did cause such copies of said charter to be printed in convenient pamphlet form, and until the date fixed for election upon such charter, did advertise in said named paper, a notice that such copies of said city charter could be had at the office of the City Clerk upon application therefor, and in all respects the requirements of Article XI, Section 8 of the California State Constitution have been complied with; that at said election duly and regularly held upon the 3rd day of June, 1958, a majority of the qualified voters voting thereon voted in favor of such proposed charter and the City Council of said city at a meeting held in the manner required by law, duly canvassed the returns of said election and it duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said charter; that said charter, as the same was prepared, proposed and ratified as herein set forth is as follows, to wit:

THE CHARTER OF THE CITY OF NEEDLES

We, the people of the City of Needles, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

Article I. Incorporation and Succession

Section 100. Name. The municipal corporation now existing and known as the City of Needles shall remain and continue as a municipal corporation under the name of the City of Needles. **Name**

Section 101. Boundaries. The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law. **Boundaries**

Section 102. Rights and Liabilities. The City of Needles shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall continue to be subject to all its debts, obligations, liabilities and contracts. **Rights and liabilities**

Section 103. Ordinances. All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority. **Ordinances**

Section 104. Continuance of Contracts and Public Improvements. All contracts entered into by the City or for its benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to **Continuance of contracts and public improvements**

their terms. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Pending actions and proceedings

Section 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Continuance of present officers and employees

Section 106. Continuance of Present Officers and Employees. The present officers and employees shall continue without interruption to perform the duties of their respective offices and employments upon the same conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, until the election, or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter. The terms of office of elective officers whose offices are made appointive under this Charter shall expire upon the appointment of their successors, respectively.

Article II. Powers of the City

General powers

Section 200. General Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Procedures

Section 201. Procedures. The City shall have the power to and may act pursuant to any procedure established by any law of the State, unless a different procedure is required by this Charter.

Article III. Form of Government

Section 300. Council-Manager Form of Government. The municipal government provided by this Charter shall be known as the "Council-Manager" form of government. Form of government

Article IV. The Elective Officers

Section 400. Enumeration. The elective officers of the City shall consist of a City Council composed of seven members. Enumeration

Section 401. Elected at Large. The members of the Council shall be elected at large at the times and in the manner provided in this Charter, and shall serve for the terms prescribed in this Charter and until their respective successors qualify. Election at large

Section 402. When an Elective Office Becomes Vacant. An elective office becomes vacant when the incumbent dies, resigns, is adjudged insane, convicted of a felony or of an offense involving a violation of his official duties, ceases to be a resident of the City, fails to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without permission of the Council for more than sixty consecutive days, or fails to attend all meetings of the Council for a like period from and after the last such meeting attended by him without being excused therefrom by said body. Vacancies

Article V. The Council

Section 500. Councilmen. Term of Office. At a special municipal election which shall be held within three months following the approval of this Charter by the Legislature, there shall be elected seven councilmen. The three candidates receiving the highest number of votes at said election shall serve until the third Tuesday in April, 1962, and the remaining four candidates elected to the Council shall serve until the third Tuesday in April, 1960. At all subsequent general municipal elections four members of the Council shall be elected, the three candidates receiving the highest number of votes at such election to serve for a term of four years and the remaining candidate elected to serve for a term of two years. Ties among candidates for any office shall be settled by the drawing of lots. Councilmen Term of office

The term of each member of the Council shall commence on the first Tuesday following his election. Any candidate who is elected shall qualify within ten days after receiving his Certificate of Election.

Section 501. Eligibility. No person shall be eligible to be nominated for or to hold office as a member of the Council unless he is and shall have been for at least two years next preceding his election or appointment, a resident and qualified elector of the City of Needles or of territory annexed thereto. Eligibility

Councilman to hold no other office

Section 502. Councilman to Hold No Other Office. No member of the Council shall hold any other City office or City employment except as is otherwise provided by this Charter.

No member of the Council shall be eligible to be appointed to any City position, office or employment which was created or the compensation of which was increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was last elected or appointed.

Compensation

Section 503. Compensation. Each member of the Council shall be entitled to receive a salary of One Dollar per calendar month. Members of the Council shall also be entitled to reimbursement on order of the Council for Council authorized traveling expenses and other expenses actually incurred when on official duty or order of the Council. Members of the Council shall receive no other compensation from the City.

Vacancies

Section 504. Vacancies. Vacancies in the Council from whatever cause arising shall be filled by appointment by the Council, except that the Council shall not have more than three appointive members at any time.

In the event that the Council shall fail to fill any such vacancy by appointment within thirty days after such office shall become vacant, or is prohibited by provisions of this Charter to make such an appointment, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Presiding officer

Section 505. Presiding Officer. On the first Tuesday following any general or special municipal election at which any Councilman is elected, the Council shall meet and shall elect one of its members as its presiding officer who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the Council. The Mayor shall serve in such capacity at the pleasure of the Council.

The Council shall also designate one of its members as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Powers vested in council

Section 506. Powers Vested in the Council. All powers of the City shall be vested in the Council, and said Council may establish the method by which any of such powers may be exercised, except as otherwise provided in this Charter.

Regular meetings

Section 507. Regular Meetings. The Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned

is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Special meetings

Section 508. Special Meetings. Special meetings may be called at any time by the Mayor, or by four members of the Council, by written notice delivered personally to each member at least twenty-four hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice, if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.

Place of meetings

Section 509. Place of Meetings. All meetings shall be held in the Council Chambers of the City Hall, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by four members of the Council.

Quorum Proceedings

Section 510. Quorum. Proceedings. A majority of the members of the Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the Council, but need not specify the matters to be acted upon The Council shall judge the qualifications of its members as set forth by the Charter.

Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Citizen participation

Section 511. Citizen Participation. No citizen shall be denied the right personally, or through counsel, to present grievances or offer suggestions for the betterment of municipal

affairs, at any regular meeting of the Council, nor to speak to the subject of any special meeting.

Rules of procedure

Section 512. Rules of Procedure. The Council may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

Ordinances and resolutions

Section 513. Ordinances and Resolutions. Method of Action. Legislative action shall be taken by the Council only by means of an ordinance or resolution.

Same. Adoption

Section 514. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting nor until at least two days after such ordinance shall have been published as required in this Charter. At the time of introduction or adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered nor until at least two days after the same shall have been published as so altered The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any meeting other than a regular or adjourned regular meeting.

Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

Ayes and noes

Section 515. Ayes and Noes. Upon the adoption of any ordinance or order for the payment of money the Clerk shall call the roll and shall cause the ayes and noes to be entered in the minutes of the meeting. Upon the request of any member the ayes and noes shall be taken and recorded on any vote.

Majority vote of council

Section 516. Majority Vote of Council. No ordinance or resolution or order for the payment of money shall be passed or become effective without receiving the affirmative votes of at least four members of the Council.

Ordinances. Enactment

Section 517. Ordinances Enactment. In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act of the Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances adopted by the Council shall be substantially as follows: "The City Council of the City of Needles does ordain as follows:".

Section 518. Signing and Attesting. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk. Signing and attesting

Section 519. Ordinances. Effective Date. No ordinance adopted by the Council shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption: Ordinances. Effective date

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided for in this Article;

(e) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

Section 520. Ordinances. Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a City ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment. The Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works. Same: Penalty

Section 521. Ordinances. Amendment. The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length, as amended. Same Amendment

Section 522. Ordinances. Publication. Except as otherwise provided in this Charter, the City Clerk shall cause each proposed ordinance, other than an emergency ordinance, to be published at least once in the official newspaper within ten days after its introduction; or, as an alternative method of publication, upon order of the Council, copies of any such proposed ordinance shall be posted in three prominent places in the City and a single publication made in the official newspaper of a notice setting forth the title of the ordinance, the date of its introduction and a list of the places where copies of the proposed ordinance are posted, all within ten days after its introduction. Same: Publication

The City Clerk shall cause each emergency ordinance to be published at least once in the official newspaper within fifteen days after its adoption.

Same
Codification

Section 523. Ordinances. Codification. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted by ordinance.

Detailed regulations pertaining to the construction of buildings, plumbing, wiring, or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this Section. Maps, charts and diagrams also may be adopted by reference in the same manner.

Contracts:
Restrictions

Section 524. Contracts. Restrictions. The Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than twenty-five years unless said contract, lease or extension be approved by a majority of those qualified electors of the City voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the acquisition by the City at the end of such period of the real or personal property so leased or contracted for. This Section shall not apply to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing or acquisition of the products, commodity, facilities or services of any public utility.

Same.
Execution

Section 525. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the Council.

Except as otherwise provided in this Charter, by ordinance or resolution, the Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the Council, and may impose a monetary limit upon such authority.

The Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities, or services of any public utility owned, controlled or operated by

the City may be made by the manager of such utility or by the head of the department or City Manager upon forms approved by the City Manager and at rates fixed by the Council.

The provisions of this Section shall not apply to services rendered by any person in the employ of the City at a regular salary.

Article VI. City Manager

Section 600. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed by the affirmative vote of at least four members of the Council and shall serve at the pleasure of the Council, provided, however, that he shall not be removed from office except as provided in this Charter. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth. He need not be a resident of the City or State at the time of his appointment, but during his tenure of office, he shall reside within the City. City manager

No councilman shall be eligible for appointment to the office of City Manager during the term for which he shall have been elected nor within two years thereafter.

Section 601. Compensation. The City Manager shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution. Compensation

Section 602. Powers and Duties. The City Manager shall be head of the administrative branch of the City Government. Except as otherwise provided in this Charter, he shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, subject to the provisions of this Charter, the City Manager shall have power and be required to: Powers and duties

(a) Appoint, and he may suspend or remove, all department heads, officers and employees of the City except elective officers and those department heads, officers and employees the power of whose appointment is vested by this Charter in the Council or in the Board of Hospital Trustees, provided, however, that the appointment, suspension or removal of the Director of Public Utilities shall be subject to the approval of the Board of Public Utilities. He may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(b) Prepare the budget annually, submit it to the Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding fiscal year.

(d) Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may to him seem desirable.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for adoption by ordinance.

(g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City are enforced.

(h) Make investigations into the affairs of the City, or any department or division thereof, on any contract, or the proper performance of any obligation running to the City.

(i) Exercise control over all administrative offices and departments of the City except the Hospital Department and over all appointive officers and employees except those appointed by the Council or by the Board of Hospital Trustees.

(j) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

Participation in council action

Section 603. Participation in Council Action. The City Manager shall be accorded a seat at the Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. He shall receive notice of all special meetings of the Council, boards and commissions.

Rules and regulations

Section 604. Rules and Regulations. The City Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under his jurisdiction.

Manager Pro Tempore

Section 605. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. If he fails to make such appointment, the Council may appoint a Manager Pro Tempore.

Additional duties

Section 606. Additional Duties. Subject to the approval of the Council, the City Manager may act as head of any office, department or agency of the City under his control for which he is qualified by training or experience. If the City Manager should act as Director of Public Utilities, the approval of the Board of Public Utilities shall also be required.

Removal

Section 607. Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the Council is elected. At any other time the City Manager may be removed only at a regular meeting of the Council and

upon the affirmative votes of at least four members of the Council. At least thirty days prior to the effective date of his removal, the City Manager shall be furnished with a written notice stating the Council's intention to remove him and the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of his intended removal, the Council may suspend him from duty, but his compensation shall continue until his removal as herein provided. In removing the City Manager, the Council shall use its uncontrolled discretion, and its actions shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

Non-interference with administrative service

Section 608. Non-interference With Administrative Service. Except as otherwise provided in this Charter, neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative service of the City, of any person to any office or employment, or his removal therefrom. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service under the jurisdiction of the City Manager solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

Article VII. Officers and Employees

Enumeration

Section 700. Enumeration. In addition to the Council and City Manager, the officers and employees of the City shall consist of a City Clerk, a City Treasurer, a City Attorney, a Director of Finance, a Director of Public Utilities, a Chief of Police, a Chief of the Fire Department and such other officers, assistants, deputies and employees as the Council may provide by ordinance or resolution.

Appointment and removal

Section 701. Appointment and Removal. The City Clerk, City Treasurer and City Attorney shall be appointed by and may be removed by the affirmative votes of at least four members of the Council. Except as otherwise provided in this Charter, all other officers, department heads and employees of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Administrative departments

Section 702. Administrative Departments. The Council may provide by ordinance not inconsistent with this Charter

for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of duties, offices and agencies to departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, consistent with this Charter.

Each department so created shall be headed by an officer as department head who shall be appointed, and may be suspended or removed, by the City Manager, except as otherwise provided by this Charter.

When the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices, provided, however, that the same person shall not hold the position of City Treasurer and Director of Finance.

The Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of the Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner. No such transfer or consolidation shall be made which would impair or adversely affect any then existing bonds, obligations or contracts.

Compensation

Section 703. Compensation. The compensation of all City officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by the Council by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation for his services as such officer or employee aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City Treasury.

Oath of office

Section 704. Oath of Office. Every officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

Official bonds

Section 705. Official Bonds. The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Section 706. Illegal Contracts. Financial Interest. No member of the Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party. Illegal contracts Financial interest

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this Section, shall become void at the election of the City when so declared by resolution of the Council.

No member of the Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than five per cent of all the stock of such corporation issued and outstanding.

If any member of the Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Section 707. Nepotism. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council and neither shall the City Manager, any department head or other officer having appointive power appoint any relative within such degree to any such position. Nepotism

Section 708. Political and Religious Tests. Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no appointment to any position under the City government shall be made or be withheld by reason of any religious or political opinions or affiliation or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service. Political and religious tests

Section 709. City Clerk. Powers and Duties. The City Clerk shall have the power and be required to: Powers and duties City clerk

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purposes

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use.

(e) Be the custodian of the seal of the City.

(f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of the official records.

(g) Have charge of all City elections.

(h) Be ex-officio Assessor, unless the Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the Council by ordinance provides otherwise.

(i) Perform such other duties consistent with this Charter as may be required of him by the Council.

Same Director of Finance

Section 710. Director of Finance. Powers and Duties. The Director of Finance shall have power and shall be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager, and be head of the Finance Department of the City.

(b) Compile the budget expense and income estimates for the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.

(e) See that all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(f) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;

and, as of the end of each fiscal year, submit a complete financial statement and report.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

(h) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the Council.

Same City Treasurer

Section 711. City Treasurer. The City Treasurer shall have power and shall be required to:

(a) Receive all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court, or from any office, department, or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his hands in such depository as may be designated by resolution of the Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse moneys on warrants in the manner provided for in this Charter.

(d) Prepare and submit to the Director of Finance monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

(e) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the Council.

Same City Attorney

712. City Attorney. Powers and Duties. To become and remain eligible for City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least three years prior to his appointment. The City Attorney shall have power and may be required to:

(a) Represent and advise the Council and all City officers in all matters of law pertaining to their offices.

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances.

(c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions or proceedings in which any such officer or employee is concerned or is a party for any act arising out of his employment or by reason of his official capacity.

(d) Attend all regular meetings of the Council and give his advice or opinion in writing whenever requested to do so by the Council or by any of the boards or officers of the City.

(e) Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing.

(f) Prepare any and all proposed ordinances and resolutions for the City and amendments thereto.

(g) Devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office.

(h) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

Same Director of Public Utilities

Section 713. Director of Public Utilities. Powers and Duties. The Director of Public Utilities shall have power and be required to:

(a) Be the head of the Department of Public Utilities.

(b) Supervise and be responsible for the construction of all public utilities and the care and maintenance of the assets and facilities thereof.

(c) Supervise and be responsible for the administration, maintenance and operation of all public utilities owned or operated by the City, including but not limited to, the municipal water system.

(d) On vacating the office, surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his office and the work thereof.

(e) Perform such other duties consistent with this Charter as may be required of him by the Council.

He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as hereinbefore set forth. He need not be a resident of the City or State at the time of his appointment, but during the tenure of office, he shall reside within the City.

Same Chief of Police Department

Section 714. Chief of Police Department. The Chief of Police shall have power and be required to:

(a) Act as head of the Police Department, preserve the public peace, and enforce all penal ordinances of the City.

(b) Execute and return all process issued and directed to him by legal authority.

(c) Exercise all the powers and enjoy the same protections that are now or may hereafter be conferred upon sheriffs and other police officers by the general laws of the State with respect to the suppression of riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions.

(d) Perform such other duties consistent with this Charter as may be required of him by the Council.

Section 715. Chief of the Fire Department. The Chief of the Fire Department shall have power and be required to: Same Chief of Fire Department

(a) Act as head of the Fire Department and supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby.

(b) Make frequent inspection of all property within the City to enforce fire prevention regulations.

(c) During the time of a fire exercise supreme authority over the territory involved therein, and over all persons in the immediate vicinity of the fire during such time, including policemen, who likewise shall be subject to his orders.

(d) Perform such other duties consistent with this Charter as may be required of him by the Council.

Article VIII. Retirement

Section 800. Retirement System. Creation. The Council shall have power to provide for the creation, establishment, funding, financing and maintenance of a retirement or pension plan or plans for any or all of the appointive officers and employees of the City. Retirement System: Creation

Section 801. Authority to Join Other Systems. The City, by and through its Council is hereby empowered to join in any retirement or pension system or systems created under the laws of the State of California or the United States of America, to which municipalities and municipal officers and employees are eligible. Authority to join other systems

Article IX. Appointive Boards and Commissions

Section 900. In General. There shall be the boards and commissions enumerated in this Article which shall have the powers and duties herein stated. Unless otherwise provided by this Charter, the number of members to comprise any board or commission shall be determined by ordinance or resolution of the Council. No member of any board or commission shall hold any paid office or employment in the City government. In order to be eligible for any appointment to any board or commission, a person shall be a qualified elector of the City. In addition to those herein provided, the Council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. Appointive boards and commissions

Section 901. Appropriations. The Council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions. Appropriations

Section 902. Appointments. Terms. The members of each of such boards or commissions shall be appointed by the Appointments: Terms

Council. They shall be subject to removal by motion of the Council adopted by at least four affirmative votes. Unless otherwise provided by this Charter, the members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by agreement or by lot that each succeeding January 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding January 1st, and that the number of terms expiring in any year does not exceed by more than one the number expiring in any other.

Existing boards

Section 903. Existing Boards. The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter. The present members of the boards and commissions which will continue in effect under this Charter shall be deemed reappointed to the respective boards and commissions of which they are members as first appointed members thereof under this Charter.

Meetings: Chairmen

Section 904. Meetings. Chairmen. As soon as practicable, following the first day of January of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold such regular and special meetings as such board or commission may require. All proceedings shall be open to the public.

The affirmative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action, except to adjourn.

The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk, where they shall be available for public inspection. Each shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Compensation Vacancies

Section 905. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council within sixty days. Upon a vacancy occurring, leaving an un-

expired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission shall absent himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be qualified elector of the City, his office shall become vacant and shall be so declared by the Council.

Planning Commission

Section 906. Planning Commission. There shall be a Planning Commission consisting of seven members. The Planning Commission shall have the power and duty to:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of a Master Plan or any part thereof for the physical development of the City.

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance consistent with this Charter.

(c) Make recommendations to the Council concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City.

(d) Perform such other duties and functions not inconsistent with this Charter as may be prescribed by ordinance.

The Director of Public Utilities or a representative designated by him shall be accorded a seat at all meetings of the Commission and shall be entitled to participate in its deliberations but shall not have a vote.

Personnel Commission

Section 907. Personnel Commission. There shall be a Personnel Commission consisting of five members, none of whom shall hold any salaried office or employment in the service of the City while a member of the Commission nor for a period of one year after he has ceased for any reason to be a member. The Personnel Commission shall have power and be required to:

(a) Act in an advisory capacity to the Council and the City Manager on personnel administration.

(b) Recommend to the Council after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.

(c) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal and make recommendations thereon which shall be advisory only.

(d) Make any investigation which it may consider desirable concerning conditions of employment or the administration of personnel in the municipal service and report its findings to the Council and the City Manager.

(e) Perform such other duties with reference to personnel administration not inconsistent with this Charter as the Council may prescribe by ordinance.

Recreation and Parks Commission

Section 908. Recreation and Parks Commission. There shall be a Recreation and Parks Commission consisting of five members. In the event the Council contracts with other agen-

cies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the Commission of nominees of such agencies during the existence of such contract or extensions thereof. The Recreation and Parks Commission shall have the power and duty to:

(a) Act in advisory capacity to the Council in all matters pertaining to recreation and parks.

(b) Consider provisions of the annual budget for recreation and park purposes during the process of the preparation of the budget and make recommendations with respect thereto to the City Manager and the Council.

(c) Assist in the planning of a recreation program for the inhabitants of the City, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible, the cooperation of school authorities and other public and private agencies interested therein.

(d) Advise the Council with respect to the acceptance of money. personal property or real estate donated or offered to the City for recreational or park purposes.

(e) Perform such other duties not inconsistent with this Charter as may be prescribed by ordinance

Board of Public Utilities

Section 909. Board of Public Utilities. There shall be a Board of Public Utilities consisting of seven members. The Board of Public Utilities shall have the power and duty to:

(a) Consider the annual budget for the Department of Public Utilities during the process of its preparation and make recommendations with respect thereto to the Council and the City Manager.

(b) Within the limits of the budget of the Department of Public Utilities, authorize any purchase of equipment, materials or supplies exceeding the sum of Three Thousand Dollars, and authorize the acquisition, construction, extension, enlargement, diminution, or curtailment of all or any part of any public utility system. No such purchase, acquisition, construction, extension, enlargement, diminution or curtailment shall be made without such authorization.

(c) Require of the City Manager monthly reports of receipts and expenditures of the Department of Public Utilities, segregated as to each separate utility, and monthly statements of the general condition of the department and its facilities.

(d) Establish rates for all revenue producing utilities owned, controlled or operated by the City, but subject to the approval of the Council and to any valid contract.

(e) Approve or disapprove the appointment, suspension or removal of the Director of Public Utilities, who shall be the department head.

(f) Designate its own secretary.

(g) Make such reports and recommendations to the Council regarding the Department of Public Utilities as it shall deem advisable.

(h) Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.

Board of Hospital Trustees

Section 910. Board of Hospital Trustees. Notwithstanding anything in this Charter to the contrary, the existing Board of Hospital Trustees shall continue to exist and to function under the authority and provisions of Title 4, Division 3, Part 2, Chapter 5, Article 7 of the Government Code of the State as the same now exists or may hereafter be amended or superseded. Where not in conflict therewith, the provisions of this Charter shall apply.

Article X. Personnel System

Personnel System. Merit principle

Section 1000. Personnel System. Merit Principle. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with the provisions of any ordinance or personnel rules and regulations not inconsistent with this Charter, or by transfer, demotion or reinstatement.

Unclassified and classified service

Section 1001. Unclassified and Classified Service. The service of the City shall be divided into the Unclassified and the Classified Service:

(a) The Unclassified Service shall comprise the following officers and positions:

(1) All elective officers.

(2) City Manager, Assistant City Manager, if any, one private secretary to the City Manager, City Attorney, Director of Finance, City Treasurer, City Clerk, the head of each department, and all employees of the Hospital Department.

(3) All members of boards and commissions.

(4) Persons employed as unskilled laborers.

(5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than ninety days in any one fiscal year.

(6) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.

(7) Volunteer members of the Fire Department.

(8) Volunteer Police.

(9) Persons who render part-time service without pay or who are paid on an hourly or per diem basis.

(10) Any new classification hereafter created by the Council unless declared to be Classified at the time of creation or thereafter.

(b) The Classified Service shall comprise all positions not specifically included by this Section in the Unclassified Service.

Rules and regulations

Section 1002. Rules and Regulations. The Personnel System provided by this Article shall be implemented by such ordinances and rules and regulations governing the administration thereof as are adopted by the Council upon the recom-

mendation of either the City Manager or the Personnel Commission, and not inconsistent with this Charter.

Preparation of eligible lists

Section 1003. Preparation of Eligible Lists. Eligible lists shall be prepared from examinations of applicants for positions in the Classified Service which examinations shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

Probationary period

Section 1004. Probationary Period. All original and promotional appointments to positions in the Classified Service shall be for a probationary period of six months, during which the employee may be rejected by the appointing power, without assigning reasons therefor and without a hearing. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he had been promoted, unless charges are filed against him and he is dismissed as provided in this Charter.

Status of present personnel

Section 1005. Status of Present Personnel. Any person holding a position or employment included by this Charter in the Classified Service who, on the effective date of this Charter, shall have attained regular or probationary status under the existing personnel system, shall retain such status in the Classified Service under this Charter.

Appointments from classified service

Section 1006. Appointments From Classified Service. In the event any officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should within six months thereafter be removed or resign therefrom, he shall revert to his former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously, unless charges are filed against him and he is demoted or dismissed as provided in this Charter.

Suspension, demotion and dismissal

Section 1007. Suspension, Demotion and Dismissal. Every employee holding an office or position in the Classified Service who shall have completed the probationary period therein shall be entitled to retain his office or position so long as it exists under the same or a different title, subject, however, to suspension, demotion or dismissal as in this Section provided.

Any such employee may be suspended, demoted or dismissed by the appointing power, subject to the provisions of this Charter, for incompetence, habitual intemperance, immoral conduct, insubordination, repeated discourteous treatment of the public or fellow employees, dishonesty, conviction of a felony, inattention to duties, engaging in prohibited political activity, acts inimical to the public service, physical or mental incompetency, or other ground of penalty or forfeiture specified by the Constitution or by this Charter.

Any such employee who is suspended, demoted or dismissed shall be entitled to receive upon his request, at the office of the board or officer taking such action, a written statement in which shall be separately stated each of the charges against

him upon which such suspension, demotion or dismissal is based, a copy of which statement shall be furnished to the City Clerk for delivery to the Personnel Commission. Such statement shall be specific as to time, place and circumstances and shall be furnished to him within three working days after his request therefor, which request must be filed within three working days after he has been notified of such suspension, demotion or dismissal. He shall have ten days after receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the Personnel Commission to review such suspension, demotion or dismissal. Such answer, or request for a hearing, shall be filed in the office of the City Clerk for delivery to the Personnel Commission. A public hearing shall be called and held on the matter by the Personnel Commission within twenty days and written notice of the time and place thereof shall be given to the employee in person or by mail at least ten days before the hearing. Such employee shall be given the opportunity at such hearing to be heard in his defense in person or by counsel. Hearings may be conducted informally and the rules of evidence need not apply.

The Personnel Commission shall make written findings which shall state as to each charge whether or not such charge is sustained. Such Board shall also set forth in writing its conclusions and recommendations based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions and recommendations to the board or officer from whose action the appeal was taken, and to the City Manager and Council.

The appointing power shall then affirm, modify or rescind the action taken, as in its judgment shall seem warranted, and the decision of the appointing power shall be final and conclusive.

Where an appeal is taken to the Personnel Commission from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Personnel Commission and the appointing power and may be filled only by a temporary appointment.

A reduction in pay shall be a demotion, under this Section, unless it is a part of a plan to reduce salaries and wages in connection with a general reduction, economy or curtailment program.

Nothing in this Section shall restrict the right to make bona-fide reductions in force or to enact legislation requiring retirement for disability or age.

As used in this Charter, the words dismiss, remove and discharge, in all their forms and tenses, shall be synonymous and interchangeable.

Section 1008. Abolition of Position. Whenever in the judgment of the Council it becomes necessary in the interest Abolition of position

of economy or because the necessity for the position involved no longer exists, the Council may, subject to the provisions of this Charter, abolish any position or employment in the Classified Service and thereby reduce the personnel by laying off employees without the filing of written charges and without the right of appeal. In reducing said personnel and laying off any employee through the abolition of position, the Council shall observe the seniority rule. The name of each employee so laid off shall be placed at the top of the appropriate eligible list.

Improper political activity

Section 1009. Improper Political Activity. No person holding a position in the Classified Service shall seek or accept election, nomination or appointment as an officer of a political club or organization, or take an active part in any county or municipal political campaign, or serve as a member of a committee of such club, organization or circle, or seek signatures to any petition provided for by any law, or act as a worker at the polls, or distribute badges, pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election or nomination to a county or city office; provided, however, that nothing in this Section shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office, or from seeking signatures to any initiative or referendum petition directly affecting his rates of pay, hours of work, retirement, civil service, or other working conditions, or from distributing badges, pamphlets, dodgers, or handbills or other participation in any campaign in connection with such petition, if the activity is not carried on during hours of work, or when he is dressed in the uniform required in any department of the City government.

No person in the Classified or Unclassified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief except as otherwise expressly permitted or required by general law of the State.

Any wilful violation or violation through culpable negligence of any provision of this Section shall be sufficient grounds to authorize the discharge of any officer or employee.

Solicitation of contributions

Section 1010. Solicitation of Contributions. No officer, agent, clerk, or employee, under the government of the City and no candidate for any City office shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the employment lists or holding any position under the provisions of this Article.

Section 1011. Contract for Performance of Administrative Functions. The Council may contract with the governing body of a city or county within this State, or with a State department or other public or private agency, for the preparation or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administration service. Contract for performance of administrative functions

Article XI. Fiscal Administration

Section 1100. The Fiscal Year. The fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. Fiscal year

Section 1101. Tax System. The procedure for the assessment, levy and collection of taxes upon property taxable for municipal purposes may be prescribed by ordinance. Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the County system of assessment and tax collection, as such system is now in effect or may hereafter be amended and in so far as such provisions are not in conflict with this Charter. Tax system

Section 1102. Tax Limits. (a) The Council shall not levy a property tax for municipal purposes, except as otherwise provided in this Section, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, unless authorized by the affirmative votes of a majority of those electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition and the purpose thereof may also be specified. Tax limits

(b) There shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes are levied and collected, in addition to the above limit, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds and judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above limits, may be made annually for the purposes, within the limits, and to the extent that general law cities may make special levies in addition to their general tax limit, under the Codes and statutes of the State as they may exist from time to time.

The proceeds of any such additional or special levy shall be used only for the respective purposes for which it is levied.

Section 1103. Annual Budget. At least thirty-five days prior to the beginning of each fiscal year the City Manager Annual budget

shall send to the Council a careful estimate, in the form of a written budget, of the amounts, specifying in detail the objects thereof required during the next ensuing year for the business and proper conduct of the various departments, offices, boards and commissions of the City. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Public hearing on the budget

Section 1104. Public Hearing on the Budget. After reviewing the proposed budget as submitted by the City Manager and making such revisions as it may deem advisable, the Council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not less than ten days prior to said hearing by at least one insertion in the official newspaper of the City.

Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten days prior to said hearing.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

Budget: Adoption

Section 1105. Budget, Adoption. After the conclusion of the public hearing the Council shall make any revisions of the proposed budget that it may deem advisable and on or before June 30, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Same: Appropriations

Section 1106 Budget, Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion adopted by the affirmative vote of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

Centralized purchasing

Section 1107. Centralized Purchasing. Under the control and direction of the City Manager there shall be estab-

lished a centralized purchasing system for all City departments and agencies, except as otherwise in this Charter provided.

Section 1108. Independent Audit. The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who shall, at such time or times as may be specified by the Council, at least annually and at such other times as he may determine, examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and all such other officers and employees and departments as the Council may direct. Independent audit

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the Director of Finance, City Manager and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

Section 1109. Contracts on Public Works. Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the same exceed the sum of Three Thousand Dollars, shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains or sewers are excepted from the requirements of this Section if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work. Contracts on public works

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine

that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least five affirmative votes of the Council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids, if such work or supplies or materials shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Projects for the extension or development of any public utility operated by the City or for the purchase of supplies or equipment for any such utility may be excepted from the requirements of this Section, provided the Council so determines by at least five affirmative votes.

Publishing of legal notices

Section 1110. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published and circulated in the City, the Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in the City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published and circulated in the City, then the Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

No defect or irregularity in proceedings taken under this Section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Bonded debt limit

Section 1111. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. Bonds which are payable out of such revenues as may be specified in such bonds, may be issued when the Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable out of such revenues, shall not constitute an indebtedness of the City. No such bonds payable out of any revenues of the City or of any department thereof, shall be issued without the assent of a majority of the voters voting upon the proposition of issuing the same, at an election at which such proposition shall have been duly submitted to the qualified electors of the City.

Presentation of demands

Section 1112. Presentation of Demands. All claims for damages against the City must be verified and presented to the City Clerk within ninety days after the occurrence, event or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected in writing by order of the Council and the date thereof given.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance within ninety days after the last item of the account or claim accrued. The Director of Finance shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise he shall reject it. Objections of the Director of Finance may be overruled by the Council and the warrant ordered drawn

The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the Council which, after examining into the matter, may approve or reject the demand in whole or in part.

Registering warrants

Section 1113. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be regis-

tered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Actions against city

Section 1114. Actions Against City. No suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof.

Purchasing supplies

Section 1115. Purchasing Supplies. The Council may prescribe by ordinance rules and regulations for the purchasing of supplies, materials and equipment. When making purchases for the City, merchants maintaining an established place of business within the City shall be given the preference, quality and prices being equal.

Article XII. Department of Public Utilities

Establishment

Section 1200. Established. Management and Control. There shall be a Department of Public Utilities which shall be under the management and control of the City Manager and the Director of Public Utilities, subject, however, to the powers and duties of the Board of Public Utilities as prescribed in this Charter and to the provisions of this Charter. Said department shall include all public utilities owned, controlled or operated by the City.

Contracts and covenants Funds

Section 1201. Contracts and Covenants. Funds. It shall be competent for the City to make contracts and covenants for the benefit of the holders of any bonds payable solely from any of the revenue of any such utility or utilities for the establishment of a fund or funds, for the maintaining of adequate rates or charges, for restrictions upon further indebtedness payable out of the same fund, for restrictions upon transfers out of such fund, and other appropriate covenants.

Money placed in any such special fund for the payment of principal and/or interest on any issue of such bonds or to assure the application thereof to a specific purpose shall not be expended for any purpose whatever except for the purpose for which such special fund was established and shall be deemed segregated from all other funds of the City and reserved exclusively for the purpose for which such special fund was established until the purpose of its establishment shall have been fully accomplished.

Accounting procedure

Section 1202. Accounting Procedure. Each utility shall be operated as a separate unit and all accounting respecting such utility shall be on that basis. All personal services of officers or employees and all costs incurred for the joint benefit of any such utility and any other office, department or agency of the City shall be prorated between them. Charges

shall be made by the utility for all service, property or other things of value supplied or rendered by it to any other office, department or agency of the City.

Section 1203. Purchases and Expenditures. The purchase of equipment, materials and supplies peculiar to the needs of the Department of Public Utilities need not be made through the centralized purchasing system. The expenditure and disbursement of funds of the Department of Public Utilities shall be made and approved as elsewhere in this Charter provided. Purchases and expenditures

Section 1204. Use of Revenue. No payments or contributions shall be made by any utility to the general funds of the City, otherwise than as above provided in this Article, except that: Use of revenue

(a) There may be paid into the general funds of the City in lieu of taxes, an amount equivalent to the amount which would be payable from the funds of such utility for City taxes, on the property held by the utility in the name of the City if such property were not exempt from City taxes; and

(b) There may be paid from the revenues of such utility, after the payment of all costs of operation and maintenance of said utility and all principal and interest on revenue bonds of the utility, sufficient moneys to pay principal and interest on any outstanding issue of general obligation bonds for such utility purposes and/or to reimburse the general funds of the City for any payments made therefrom on account of such bonds or for the benefit of such utility from and after the effective date of this Article.

Section 1205. Sale of Public Utility. No public utility now or hereafter owned or controlled by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of at least four members of the Council and by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which said proposition is submitted. Sale of public utility

Article XIII. Franchises

Section 1300. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, to prescribe the terms and conditions of any such grant, and to provide, by procedural ordinance, the method of procedure Granting of franchises

and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Resolution of intention

Section 1301. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing the Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Terms of franchise

Section 1302. Terms of Franchise. Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Grant in lieu of all other franchises

Section 1303. Grant To Be In Lieu of All Other Franchises. Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise de-

rived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the Council and unless the transferee or assignee thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter

Eminent domain

Section 1304. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Duties of grantees

Section 1305. Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct, or if the

public health, comfort, welfare, convenience, or safety so demands.

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the Council may prescribe in the grant.

Article XIV. Board of Education

State law governs

Section 1400. State Law Governs. The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as now or hereafter prescribed by the Education Code of the State of California.

Effect of charter

Section 1401. Effect of Charter. The adoption of this Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school districts within the City or of which the City comprises a part, but each such present school district shall continue in existence subject to the provisions of the laws of the State of California as the same now exist or hereafter may exist.

Article XV. Elections

General municipal elections

Section 1500. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the second Tuesday in April in each even numbered year commencing with the year 1960.

Special municipal elections

Section 1501. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Procedure

Section 1502. Procedure for Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter.

Initiative, referendum and recall

Section 1503. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

Article XVI. General Provisions

Section 1600. Effective Date of Charter. For the purpose of qualification and nomination of candidates and election of the members of the first City Council under this Charter, to fill the vacancies created by it, this Charter shall take effect at the time of its approval by the Legislature. For all other purposes, it shall take effect on the first Tuesday following the date of the election of the first City Council hereunder. Effective date of charter

Section 1601. First Election Under Charter. The Council of the City of Needles in office at the time this Charter is approved by the Legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes and declare the results. First election under charter

Section 1602. Validity of Charter. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby. Validity of charter

Section 1603. Construction of Charter. Unless the provisions or the context otherwise require, as used in this Charter: Construction of charter

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Needles and "department", "board", "commission", "agency", "officer", or "employer", is a department, board, commission, agency, officer or employee as the case may be, of the City of Needles.

(c) "Council" is the City Council of the City of Needles.

(d) "County" is the County of San Bernardino.

(e) "State" is the State of California.

Section 1604. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment. Violations

Certificate

Whereas, the City of Needles for many years last past has been and now is a city containing a population of more than 3,500 inhabitants as ascertained by the last preceding census taken by the authority of the Congress of the United States of America; and Certificate

Whereas, on the 13th day of August, 1957, at a municipal election duly held in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of the said City did choose and elect Omar Baldwin, Bess W. Brewer, Louise T. Corey, Arthur P. Easton, William A. Fancher, Ralph W. Fisher, Leonard S. Grady, Revis Hall, Chester B. Howell, William A. McGill, Albert E. Notley, Addison L. Owen, Thomas Poulson, Donald Raison, and K. Wendell Sneed, who were on said date all electors of said City and eligible as candidates in said election, as a Board

of fifteen Freeholders to prepare and propose a charter for the government of said City; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit, the Council of the City, on the 20th day of August, 1957, and the said electors so elected as Freeho ders thereafter duly qualified as such Freeholders in accordance with law; and

WHEREAS, a period of one year since the result of said election was declared, as aforesaid, has not expired;

NOW, THEREFORE, in pursuance of the said provisions of said Constitution of the State of California and within one year after the said election was so declared, said Board of Freeholders has prepared and does now propose the foregoing Charter as and for the Charter of the City of Needles for the government thereof;

And said Board of Freeholders hereby requests said legislative body of said City to cause the publication of said proposed Charter, as provided in said Constitution, and does hereby fix and designate Tuesday the 3rd day of June, 1958, as the date for holding a special municipal election in the said City at which the said proposed Charter shall be submitted to the qualified electors of the said City for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned duly elected and qualified Freeholders of said City have subscribed their names to this proposed Charter at the City of Needles in the State of California, on the 17th, day of March, 1958.

ALBERT E. NOTLEY
Chairman of the Board of Freeholders
ARTHUR P. EASTON
Secretary of the Board of Freeholders
OMAR BALDWIN
BESS W. BREWER
LOUISE T. COREY
WILLIAM A. FANCHER
RALPH W. FISHER
LEONARD S. GRADY
REVIS HALL
CHESTER B. HOWELL
WILLIAM A. MCGILL
ADDISON L. OWEN
THOMAS POULSON
DONALD RAISON
K. WENDELL SNEED
Freeholders of the City of Needles
County of San Bernardino
State of California

ATTEST:
ARTHUR P. EASTON
Secretary of the Board of Freeholders

CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.
CITY OF NEEDLES

I, F. B. Wilkin, the duly appointed, qualified and acting clerk of the City of Needles, County of San Bernardino, State of California, do hereby certify to the foregoing which is a full, true and correct copy of the proposed charter of the City of Needles, prepared and proposed by a qualified board of fifteen freeholders duly elected on the 13th day of August, 1957; that a copy of the said charter was duly filed with the clerk of the said city of Needles on the 19th day of March, 1958, said copy being signed by all of the members of the board of freeholders. That thereafter within the period prescribed by law the said charter was duly published in the Desert Star, the official newspaper of said City of Needles, and that a special municipal election was held on the 3rd day of June, 1958, the date of the said election having been fixed by the Board of Freeholders, the said date being not less than sixty (60) days from the completion of the publication of such charter as required by law; and that at such election the qualified electors of the said City of Needles duly ratified the same. And I further certify that at all of the times herein mentioned the City of Needles contained a population of more than 3500 inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Needles, County of San Bernardino, State of California, this 6th day of November, 1958.

F. B. WILKIN
(SEAL) City Clerk of the City of Needles

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the said city to be affixed this 6th day of November, 1958.

B. C. CUNNINGHAM
(SEAL) Mayor of the City of Needles
F. B. WILKIN
City Clerk of the City of Needles

WHEREAS, The said charter as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, Approval

That said charter of the City of Needles, as presented to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as the charter of the City of Needles.

CHAPTER 36

Assembly Concurrent Resolution No. 11—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State, January 29, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, Ralph N. Kleps is selected Legislative Counsel of California.

CHAPTER 37

Assembly Concurrent Resolution No. 43—Relative to the Pacoima Memorial Lutheran Hospital.

[Filed with Secretary of State, January 29, 1959.]

WHEREAS, Pacoima, a community of 60,000, is the only area of its size in the United States without one single hospital bed; and

WHEREAS, Pacoima citizens sustained a tragedy when 74 children were struck down in a schoolyard by a falling plane, bringing untold havoc and injury to property and human life; and

WHEREAS, A determined citizenry resolved to secure funds to build a hospital to provide hospital care for any eventualities; and

WHEREAS, Pacoima Memorial Lutheran Hospital moved forward toward reality after Lutherans and dedicated citizens of all faiths came forward to unite in this humanitarian project; and

WHEREAS, The 44 Lutheran congregations in the San Fernando Valley united to form the San Fernando Valley Lutheran Hospital Association; and

WHEREAS, Pacoima Memorial Lutheran Hospital breaks ground January 31, 1959, in the culmination of a dream by the citizens of Pacoima; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California commends this outstanding example of public-spirited citizens, under the dynamic leadership of Rev. John G. Simmons and Mr. Ben L. O'Brien, in eliminating a community problem to bring into being a community nonsectarian, non-

profit 100-bed hospital which will serve all the people of the San Fernando Valley; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Pacoima Memorial Lutheran Hospital, Pacoima, California.

CHAPTER 38

Assembly Concurrent Resolution No. 25—Relative to the new Flag of the United States of America.

[Filed with Secretary of State, February 2, 1959.]

WHEREAS, The Territory of Alaska became the forty-ninth state of the United States when the President affixed his signature to the proclamation admitting Alaska to statehood on January 3, 1959; and

WHEREAS, The admission of Alaska into the Union not only changes our geographic boundaries but our Nation's Flag as Chapter 1 of Title 4 of the United States Code provides that a star shall be added to the Flag of the United States upon admission of a new state into the Union and that that addition shall take effect on the fourth day of July when next succeeding the admission of that state; and

WHEREAS, Alaska is the first new state to be admitted to the family of states since Arizona was admitted to the Union on February 14, 1912, a period of almost 47 years; and

WHEREAS, Alaska, like California, abounds in scenic beauty and great natural wealth and its citizens are endowed with a pioneering spirit and are possessed of a government based upon the democratic principles embodied in our Constitution; and

WHEREAS, The people of California, the thirty-first state, have great friendship for and feel good will toward the people of the largest, the newest, the northernmost, and the forty-ninth state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Chief of the Division of Buildings and Grounds, Mr. Justin G. Child, be authorized and he is hereby directed to procure a new United States Flag, with the forty-ninth star emblazoned upon the field of blue as shown in the President's Executive Order No. 10798, for the Assembly Chamber, which shall be displayed therein beginning on the fourth day of July, 1959; and be it further

Resolved, That this resolution be considered an official expression of the California Legislature's congratulations and welcome to Alaska upon the happy occasion of its admission to the Union of the United States of America; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Governor and the Legislature of the State of Alaska.

CHAPTER 39

Assembly Concurrent Resolution No. 45—Approving charter amendments to the charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of April, 1957.

[Filed with Secretary of State, February 2, 1959.]

City of Santa Ana: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Santa Ana, a municipal corporation of the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN IN ADOPTION OF A CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SANTA ANA

STATE OF CALIFORNIA
COUNTY OF ORANGE } SS
CITY OF SANTA ANA

Certificate

We, the undersigned, DALE H. HEINLY, Mayor of the City of Santa Ana, and MARION SUTTNER, Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Santa Ana, in the County of Orange, State of California, is now and at all times herein mentioned was a municipal corporation, duly organized and existing under and pursuant to the provisions of a Charter adopted in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, by the electors of said City, on the 4th day of November, 1952, and was thereafter duly approved by Assembly Concurrent Resolution No. 10 adopted by both the Assembly and the Senate of the State of California, on January 8th, 1953.

That on December 3, 1956, the City Council of said City adopted Resolution No. 56-318 declaring intention to change the boundary lines of wards in said City and giving notice of time and place of public hearing thereon; that on January 7, 1957, the City Council adopted Ordinance No. NS-225, changing the boundary lines of the wards of the City, and that on February 14, 1957, notice of the new boundary lines and a map diagram showing the same was regularly published.

That on February 14, 1957, notice of election was published, as required by law; that on February 23, 1957, notice of election officers and polling places was regularly published, as required by law.

That on December 3, 1956, said City Council adopted Resolution No. 56-319, ordering that propositions be submitted to

the electors of said City at the general municipal election to be held on April 9, 1957, to amend Sections 101.1, 101.2, and 401.1 of the Charter of the City of Santa Ana, setting forth the proposition to appear upon the ballot, and containing the exact language of the proposed sections as they would read if amended; that on February 27, 1957, notice of proposed amendments to the Charter of the City of Santa Ana was regularly published, as required by law; that said election was regularly provided for by Ordinance adopted by said City Council; that said propositions were regularly proposed and presented to the electors by the Council of the City of Santa Ana; that all notices required to be published were regularly published in the official newspaper of the City at the time provided therefor by the laws of the State, Charter of the City of Santa Ana, and the Constitution of the State of California, and that the sample ballots and copies of the proposed amendments to said Charter were duly mailed to all electors in the manner and form required by law.

That the proposition as it appeared upon the ballot at said election and as it was voted upon, read as follows:

"Shall the Charter of the City of Santa Ana be amended by amending Sections 101.1, 101.2 and 401.1 thereof to remove the conflict in language of said Charter regarding the date when General Municipal Elections shall be held in the City by fixing said date as the first Tuesday in April of each odd numbered year and making minor changes in the language of said Sections.	YES	
	NO	"

That said election was regularly held on April 9, 1957, and that the returns of said election were regularly canvassed by said City Council on April 16, 1957, and that the proposition to amend Sections 101.1, 101.2, and 401.1 was regularly passed and adopted by the electors of said City; that there were 11,149 votes cast on said proposition, including votes at said general municipal election and the absentee votes; that as the result of said canvass it was determined that 8,028 electors voted "Yes" and 3,121 electors voted "No"; that a majority of all votes cast on said proposition were in favor of the amendments to said Charter being adopted; that said results were regularly declared by Resolution No. 57-111.

That said amendments to the Charter of the City of Santa Ana so proposed and presented to the electors by the Council of said City, and adopted by said electors as hereinabove set out, were in words and figures as follows:

"Section 101.1. WARDS OF THE CITY. The City Council shall divide the City into five Wards by Ordinance according to the following formula: Wards of the city

Each of the five Wards is to be as nearly equal in number of registered voters as possible. The Wards shall be composed

of contiguous and compact territory and bounded by natural boundaries or street lines wherever possible; provided however, that in laying out such Wards no precinct at the time fixed by the Board of Supervisors of Orange County shall be divided, and further provided that in event said Board of Supervisors shall, at least sixty days before a General Municipal Election, reprecinct the City with the result that any precinct is divided by a Ward line, the City Council shall, not less than thirty days prior to said General Municipal Election, modify said Ward lines to an extent sufficient to prevent the division of any precinct by a Ward line. Any territory hereafter annexed to or consolidated with the City shall become a part of the Ward to which it is contiguous, provided however, that if any territory annexed at one time shall contain registered electors in excess of twenty-five hundred as determined by the registration books of the County of Orange at the time of such annexation, the City Council shall, within ninety days after said annexation, redistrict the City in the manner prescribed in this Section and pursuant to notice and hearing as required by Section 101.4.

Wards: Boundary changes

"Section 101.2. WARDS, BOUNDARY CHANGES. The boundary lines Wards shall be changed every two years by Ordinance enacted by a four-fifths vote of the City Council, not less than ninety days prior to the General Municipal Election to be held the first Tuesday of April in each odd numbered year. The boundary lines shall be adjusted so that at each adjustment no Ward shall vary from any other Ward by more than ten per cent of the registered electors of any of said Wards. If during the preceding two years there shall not have been a change of registered elector population in any Ward to cause it to vary by ten per cent or more from any other Ward, then no change of Ward lines shall be made. Notice and public hearing shall be provided as required by Section 101.4.

Order of filling offices

"Section 401.1. ORDER OF FILLING OFFICES. The office for Councilmen from Ward One, Ward Three, and Ward Five shall be filled at the General Municipal Election held on the first Tuesday of April, 1957, and the office for Councilmen from Ward Two and Ward Four shall be filled at the General Municipal Election held on the first Tuesday of April, 1959. Thereafter the office of Councilmen from Wards One, Three and Five and from Wards Two and Four shall be filled at the alternate General Municipal Elections.

The candidate elected from each Ward shall be the candidate receiving the highest number of votes cast for any candidate from said Ward."

We further declare that the foregoing constitutes a true and correct statement of the proceedings had by the City of Santa Ana and the City Council of said City in the presentation of said amendments to the Charter of the City of Santa Ana, and the election held thereon.

IN WITNESS WHEREOF, we hereunto set our hands and affix the official seal of the City of Santa Ana, in Santa Ana, California, on this 14th day of January, 1959.

(SEAL)

DALE H. HEINLY
Mayor
MARION SUTTNER
Clerk of the Council

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Santa Ana, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of said City of Santa Ana.

CHAPTER 40

Assembly Concurrent Resolution No. 46—Approving a charter amendment to the charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1958.

[Filed with Secretary of State, February 2, 1959.]

City of Santa Ana: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Santa Ana, a municipal corporation of the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN IN ADOPTION OF A CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SANTA ANA

STATE OF CALIFORNIA
COUNTY OF ORANGE } SS
CITY OF SANTA ANA

Certificate

We, the undersigned, DALE H. HEINLY, Mayor of the City of Santa Ana, and Marion Suttner, Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Santa Ana, in the County of Orange, State of California, is now and at all times herein mentioned was a municipal corporation, duly organized and existing under and pursuant to the provisions of a Charter adopted in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, by the electors of said City, on the 4th day of November, 1952, and was thereafter duly approved by Assembly Concurrent Resolution No. 10 adopted by both the Assembly and the Senate of the State of California, on January 8th, 1953.

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the City Council of the City of Santa Ana, on the 4th day of August, 1958, regularly passed and adopted Resolution No. 58-193, ordering that a proposition proposing to amend Section 402 of the City Charter of the City of Santa Ana be presented to the electors of said City at a Special Municipal Election to be called and held on November 4th, 1958; that said Special Municipal Election be consolidated with the State-wide General Election to be held on said date, requesting and authorizing the Board of Supervisors of Orange County to fix the polling places, appoint the precinct boards, provide for the expenses of said election; declaring that the polls should be open between the hours of 7 A.M. and 7 P.M. on said day, setting forth an exact copy of said Section 402, as the same was proposed to read if and after it was amended, and setting forth the exact wording of the proposition to be placed upon the ballot.

That said City Council regularly passed and adopted Ordinance No. NS-339 on August 18, 1958, ordering, calling and providing for said Special Municipal Election, and again providing the exact language of said Section 402, if and after the same should be amended, and the language of the proposition to be placed upon the ballot.

That the Board of Supervisors of Orange County regularly adopted a Resolution granting the request contained in said Santa Ana Resolution and consolidating said Special Municipal Election with the State-wide General Election to be held November 4, 1958.

That the Clerk of the Council caused a NOTICE OF ELECTION to be published on September 10, 1958, and caused a NOTICE OF MEASURES TO BE VOTED ON to be published on September 13th, 1958, and on September 20th, 1958; that all of said publications were made in the official newspaper of the City of Santa Ana.

That the Clerk of the Council caused to be printed a statement regarding the proposition to be submitted at said Special Municipal Election, which said notice gave information regarding the consolidation thereof with the State-wide General Election, the date of said election, the exact proposition as it was to appear upon the ballot at said election, and an argument in favor of said proposition, which argument contained

294 words, and a statement that although arguments against said proposition had been invited by publication, no argument against said proposition had been submitted; that a copy of said printed statement was mailed to each registered elector entitled to vote at said election and notice was given that copies of said statement could be obtained at the office of the Clerk of the Council in the City Hall, Santa Ana, California, and a supply of said statements was there continuously maintained and available to any person interested until after the polls closed at 7 o'clock P.M. on the 4th day of November, 1958.

That on November 19th, 1958, the Board of Supervisors of Orange County regularly canvassed the returns of said election as provided for in their Resolution adopted August 12th, 1958, and in said Resolution No. 58-193, and in said Ordinance No. NS-339, and as a result of said canvass declared in said Resolution that there were a total number of votes of 21,034 cast on said proposition, of which 11,845 were "Yes", and 9,189 were "No", and that said canvass included all absent voter ballots cast on said proposition at said election. That it was thereafter declared that a majority of all votes cast on said proposition were in favor of said proposition, and that the same had carried.

That the proposition as the same appeared upon the ballot at said election and as it was voted upon, read as follows:

Shall the Charter of the City of Santa Ana be amended by amending Section 402 thereof to provide that each member of the City Council shall receive as compensation for his services a monthly salary in the sum of $125.00?	YES	
	NO	

That said amendment to the Charter of the City of Santa Ana so prepared, proposed, noticed, submitted to and ratified, and adopted by the electors of said City at said Special Municipal Election held on the 4th day of November, 1958, was and is in words and figures as follows:

"Section 402. CITY COUNCIL: COMPENSATION OF MEMBERS. Each member of the City Council shall receive as compensation for his services, as such, a monthly salary in the sum of One Hundred Twenty-Five Dollars ($125.00). Further, each member of the City Council shall receive reimbursement for required travel and other expenses while on official business outside the City as authorized and approved by the City Council. City Council Compensation of members

Absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him ineligible to receive the monthly salary for such a calendar month unless by permission of the City Council expressed in its official minutes."

We do further certify and declare that the foregoing constitutes a full, true and correct statement of the proceedings had by the City of Santa Ana, the City Council of said City,

and the Board of Supervisors of the County of Orange, California, in the matter of presenting said proposition to amend Section 402 of the Charter of the City of Santa Ana, and in calling the election thereon, voting thereon, canvassing the returns of and declaring the results of said election.

IN WITNESS WHEREOF, we hereunto set our hands and affix the official seal of the City of Santa Ana, California, this 14th day of January, 1959.

(SEAL)

DALE H. HEINLY,
Mayor
MARION SUTTNER,
Clerk of the Council

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Santa Ana, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Santa Ana.

CHAPTER 41

Assembly Concurrent Resolution No. 53—Relative to commending Clint Mosher.

[Filed with Secretary of State, February 4, 1959.]

WHEREAS, It has come to the attention of the Members of the Legislature that Clint Mosher is planning to leave the Capitol Correspondents' Association in February of this year; and

WHEREAS, Mr. Mosher began his newspaper career on the Brooklyn Eagle and was the head of the Eagle's Albany bureau while Franklin D. Roosevelt was Governor of New York and head of the paper's Washington bureau from the time Mr. Roosevelt was elected President until Pearl Harbor; and

WHEREAS, After service in the United States Navy, he joined the staff of the San Francisco Examiner and in 1952 became political editor of that paper; and

WHEREAS, It is only fitting that recognition be taken of the excellent work which Clint Mosher has done while covering the Capitol news; and

WHEREAS, His sincere effort to fairly and impartially report to the people of this State the everyday happenings at the Legislature has been greatly appreciated by all; and

WHEREAS, His keen insight, his ability to determine the true facts, and his eagerness to be of service to both the public and the Members of the Legislature has made him one of the most respected members of the Capitol press; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature commend Clint Mosher for his excellent news coverage of the activities of the Legislature and wish him every success and happiness in his new undertaking; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send a suitably prepared copy of this resolution to Clint Mosher.

CHAPTER 42

Assembly Concurrent Resolution No. 55—Relative to the Holy Cross Hospital in the San Fernando Valley.

[Filed with Secretary of State, February 4, 1959.]

WHEREAS, The rapid urbanization, growth and development of the upper San Fernando Valley in recent years has left the area short of hospital facilities adequate to care for the needs of its people, which shortage has become a matter of concern to our government and our people; and

WHEREAS, Under the inspiration of the leaders of the communities of Saugus, Newhall, Sylmar, San Fernando, Pacoima, Sun Valley, Panorama City, Sepulveda, Dennis Park, Granada Hills, and Northridge, who were alert to this shortage and sensitive to this need, a movement to alleviate the area hospital bed shortage was initiated; and

WHEREAS, As a result of this community effort, the generous and gracious assistance of the Sisters of Holy Cross was obtained for the construction and operation of a modern 200-bed nonprofit hospital, the services of which shall be available to everyone without regard to race, color or creed; and

WHEREAS, Under the able direction and leadership of Stephen B. Newton, general fund-raising campaign chairman, the people of the upper San Fernando Valley have given unselfishly of their time, energy, and financial assistance toward the raising of funds necessary for the construction of this community improvement; and

WHEREAS, Today after nearly two years of effort, and with the co-operation of all segments of the community, the building of the Holy Cross Hospital has reached the threshold of reality and ground-breaking ceremonies are to be held Saturday, February 7, 1959; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature does hereby extend congratulations to the Sisters of Holy Cross, to Stephen

B. Newton and the entire fund-raising committee, to all responsible civic groups, and to the people of the San Fernando Valley on the occasion of the ground breaking which marks the beginning of the Holy Cross Hospital, symbolizing as it does the progress and development of the area, the accomplishment of a united and community-conscious citizenry, and the goodness of man's concern for the welfare of his fellow man; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Sisters of Holy Cross, and to Stephen B. Newton.

CHAPTER 43

Assembly Joint Resolution No. 2—Relative to statehood for Hawaii.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, The Territory of Hawaii has for many years sought to become a state of the United States with full privileges of statehood and first-class citizenship for its peoples; and

WHEREAS, This recognition was recently granted to Alaska, and both political parties have recognized that every consideration of fairness demands that the people of Hawaii receive the same status in our Nation; and

WHEREAS, Hawaii has long since fulfilled all the requirements for statehood, and no valid reason remains for postponing its entry into the brotherhood of the United States; and

WHEREAS, The people of California feel especially sympathetic to this proposal of statehood for the islands, because of the volume of travel and commerce between the West Coast and Hawaii which has so increased in recent years; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress and the President of the United States are respectfully memorialized to enact at this session of Congress such laws as are necessary for the admission of the Territory of Hawaii to statehood in the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 44

Assembly Joint Resolution No. 4—Relative to requesting Congress to authorize further appropriations for air pollution control.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, The entire Nation has been benefited during the operation of the federal air pollution control program since its inception in 1955; and

WHEREAS, Current authorization for federal appropriations concerning research and investigation of the many problems relating to air pollution control extends only to June 30, 1960; and

WHEREAS, The Country will suffer a great loss in matters relating to our increasing national problems of air pollution control if this program is not extended; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact necessary legislation to authorize further appropriations for air pollution control; and be it further

Resolved, That the Department of Health, Education, and Welfare fully utilize all appropriations for air pollution control to achieve the goal of a full, comprehensive, and effective national program in air pollution research; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States.

CHAPTER 45

Assembly Joint Resolution No. 5—Relative to requesting Congress to enact legislation amending federal air pollution control law.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, The Federal Water Pollution Control Act, as amended by the Water Pollution Control Act Amendments of 1956, provides a comprehensive basis and system for the research, investigation, and assistance to states in problems relating to water pollution control; and

WHEREAS, Progress is being made by some states in the analysis of, and consideration of possible solutions to, problems relating to air pollution control, but more effective legislation is necessary to properly combat this ever-increasing problem endangering our public health and welfare; and

WHEREAS, There is a growing awareness by the public of the significance of the national problem concerning the control of air pollution; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact necessary legislation to improve the federal law relating to air pollution control (69 Stat. 322) so that the extensive provisions of the Federal Water Pollution Control Act, as amended, will also relate to air pollution control; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States.

CHAPTER 46

Assembly Joint Resolution No. 6—Relative to the National Conference on Air Pollution.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, On November 18, 19, and 20, 1958, the Surgeon General of the Department of Health, Education, and Welfare conducted a national conference on air pollution in Washington, D. C.; and

WHEREAS, This conference was outstanding and tremendously effective in that it allowed citizens from all parts of our Nation to gather, discuss and interchange ideas in the many problems relating to air pollution; and

WHEREAS, This type of conference is so beneficial in all of its aspects that it should be conducted at regular times in the future; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Members of the Legislature of the State of California hereby commend the Surgeon General of the Department of Health, Education, and Welfare on the fine manner in which the National Conference on Air Pollution was conducted and urge the Surgeon General to continue holding such conferences at regular times in the future; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, to the Secretary of Health, Education, and Welfare, and to the Surgeon General of the Department of Health, Education, and Welfare.

CHAPTER 47

Assembly Concurrent Resolution No. 28—Relative to passing of Francis J. Ahern.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, It is with the deepest regret that the Members of the Legislature do hereby mark the sudden passing of the City of San Francisco's dedicated, beloved and respected Police Chief, Francis J. Ahern; and

WHEREAS, Francis J. Ahern left an exemplary record of accomplishment and tireless devotion to duty recognized by all of those around him; and

WHEREAS, He was a native of the City of San Francisco, born south of Market Street 58 years ago, entering its police department in 1929; and

WHEREAS, Francis J. Ahern's outstanding professional and personal qualities resulted in his rise through the ranks of the police department of the City of San Francisco to chief; and

WHEREAS, His devotion to public service was characterized by unending and tireless efforts to make secure the lives and property of the citizens of San Francisco for whom he would frequently unselfishly dedicate his energies to the extent of jeopardizing his own personal health; and

WHEREAS, Under the brief, but unique and inspiring leadership of Francis J. Ahern, San Francisco's police department gained a national reputation for its progress to the point of being one of our Country's most efficient and forward-looking law enforcement agencies; and

WHEREAS, His passing leaves a void in the leadership of his community most difficult to fill and his accomplishments will act as a memorial by which his name will be perpetuated for years to come; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby pay tribute to the memory of one of America's most outstanding law enforcement officers, Francis J. Ahern; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit suitably prepared copies of this resolution to Chief Ahern's beloved wife, Mrs. Francis J. Ahern, and his daughter, Bernadette Ahern, and son, Francis J. Ahern, Jr.

CHAPTER 48

Assembly Concurrent Resolution No. 29—Relative to the death of Dr. Edward L. Hardy.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, The Legislature of the State of California has learned with deep regret of the passing of Dr. Edward L.

Hardy, distinguished educator and retired college president; and

WHEREAS, Dr. Hardy, whose reputation in the field of education has been memorialized by a San Diego school bearing his name, was President of San Diego State College from 1910 to 1935; and

WHEREAS, He was eminently qualified to hold the position of college president, receiving a bachelor of literature degree from the University of Wisconsin in 1893 where he was selected for membership in Beta Theta Pi and Phi Beta Kappa fraternities, a master of arts degree from the University of Chicago in 1922, and an honorary doctor of laws degree from La Verne College in 1928; and

WHEREAS, In addition to his academic achievements, Dr. Hardy served on the State and San Diego Boards of Education, was appointed associate head master of the Los Angeles Military Academy upon his arrival in California in 1899, and served as principal of Riverside High School, Cook County, Illinois, from 1901 to 1906, and principal of San Diego High School from 1906 to 1910; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature profoundly regret the passing of Dr. Edward L. Hardy, President Emeritus of San Diego State College, and an eminent state educator, and extend their deepest sympathies to the bereaved members of his family; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to Dr. Hardy's widow, Mary Hardy, and his four daughters, Mrs. Anne Davis, Mrs. Mary Hobbs of Washington, D. C., Mrs. Millison Cutler Doble of Sausalito, and Mrs. Esther Pomeroy Winterer of Short Hills, New Jersey.

CHAPTER 49

Assembly Concurrent Resolution No. 31—Relative to the passing of Pope Pius XII.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, In the passing of Pope Pius XII, the world has lost a leader without peer in his devotion to world peace and the elevation of the human spirit; and

WHEREAS, Throughout his entire pontificate, Pius XII, the Pope of Peace, waged an unceasing battle against those forces that would enslave mankind and destroy the basic freedoms which are the birthright of all men; and

WHEREAS, Pius XII, perhaps more than any one single world leader, succeeded in stemming the tide of atheistic communism in the West, thereby enabling the freedom-loving

nations to gird themselves to protect the principles for which they stand; and

WHEREAS, The American people in particular will miss Pius XII, for he consistently demonstrated his esteem for the United States and his affection for the American people both in his utterances and in the warm hospitality extended by him to millions of American servicemen and tourists during their visits to the Vatican; and

WHEREAS, The world mourns, as it should, the passing of this saintly man, great statesman, and spiritual leader, who will be remembered always for his contributions to mankind; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature do hereby express their grief at the passing of Pope Pius XII and extend their deepest sympathy to the Catholic hierarchy and to Catholic people everywhere; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the Secretariat of State, Vatican City, Rome, Italy.

CHAPTER 50

Assembly Concurrent Resolution No. 35—Relative to the passing of Edgar A. Luce.

[Filed with Secretary of State, February 9, 1959.]

WHEREAS, The Members of the Legislature were greatly grieved to learn of the passing of one of their former colleagues, Edgar A. Luce, on August 27, 1958; and

WHEREAS, Edgar A. Luce was born in the City of San Diego in the year of 1881, attended Stanford University, and entered upon the practice of law in San Diego in 1905; and

WHEREAS, Edgar A. Luce led an outstanding, illustrious and active life, serving as a Member of the California Senate, as an officer in the Army Air Force during World War I, as a judge of the superior court in San Diego County, and as a member of the Board of Governors of the State Bar of California; and

WHEREAS, Judge Luce was an able practitioner of his profession, and was particularly devoted to the role of advocate, often appearing in court until shortly before his death; and

WHEREAS, Judge Luce was an athlete in college and continued an enthusiastic interest in sports all his life, serving as a director of the San Diego Padres Baseball Club; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby wish to extend their

deepest sympathies to the widow of Edgar A. Luce, Mrs. Carma Luce, to his two sons, Mr. Gordon Luce, and Mr. Edgar Luce, Jr., and to his daughter, Mrs. Sylvia Heitzmann; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he hereby is, directed to transmit suitably prepared copies of this resolution to his widow and to each of his children.

CHAPTER 51

Assembly Concurrent Resolution No. 40—Relative to the creation of the Joint Legislative Committee on Legislative Reference Library.

[Filed with Secretary of State, February 9, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Legislative Committee on Legislative Reference Library is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the maintenance and improvement of a reference library in the Capitol for use of legislators, the cataloguing and indexing of legislative publications, and the furnishing of library assistance to the Legislature, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is a continuing body and is authorized to act both during and between sessions of the Legislature.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee

as will best assist it to carry out the purposes for which it is created.

(c) To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(e) To supervise the maintenance of the Legislative Reference Library in the State Capitol, including the collection and cataloguing of committee reports and the collection, cataloguing and indexing of legislative publications.

(f) To assist members in the performance of their legislative duties to the extent that the staff and facilities of the committee permit.

6. The sum of seventeen thousand five hundred dollars ($17,500) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 52

Senate Concurrent Resolution No. 22—Approving a certain amendment to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1958.

[Filed with Secretary of State, February 10, 1959]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Oakland: Charter amendment

STATE OF CALIFORNIA
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND.

We the undersigned, Clifford E. Rishell, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows: Certificate

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 37383 C.M.S. passed August 14, 1958, duly and regularly proposed and submitted to the qualified electors of said City, a certain proposal designated as Proposition C, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 4th day of November, 1958. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 37383 C.M.S., and that by said resolution said Council consolidated said special municipal election with the General Election to be held in said City on the 4th day of November, 1958, requested the Board of Supervisors of the County of Alameda to adopt an order for the consolidation of said special municipal election and said General Election in conformity with the provisions of law authorizing such consolidations, and authorized said Board of Supervisors to canvass the returns of such special municipal election and declare the results and make a return thereof to said Council.

That the Board of Supervisors of the County of Alameda, on the 26th day of August, 1958, duly adopted and made its resolution and order, being Resolution No. 88315 of said Board consolidating said elections hereinabove mentioned, and ordered that the Board of Supervisors canvass the returns of said special municipal election.

That said consolidated special municipal election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in the manner provided by law, after due notice given and published, with the said General Election on the 4th day of November, 1958, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendment in the "Oakland Tribune," the official newspaper of said City.

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 24th day of September, 1958, in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form, and in type of not less than ten point, and a copy thereof was mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 24th day of September, 1958, and on each day thereafter to and including the 4th day of November, 1958, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposal to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the County Clerk of said County of Alameda to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendment.

That as to the said amendment to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto, have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, and with the authorization and direction of the Board of Supervisors of the County of Alameda, State of California, set forth in its Resolution No. 88593, the County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, did duly and regularly canvass the returns of said election, and of said special municipal election, and thereafter upon December 4, 1958, said Board of Supervisors of Alameda County by its Resolution No. 89245 did duly find, determine and declare the result of said special municipal election, as determined from the canvass of the returns thereof, to be that a majority of the

qualified electors of said City voting on said Charter amendment hereinafter set forth and designated as Proposition C, had voted for, and adopted said amendment; and said Board of Supervisors of the County of Alameda, State of California, by its Order dated December 22, 1958, and entered in Minute Book 104 as Appendix (1) declared said Charter amendment adopted by the electors of said City of Oakland.

That the proposed amendment to the Charter of the City of Oakland, which was so ratified by a majority of the electors of said City, is in words and figures as follows:

PROPOSITION C.

Add new Section 91e and new Section 97f to the Charter to read as follows:

Salary Police Department

Sec. 91e. For the Fiscal Year commencing July 1, 1959, and for each fiscal year thereafter, the monthly compensation comprising the salaries to be paid to the officers and members of the Police Department shall be adjusted as hereinafter set forth to reflect the change, if any, in the annual average of Average Hourly Earnings of Production and Related Workers in Manufacturing in the San Francisco-Oakland Metropolitan Area as shown by the data summarized and published annually by the Division of Labor Statistics and Research of the Department of Industrial Relations of the State of California, as follows: Each calendar year commencing with 1959 the City Manager shall compute, as soon after the first day of the year as such information for the preceding calendar year is available, the percentage change that occurred, if any, in the annual average for such preceding calendar year in the Average Hourly Earnings of Production and Related Workers in Manufacturing in the San Francisco-Oakland Metropolitan Area, as compared with the annual average of such average hourly earnings for such workers in such area for the next prior preceding calendar year. This percentage change shall be applied to adjust the then existing compensation of the officers and members of the Police Department, such adjustments to be effective for the fiscal year commencing on the July 1 next following such computation; provided that in computing such compensation to be effective for the Fiscal Year commencing July 1, 1959, the salaries in effect for the Fiscal Year commencing July 1, 1957, shall be used as the base and shall be adjusted by applying the percentage change, if any, determined in the manner herein set forth, in the annual average of average hourly earnings of such workers in such area during the calendar years 1957 and 1958 treated as a unit.

"Percentage change" as used herein shall be computed as follows: Annual average of Average Hourly Earnings of Production and Related Workers in Manufacturing in the San Francisco-Oakland Metropolitan Area for the calendar year next preceding the computation divided by the comparable figure for the next prior preceding calendar year.

"Production and Related Workers in Manufacturing" as used herein shall mean the workers included under such title and designation by the Division of Labor Statistics and Research of the Department of Industrial Relations of the State of California.

"Annual average of Average Hourly Earnings of Production and Related Workers in Manufacturing in the San Francisco-Oakland Metropolitan Area" as used herein shall mean that amount of earnings which is the annual average of monthly averages of hourly earnings for such workers for the calendar year, as summarized and reported annually by the Division of Labor Statistics and Research of the State of California.

"San Francisco-Oakland Metropolitan Area" as used herein shall mean that area which is so designated by the Division of Labor Statistics and Research of the Department of Industrial Relations of the State of California.

Same: Fire Department

Sec. 97f. For the Fiscal Year commencing July 1, 1959, and for each fiscal year thereafter, the monthly compensation comprising the salaries to be paid to the officers and members of the Fire Department shall be adjusted as hereinafter set forth to reflect the change, if any, in the annual average of Average Hourly Earnings of Production and Related Workers in Manufacturing in the San Francisco-Oakland Metropolitan Area as shown by the data summarized and published annually by the Division of Labor Statistics and Research of the Department of Industrial Relations of the State of California, as follows: Each calendar year commencing with 1959 the City Manager shall compute, as soon after the first day of the year as such information for the preceding calendar year is available, the percentage change that occurred, if any, in the annual average for such preceding calendar year in the Average Hourly Earnings of Production and Related Workers in Manufacturing in the San Francisco-Oakland Metropolitan Area, as compared with the annual average of such average hourly earnings for such workers in such area for the next prior preceding calendar year. This percentage change shall be applied to adjust the then existing compensation of the officers and members of the Fire Department, such adjustments to be effective for the fiscal year commencing on the July 1 next following such computation; provided that in computing such compensation to be effective for the Fiscal Year commencing July 1, 1959, the salaries in effect for the Fiscal Year commencing July 1, 1957, shall be used as the base and shall be adjusted by applying the percentage change, if any, determined in the manner herein set forth, in the annual average of average hourly earnings of such workers in such area during the calendar years 1957 and 1958 treated as a unit.

"Percentage change" as used herein shall be computed as follows: Annual average of Average Hourly Earnings of

Production and Related Workers in Manufacturing in the San Francisco-Oakland Metropolitan Area for the calendar year next preceding the computation divided by the comparable figure for the next prior preceding calendar year.

"Production and Related Workers in Manufacturing" as used herein shall mean the workers included under such title and designation by the Division of Labor Statistics and Research of the Department of Industrial Relations of the State of California.

"Annual average of Average Hourly Earnings of Production and Related Workers in Manufacturing in the San Francisco Oakland Metropolitan Area" as used herein shall mean that amount of earnings which is the annual average of monthly averages of hourly earnings for such workers for the calendar year, as summarized and reported annually by the Division of Labor Statistics and Research of the State of California.

"San Francisco-Oakland Metropolitan Area" as used herein shall mean that area which is so designated by the Division of Labor Statistics and Research of the Department of Industrial Relations of the State of California.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Oakland with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 7th day of January, 1959.

CLIFFORD E. RISHELL
(SEAL) Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, The said proposed amendment as ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the said City of Oakland.

CHAPTER 53

Senate Concurrent Resolution No. 23—Relative to departmental bills.

[Filed with Secretary of State, February 10, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule Number 10.5 of the Joint Rules of the Senate and Assembly is hereby amended to read:

10.5. No departmental bill shall be introduced at the request of or on behalf of any state officer or agency except the Governor after the forty-fifth calendar day of any general session. No departmental bill shall be introduced in both houses of the Legislature at any session.

The Secretary of the Senate and the Chief Clerk of the Assembly shall have distinctive covers or backs prepared for departmental bills that are introduced at the request of or on behalf of any state officer or agency, which shall show at whose request the bill is introduced. Any such bill when printed shall include in its heading a statement that the introduction of the bill was requested by a state officer or agency and setting forth the title of the officer or agency that made the request. Only those bills which are so identified shall be construed to be departmental bills within the provisions of this rule.

CHAPTER 54

Assembly Concurrent Resolution No. 47—Relative to air pollution by motor vehicles.

[Filed with Secretary of State, February 11, 1959.]

WHEREAS, Air pollution is a hazard to the health of the people of the State; and

WHEREAS, Motor vehicle exhaust emissions have been identified in recent tests conducted by public and private agencies in California and elsewhere in the United States as a major contributing cause of air pollution; and

WHEREAS, The motor vehicle is an existing, increasing, and major contributor to air pollution in an ever greater number of communities; and

WHEREAS, It has been publicly reported that the motor vehicle manufacturers of the United States have conducted certain experiments and made certain studies in an attempt to find a solution to this problem; and

WHEREAS, The Automobile Manufacturers' Association is an organization composed of all automobile manufacturers in the United States and is conducting extensive research in the field of automobile exhaust emissions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby invites the Managing Director of the Automobile Manufacturers' Association and the research corps engaged in the studies of this important problem to appear before this Legislature meeting as a committee of the whole on the sixteenth of February, 1959, to relate to this body the progress which has been made on the development of air pollution control devices for motor vehicles, and it is hereby requested that any such devices, or models thereof, which have been developed or are in the process of being developed, be exhibited to this body; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Mr. Harry A. Williams, Managing Director of the Automobile Manufacturers' Association, New Center Building, Detroit 2, Michigan.

CHAPTER 55

Assembly Concurrent Resolution No. 48—Relative to the potato industry of Kern County and welcoming Mr. D. Leo Dolan, Canadian Consul General at Los Angeles.

[Filed with Secretary of State, February 13, 1959]

WHEREAS, The Kern County Potato Growers Association will hold its fifteenth annual convention in Bakersfield on March 15th, 16th and 17th, 1959; and

WHEREAS, The annual convention, which originally was designed to promote the growth of the potato industry of Kern County, is attended by persons from all parts of the United States who are interested in all phases of the potato industry; and

WHEREAS, The convention this year is to be marked by the presence of Mr. D. Leo Dolan, Canadian Consul General at Los Angeles, from the Canadian Department of External Affairs at Ottawa, Canada, who will deliver a major address, of international importance, before the association on March 17th, stressing a better understanding of agricultural trade and marketing between Canada and the United States; and

WHEREAS, In honor of the visit of Mr. D. Leo Dolan and the potato industry, the Bakersfield City Council and the Kern County Board of Supervisors have designated March 17th "Potato Day"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby extends a most cordial welcome to Mr. D. Leo Dolan, Canadian Consul General, commends the Kern County Potato Growers Association for its invaluable contributions to the development of more efficient potato production, marketing and utilization, and pro-

claims Tuesday, March 17, 1959, as "California Potato Day"; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mr. D. Leo Dolan and to the Kern County Potato Growers Association.

CHAPTER 56

Assembly Concurrent Resolution No. 51—Relative to congratulating the City of Glendale on winning the sweepstakes award in the Rose Parade.

[Filed with Secretary of State, February 13, 1959.]

WHEREAS, This year, 1959, was introduced, as other past years have been, by the most beautiful of manmade spectacles in modern times, the Parade of the Tournament of Roses; and

WHEREAS, The theme of this year's pageant was "Adventures in Flowers" and 63 gorgeous floats from many areas were entered in this competition for the highly cherished prizes given to a selected few; and

WHEREAS, The City of Glendale authorized Dr. Sam Coleman to build a float, which he did on a limited budget; and

WHEREAS, The City of Glendale won the sweepstakes prize for the most beautiful float in the Nation's best publicized and most glamorous parade; which event was viewed by millions of people and, thus, the City of Glendale received national recognition by winning the grand award before the eyes of the Nation; and

WHEREAS, Since winning first prize in 1920, the City of Glendale has won a prize in every year of competition, including the sweepstakes prize nine times and the first prize 15 times; and

WHEREAS, This year's float was lovely in every detail; more than 10,000 orchids, 6,000 roses and countless blossoms of white narcissus were used in the painstaking construction of Glendale's entry; and it was appropriately named "Adventures in Fantasy"; and

WHEREAS, The notable record of the City of Glendale in the Tournament of Roses Parade constitutes a monument of outstanding community achievement; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature hereby extend their heartiest congratulations to the City of Glendale on its winning the sweepstakes prize in the 1959 Parade of the Tournament of Roses and commend the City of Glendale on its outstanding record of achievement in this annual event; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the mayor and to each councilman of the City of Glendale.

CHAPTER 57

Assembly Concurrent Resolution No. 58—Relative to completion of 20 years of service by the Industrial Relations Section, California Institute of Technology.

[Filed with Secretary of State, February 13, 1959.]

WHEREAS, The Industrial Relations Section of the California Institute of Technology located in Pasadena, California, was founded in 1939 and will complete 20 years of service in this year, 1959; and

WHEREAS, Through research studies, publications, management development conferences, a reference library, courses for college students, employee opinion surveys, and other activities, the Industrial Relations Section has contributed significantly toward increasing knowledge and understanding of the philosophies, principles, policies and procedures affecting the functions of management and labor; and

WHEREAS, Since its outset, the Industrial Relations Section has emphasized the large areas of mutual interest of management and labor rather than the smaller, but often more apparent, areas of conflict; and

WHEREAS, Especially in California and other western states, both industry and labor have benefited from the activities of the Industrial Relations Section during the past 20 years; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby extend their congratulations to the California Institute of Technology and to Professor Robert D. Gray, Director, Industrial Relations Section, upon the twentieth anniversary of the Industrial Relations Section of the California Institute of Technology; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the California Institute of Technology, Pasadena, California, and to Professor Robert D. Gray.

CHAPTER 58

Senate Concurrent Resolution No. 8—Relative to the continuance of the Joint Judiciary Committee on Administration of Justice.

[Filed with Secretary of State, February 13, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Judiciary Committee on Administration of Justice, created by Senate Concurrent Resolution No. 34 of the 1957 Regular Session is continued as a joint committee at

this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after the sixtieth calendar day of this session, with authority to file its final report not later than that day.

3. The provisions of the Joint Rules of the Senate and Assembly as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. In addition to any money heretofore made available to the committee continued by this resolution, the sum of eight thousand dollars ($8,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 59

Assembly Concurrent Resolution No. 17—Memorializing the death of Dr. Margaret J. Chung.

[Filed with Secretary of State, February 18, 1959.]

WHEREAS, The Members of the Legislature have learned with deep regret of the death of Dr. Margaret J. Chung, lovingly known as "Mom" to thousands of veterans of World War II and numerous celebrities of the entertainment world; and

WHEREAS, Dr. Chung, who was the eldest in a family of 11 children, was able, by lecturing on China and by winning a scholarship for her skill as an intercollegiate debater, to put herself through medical school at the University of Southern California; and

WHEREAS, After receiving her medical degree in 1916, she trained as an intern at the Santa Fe Railroad Hospital in Los Angeles, specialized in surgery at Mary Thompson Hospital in Chicago, and served as a resident physician at Kankakee State Hospital and Illinois' Cook County Hospital; and

WHEREAS, Following further work with Dr. Herman Adler, and a period as psychiatric criminologist for the State of

Illinois, she returned to her home state of California to establish an office in San Francisco; and

WHEREAS, Her life was remarkable not only for her trail-blazing career as the first woman to practice modern medicine in Chinatown, but for the wide diversity of her interest; and

WHEREAS, Her warm heart and generous nature led her over the years to befriend thousands of servicemen and their families, corresponding with them, sending them Christmas presents, and extending to them the hospitality of her home; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby express their profound sorrow at the passing of this great humanitarian and patriot who was a symbol of friendship between the Chinese and American peoples, Dr. Margaret J. Chung; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Dr. Chung's brothers, Andrew and Virgil Chung of San Diego, and to her sisters, Mrs. Anna Yip and Mrs. Dorothy Siu of Los Angeles, Mrs. Mildred Handley of Ontario, and Mrs. Florence Low of San Francisco.

CHAPTER 60

Assembly Concurrent Resolution No. 27—Relative to the death of Royal W. Jimerson.

[Filed with Secretary of State, February 18, 1959.]

WHEREAS, The Members of the Legislature have heard with regret of the passing of Royal W. Jimerson on August 3, 1958; and

WHEREAS, Royal was a widely known and highly respected newspaperman in San Francisco for many years before ill health forced his retirement in 1954; and

WHEREAS, He was a graduate of the University of Wisconsin, and spent his early career as a reporter in Minneapolis prior to coming to California in 1923 to enter advertising work in Long Beach; and

WHEREAS, He was hired as a rewrite man by the San Francisco Examiner in 1925, spent a brief period with the San Francisco Chronicle in the thirties before returning to the Examiner to accept the position of financial editor and later political editor; and

WHEREAS, His work brought him into close contact with every major Northern California political figure, with whom he was soon on a first-name basis; and

WHEREAS, Throughout his many years as an observer of the political scene, he rendered the public a great service by

his excellent coverage of the news and his keen analysis of the legislative processes in action; and

WHEREAS, In his leisure time he was an enthusiastic amateur student of both art and music, and was a longtime member of the Press and Union League Clubs in San Francisco; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members this day pay tribute to the memory of Royal W. Jimerson, and extend their sincere condolences to the bereaved members of his family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to his widow, Mrs. Mabel Jimerson, his son, Royal W. Jimerson, Jr., his parents, Mr. and Mrs. H. W. Jimerson, and his sister, Faith L. Jimerson.

CHAPTER 61

Assembly Concurrent Resolution No. 30—Relative to small craft harbor loans.

[Filed with Secretary of State, February 18, 1959.]

WHEREAS, Pursuant to the authority contained in Chapter 2362, Statutes of 1957, of the Public Resources Code, the Small Craft Harbors Commission, Department of Natural Resources, has received from the Division of Small Craft Harbors a request and supporting information concerning approval of construction loans for certain small craft harbor facilities, both inland and coastal, throughout the State of California; and

WHEREAS, Funds already have been made available to the Division of Small Craft Harbors in amounts adequate to finance the requested construction program; and

WHEREAS, The projects concerned have been determined to serve a statewide purpose and are of statewide significance for the benefit of the people of the State of California; and

WHEREAS, At a regular meeting of the Small Craft Harbors Commission, held in Blythe, California, on December 9, 1958, by a motion duly made and passed, the Small Craft Harbors Commission recommends to the Legislature for approval, subject to the completion of economic feasibility studies, engineering plans and specifications, adequate financing arrangements and compliance with legal requirements, the projects set forth below:

	Projects recommended for loans in the 1959 calendar year
Avila	$100,000
Bodega	500,000
Broderick	60,000
Crescent City	250,000

	Projects recommended for loans in the 1959 calendar year
Eagle Lake	$65,000
Imperial Beach	200,000
Marin County	300,000
Martinez	600,000
Mill Valley	300,000
Mono Lake	50,000
Monterey	300,000
Needles	167,000
Noyo	15,000
Park Moabi	300,000
Pittsburg	450,000
Redwood City	300,000
Riverview	72,000
San Leandro	110,000
South San Francisco	300,000
Vallejo Harbor	300,000
Ventura	900,000
Total	$5,639,000

	Projects recommended for earmarking for possible loans in the 1959 calendar year
Blythe	$500,000
Dana Point	1,000,000
Imperial Beach	1,000,000
Martinez	900,000
Moss Landing	1,200,000
Oceanside	1,000,000
San Francisco	2,000,000
Santa Cruz	1,650,000
Total	$9,250,000

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California approve the specific appropriations for construction loans hereinbefore presented; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to do and perform all acts necessary to expedite the issuance of required copies of this resolution.

CHAPTER 62

Assembly Concurrent Resolution No. 54—Relative to the death of Judge Percy G. West.

[Filed with Secretary of State, February 18, 1959.]

WHEREAS, It is most fitting that this Legislature take occasion to note the deep regret of its members at the death on January 25, 1959, of Judge Percy G. West; and

WHEREAS, Judge West, who was born in Orange County, California, became a member of the bar in 1919 and the following year was elected to serve in the Assembly of this State; and

WHEREAS, During his 14 years in the Legislature, Judge West earned the deep respect and admiration of his colleagues by his earnest endeavors on behalf of the people of his district; and

WHEREAS, In 1937 the board of supervisors appointed him a justice of the peace of the Sacramento Township and he became a municipal judge when the township became the Sacramento Municipal Court in 1942, a position to which he was continuously re-elected until his retirement in 1957; and

WHEREAS, During his long and distinguished service on the bench, Judge West achieved a well-deserved reputation as one of the most able and respected members of the legal profession; and

WHEREAS, Judge West was above all else a man of fine and generous character, who possessed a warm and friendly disposition and who was beloved by all who knew him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express their profound regret and sorrow at the passing of Judge Percy G. West, and extend their deepest sympathies to his widow, Mrs. Irene West, and his son, Robert G. West; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. Irene West and Robert G. West.

CHAPTER 63

Assembly Concurrent Resolution No. 59—Relative to congratulating Dr. Clifford F. Loader.

[Filed with Secretary of State, February 19, 1959.]

WHEREAS, The Delano District Chamber of Commerce has selected Dr. Clifford F. Loader as Delano's Man of the Year of 1958; and

WHEREAS, Dr. Loader was elected Mayor of Delano in 1956 and has constantly performed his duties in a faithful and conscientious manner; and

WHEREAS, Mr. M. E. Headrick, President of the Delano District Chamber of Commerce, presented the award to Dr. Loader for his notable honesty, sincerity, and devotion to the advancement of the community; and

WHEREAS, Dr. Loader has resided in Delano since 1939; he has served four years in the Dental Corps of the United States Air Force; and he has been President of the Kern County Dental Association, the Delano Exchange Club, and the Delano Kiwanis Club; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Assembly and the Senate join with the citizens of Delano in congratulating Dr. Clifford F. Loader on his selection as the Delano District Chamber of Commerce's Man of the Year of 1958; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Dr. Clifford F. Loader, to his parents, Mr. and Mrs. Frank Loader, to his sister, Mrs. Margaret Davis, and to Mr. M. E. Headrick, President of the Delano District Chamber of Commerce.

CHAPTER 64

Senate Concurrent Resolution No. 16—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on November 4, 1958.

[Filed with Secretary of State, February 19, 1959.]

City of San Diego Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

Certificate

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Phillip Acker, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted

in accordance with and by virtue of the provisions of Section 8 Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of the City of San Diego certain amendments to the Charter of said City, which amendments were designated as Proposition G, Proposition H, Proposition I, Proposition J, and Proposition K, and submitted said propositions to the qualified electors of The City of San Diego at a special municipal election held on November 4, 1958.

That all of the proceedings in connection with the submission of said propositions were in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

That said proposed charter amendments were published and advertised in the SAN DIEGO UNION, a daily newspaper of general circulation published in the City of San Diego and the official newspaper of said city, and in each edition thereof during the day of publication, to-wit, September 25, 1958.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said city, and that until the date fixed for the election herein described a notice was advertised and published in the SAN DIEGO UNION, a daily newspaper of general circulation published in the City of San Diego, and the official newspaper of said city, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of the City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the city clerk of said city until the date fixed for said election.

That Propositions G, H I and K were ratified by a majority of the qualified electors of said city voting thereon, and that Proposition J failed to receive the approval of the majority of said electors.

That as to the amendments to the Charter of the City of San Diego hereinafter set forth this certificate shall be taken as a full and complete certification as to the legality of all proceedings in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City are in words and figures as follows:

PROPOSITION G

Repeal Section 38.1 of Article V of the Charter of The City of San Diego.

PROPOSITION H

Amend Section 40 of Article V of the Charter of The City of San Diego.

City Attorney

Section 40. CITY ATTORNEY. A City Attorney shall be elected by the people for a term of four years. The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties. The attorney and his deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the legal departments; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each his approval of the form or correctness thereof; to preserve in his office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in his office copies of all written opinions furnished by him to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his successor in office.

He shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of his office.

He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution of performance of any contract made in behalf of the City which

may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, but in no event shall said salary be less than $6,500.00 per year.

In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve for a full term of four years. Said appointee shall remain in office until his successor is elected and qualified.

PROPOSITION I

Amend Section 66 of Article VI of the Charter of The City of San Diego.

Board of Education

Section 66. BOARD OF EDUCATION. The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be elected at large by the electors of the School District at the same time as the members of the City Council. The candidates for the Board of Education shall have been qualified voters of the district at least three years prior to their nomination. The members shall serve for a term of six years, or until their successors are elected and qualified, except as herein provided. The present members of the Board shall serve out their unexpired terms. Thereafter, there shall be elected three members in 1941 who shall so classify themselves by lot that the terms of two will expire at the end of four years and the term of the third will expire at the end of six years. Commencing in 1943 and thereafter, all members shall be elected for six year terms. Any vacancy in the Board shall be filled by the Board of Education until the next general municipal election, when a member shall be elected to fill the unexpired term. Each member shall receive a compensation of $1,200.00 per annum.

PROPOSITION K

Amend Section 35 of Article V and Section 112 of Article VII of the Charter of The City of San Diego.

Purchasing Agent

Section 35. PURCHASING AGENT. The Purchasing Agent shall make all purchases of supplies, materials, equipment, and insurance required by the various Departments or offices of the City, except as may be otherwise provided by the Council or this Charter. He shall prepare in consultation with the administrative officers of the City standard specifications for all supplies, materials, equipment, and insurance necessary for use by the various Departments or offices of the City.

In purchasing any supplies, materials, equipment and insurance required by the various Departments or offices of the City, if the cost of said supplies, materials, equipment and insurance exceeds in amount the sum of $5,000.00, no such purchase shall be made without advertising for sealed proposals therefor. Notices calling for such sealed proposals shall be published for one day in the official newspaper of the City, and a contract let for such purpose only after the expiration of ten days following said advertising. If the cost of the said supplies, materials, equipment and insurance required by said City exceeds the sum of $1,000.00, but is not in excess of $5,000.00, the said purchase may be made by said Purchasing Agent without advertising for sealed proposals, but not until said Purchasing Agent has secured competitive prices from merchants or other persons interested in making the sale to said City and not until the Purchasing Agent has been authorized by the Council to make such purchase. Purchases of supplies, materials, equipment and insurance required by the various Departments or offices of the City which do not exceed the sum of $1,000.00 in cost may be made by the Purchasing Agent directly upon the request of the department interested.

The Council shall by ordinance provide for the sale, exchange or other disposal by the Purchasing Agent of any surplus, used, obsolete or depreciated personal property belonging to the City.

The Council by resolution may order the purchase without advertising for bids of surplus commodities from the United States of America or any agency thereof, or from any other public corporation, state or municipal, or any agency thereof. The Council may also authorize said Purchasing Agent to sell to any other public corporation, state or municipal, any supplies, material and equipment which said City may have been able to purchase in quantity at a reduced price.

Supplies shall be furnished upon requisition either from the stores under the control of the Purchasing Agent or by purchase, and whenever so purchased shall be paid for by the Department or office furnished therewith. It shall be the duty of the Purchasing Agent to inspect or cause to be inspected all purchases, and reject any of those which are not up to the standard specifications provided therefor, and he shall not

approve any bid or voucher for articles which are not in conformity with specifications, or which are at variance with any contract. The Purchasing Agent shall not furnish supplies to any Department or office unless there be to the credit thereof an available unencumbered balance sufficient to pay for such supplies.

Materials, supplies or equipment not needed by a Department or office, but necessary to another Department or office, may be transferred by the Purchasing Agent and a proper record made of the transaction. He shall have charge of such storerooms and warehouses of the City as the Manager may provide or the Council by ordinance may authorize. The Council may, upon recommendation of the Manager, authorize the Purchasing Agent to purchase materials, supplies, or equipment in common use by the Departments and offices in large quantities and store the same until requisitioned by the Departments or offices for use. The Council shall provide a sufficient revolving fund in the annual appropriation ordinance of an adequate amount for the purpose of creating a store's account and stock for future supply of the Departments and offices when needed.

The Purchasing Agent shall keep a record of all sources of supply, of all quotations received, of all awards made, of all inspections, of all requisitions filed, and of all vendors furnishing commodities to the City. He shall perform such other duties as may be prescribed by general law or ordinance or by the Manager.

Appraisal of city assets

Section 112. APPRAISAL OF CITY ASSETS. The Auditor and Comptroller shall show in his records the cost or value of all real estate, buildings, structures, furniture and fixtures, equipment and property of any kind owned by the City, and may require every officer or Commission to assist him in procuring the data required therefor. Proper depreciation shall be made of all property of any kind which is used by the City for utility purposes. A proper balance sheet under classified heads shall be presented to the Manager for inclusion in the annual budget and shall be published in the annual report of the Auditor and Comptroller. This balance sheet shall show all convertible and other assets and all liabilities of the City.

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of The City of San Diego to be affixed hereto this nineteenth day of January, 1959.

(SEAL)

CHAS. C. DAIL
Mayor of The City of San Diego,
State of California
PHILLIP ACKER
City Clerk of The City of San Diego,
State of California

and

WHEREAS, said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of said City of San Diego.

CHAPTER 65

Senate Concurrent Resolution No. 17—Approving a certain amendment to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the third day of June, 1958.

[Filed with Secretary of State, February 19, 1959.]

City of San Diego: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

Certificate

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Phillip Acker, City Clerk of said City, do hereby certify and declare as follows:

That The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, duly proposed to the qualified electors of the City of San Diego a certain amendment to the Charter of said City, designated as "Proposition A", and ordered said proposed Charter amendment to be submitted to said qualified electors at the special municipal election called and held in said City on the third day of June, 1958. Said special municipal election was duly and regularly consolidated with the Statewide Primary Election to be held on said date.

That, said proposal Charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California in THE SAN DIEGO UNION, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to wit: on April 4, 1958.

That in accordance with the provisions of said Section 8 of Article XI, copies of said proposed Charter amendment were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and until the date fixed for the election herein described a notice was advertised and published in THE SAN DIEGO UNION, a daily newspaper of general circulation in said City, that such copies could be had upon application therefor at the office of the City Clerk of The City of San Diego.

That such copies of said proposed Charter amendment could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election.

That said proposed amendment was submitted to the qualified electors of said City at said Special Municipal Election held in said City.

That at said election on the said proposed amendment to the Charter of The City of San Diego a majority of the qualified voters of the City voting on said proposed amendment voted in favor of the proposition designated as "Proposition A", and said proposed amendment was ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI, the Charter of The City of San Diego and the laws of the State of California

That as to the amendment to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendment to the Charter of The City of San Diego which was so ratified by a majority of the electors of said City, is in words and figures as follows:

PROPOSITION A

Amend Section 90.1 of Article VII of the Charter of The City of San Diego to read as follows:

Definitions

"Section 90.1.

Subdivision 1.

Unless the context otherwise requires, the definitions set forth in this subdivision govern the construction of this section.

'City' means The City of San Diego.

'This section' means this amended Section 90.1.

'Waterworks' means all facilities, property and works of the City for the development, obtaining, conservation, production, storage, treatment, transmission, furnishing and distribution of water for public and private use (whether located within or without the City) and shall comprise the public utility system of the City for water purposes, as mentioned in Section 1 of this Charter.

'Revenues' includes all moneys received from rates, tolls or charges for water or for service from the waterworks or any part thereof, and all other income and receipts derived from the use of or operation of the waterworks or any part thereof, or otherwise arising from the waterworks or any part thereof, or any other income of the Water Department, and includes interest on all funds derived from or established for the waterworks. 'Revenues' shall not be construed to include taxes or assessments.

'Water rates' means rates, tolls or charges for water or for service by the waterworks or any part thereof.

Subdivision 2.

Revenue bonds

Revenue bonds to provide money for the acquisition and construction of additions to and extensions and improvements of the waterworks of the City and the reconstruction and replacement of parts of such waterworks and the acquisition of all lands, easements, rights and property necessary for such purposes, may be issued as provided in this section. Any issue of revenue bonds may be for any or all of said purposes. Such revenue bonds, hereinafter sometimes called 'bonds' or 'revenue bonds' shall not constitute an indebtedness of the City but shall constitute obligations which shall be payable, principal and interest and any premiums upon the redemption thereof

prior to maturity, only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department (and said special fund is presently designated and is sometimes hereinafter in this section called the 'Water Department Revenue Bond Fund'); provided, however, that this shall not preclude the payment or redemption of such bonds from the proceeds of refunding bonds issued to refund said revenue bonds or the use of accrued interest and premiums paid upon the sale and delivery of the revenue bonds for the payment of principal thereof or interest thereon. Refunding revenue bonds for the purpose of refunding any revenue bonds issued under this section may be issued as provided in this section and shall be payable only from the fund from which the revenue bonds to be refunded are payable. No restriction or limitation upon or procedure for the issuance of bonds in other sections of this Charter shall apply to revenue bonds issued under this section (including refunding revenue bonds) and this section shall constitute complete authority for the issuance of such revenue bonds (including such refunding revenue bonds) and no action or proceeding not required by this section shall be necessary for the valid authorization and issuance of such revenue bonds. No revenue bond issued under this section or any interest payable thereon shall be or become an obligation chargeable or enforceable against any of the tax revenues of the City or any other revenues of the City except such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department.

Subdivision 3.

The limitations upon bonded indebtedness of The City of San Diego contained in sections 76 and 90 of this Charter or in any other section or provision thereof shall not apply to revenue bonds issued under the provisions of this section and payable exclusively from the fund mentioned in subdivision 2 hereof derived from revenues from the waterworks of the City and not payable from taxes levied by the City. Waterworks revenue bonds payable from a special fund derived from revenues of the Water Department shall not be deemed indebtedness of the City within the meaning of the debt limitation provisions contained in sections 76 and 90 of this Charter or in any other section thereof.

Subdivision 4.

(a) To provide money for the acquisition and construction of additions to and extensions and improvements of the waterworks of the City and the reconstruction and replacement of parts of such waterworks and the acquisition of all lands, easements, rights and property necessary for such purposes, the Council may issue, in one issue or in separate issues or series from time to time, under this section, revenue bonds not to exceed $11,000,000 in total principal amount. All waterworks revenue bonds in excess of said sum of $11,000,000 shall

be authorized by proceedings taken in the manner hereinafter provided in paragraph (b) of this subdivision.

(b) Except as provided in paragraph (a) of this subdivision, revenue bonds payable from revenues of the Water Department may be authorized only in the manner provided in this paragraph (b).

The first step in the proceedings shall be a recommendation by the City Manager, which recommendation shall state generally the purposes of the proposed revenue bond issue and the principal amount thereof and his recommendation that revenue bonds be issued hereunder. Such recommendation need not be in any particular form.

After the recommendation by the City Manager has been received by the Council it may adopt an ordinance finding the need for the issuance of revenue bonds under this section in the amount and for the purposes set forth in the recommendation of the City Manager. The Council, by said ordinance, shall submit to the qualified voters of the City, at an election held for that purpose, the question of issuing revenue bonds pursuant to this section to provide moneys for the purposes stated in the recommendation of the City Manager.

The Council, by a vote of two-thirds of the members thereof, may adopt a resolution stating that it determines to proceed under this section without a recommendation by the City Manager and in that case such resolution shall constitute the first step in the proceeding. Any such resolution also shall state generally the purposes of the proposed revenue bond issue and the principal amount thereof, and in the event such resolution is adopted no recommendation of the City Manager shall be required and the ordinance calling the election shall find the need for the issuance of revenue bonds under this section in the amount and for the purposes stated in such resolution In the event the Council adopts a resolution to proceed without the recommendation by the City Manager, the ordinance calling the election may be adopted only by a vote of at least two-thirds of the members of the Council and at a meeting subsequent to that at which the resolution was adopted.

The ordinance calling the election shall:

(a) state the purposes for which the bonds are to be issued;

(b) state the principal amount of the bonds;

(c) state the maximum rate of interest on the bonds, which shall not exceed six per cent per annum, payable semiannually;

(d) call the election and fix the election date;

(e) fix the manner of holding the election;

(f) fix the manner of voting for or against the issuance of the bonds

In all particulars not stated in said ordinance the election shall be held and the votes canvassed in the manner provided by law for general municipal elections in the City.

Any special election called for the purpose of voting upon a proposition of issuing bonds under this section may be con-

solidated with any municipal primary election or any general City election or any other election at which all of the qualified voters residing within the City are entitled to vote. Such consolidation may be made in any manner authorized under the Elections Code of the State of California or under the Elections Code of the City.

The ordinance shall be published once a week for two succeeding weeks in the official newspaper of the City, the first publication to be at least 21 days prior to the election. No other notice of such election need be given. If a majority of the voters voting on the proposition of issuing the bonds vote in favor of the issuance thereof bonds in an amount not exceeding the amount stated in the ordinance calling the election may be issued.

No error, irregularity or omission in the election or in any of the proceedings prior thereto which does not affect the substantial rights of the electors of the City or the voters voting at the election at which any revenue bonds are authorized under this section shall invalidate the election.

Subdivision 5.

(a) The Council may issue all bonds authorized at an election or all bonds authorized under paragraph (a) of subdivision 4 of this section in one issue or may divide the principal amount thereof into two or more series and fix different dates of issuance and maturities for the bonds of each series. The Council shall provide for any issue or series of bonds (if issued in series) by ordinance. The Council shall in said ordinance fix the date of issuance and the dates of maturity of each issue or series of bonds; provided, however, that no bond shall run more than 40 years from its date. Any ordinance providing for the issuance of bonds hereunder shall recite the objects and purposes for which the bonds are to be issued, the principal amount of the bonds to be issued pursuant to such ordinance, and the maximum rate of interest to be payable thereon, not to exceed six per cent per annum, payable semiannually.

(b) Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this section shall be conclusive evidence of compliance with the provisions of this Charter and of the validity of such bond and no bona fide purchaser of such bond containing the recital permitted by this section shall be required to see to the existence of any fact or to the performance of any condition or to the taking of any proceedings required prior to the actual issuance and delivery of said bonds or to the application of the purchase price paid for said bonds.

Subdivision 6.

In any ordinance providing for the issuance of revenue bonds under this section the Council may fix the terms and conditions thereof (including covenants) and may in any article, section, sentence or clause thereof make such provision

(including covenant) as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including, without affecting the generality of the foregoing, any or all of the following:

(a) The denomination or denominations of the bonds, the medium of payment thereof, the place or places of payment thereof, which may be within or without the State of California, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination and conditions of any temporary bonds or interim certificates (which temporary bonds or interim certificates may be issued without interest coupons), and the manual (one signature must be manual) and facsimile signatures to be affixed to said bonds (definitive or temporary) or interim certificates, and the facsimile signature to be affixed to interest coupons,

(b) Provisions for the call and redemption prior to maturity of any part of or all of said bonds and the premiums to be paid upon such call and redemption;

(c) Said bonds shall be designated 'Waterworks Revenue Bonds' and each bond shall state on its face that it does not constitute an indebtedness of The City of San Diego but is an obligation payable, principal and interest, and premiums, if any, upon the redemption thereof, only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department; provided, however, that the foregoing statement shall not preclude the payment or the redemption of said bonds from the proceeds of refunding bonds or the payment thereof from premium and accrued interest obtained upon the sale of the bonds. Such special fund is presently designated and is sometimes hereinafter in this section called the Water Department Revenue Bond Fund;

(d) Covenants relating to rates for the use of water or for services from the waterworks system. Such rates and charges for the use of water or service from the waterworks system shall provide revenues at least sufficient to pay, as the same shall become due, principal of and interest on all outstanding revenue bonds payable out of the revenues of the Water Department, including premiums, if any, due upon the redemption of any thereof (and including all payments required to be made into reserve and sinking funds, if any, for said revenue bonds or any thereof), and all other obligations and indebtedness payable out of said revenues, in addition to paying, as the same shall become due, the necessary expenses of operating and maintaining the Water Department;

(e) Covenants relating to the extent to which such services may be furnished or rendered to the City or to any government, department of government, public corporation or body free or at lower rates than otherwise charged;

(f) The collection, deposit and safekeeping of the revenues, and the permissible uses thereof;

(g) The construction fund into which the principal sums from the sale of the bonds shall be placed, the special fund or funds to be established and maintained for the payment of principal and interest of the bonds, including reserve, sinking, bond service, redemption, and trust funds, and any revenue bond payable from the Water Department Revenue Bond Fund may be paid from any such special fund established therefor; the permissible investments of moneys in said funds, or any thereof; the accounts and records to be kept, audits thereof and examination of such audits by bondholders and others;

(h) Carrying of insurance upon the waterworks or any part of the waterworks system or property against any or all risks, and in case of loss the application of the insurance proceeds;

(i) Prohibition against or limitations upon the sale, lease or other disposition or transfer of the waterworks of the City or any substantial part thereof, and the use of any funds derived from any sale, lease or other disposition or transfer permitted under the terms of such ordinance;

(j) Limitations upon the issuance of any additional bonds payable out of the revenues of the Water Department, but no bonds shall be issued pursuant to this section or under any other provision of the Charter or any other law having any priority in payment of principal or interest out of the revenues of the Water Department over any revenue bonds theretofore or thereafter issued and payable out of such revenues;

(k) Provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all holders to modifications of such provisions of the ordinance, resolution or order authorizing or providing for the issuance of such bonds or the sale thereof as may be stated in such ordinance or to a refunding of said bonds and to calls or exchanges in connection with such refunding;

(*l*) For the issuance of a duplicate in the manner and upon such terms and conditions as the Council may determine, in the event any bond, temporary bond, coupon or interim certificate of any such issue is lost, destroyed or mutilated;

(m) Any other provision (including covenant) valid under the Constitutions of the State of California and the United States of America.

Subdivision 7.

Any ordinance providing for the issuance of any revenue bonds under this section and all other ordinances, resolutions or orders in the proceeding for the issuance of said bonds shall constitute a contract with the holders of the bonds and may be enforced by any holder by mandamus, injunction or any other applicable legal action, suit, proceeding or other remedy.

Subdivision 8.

Bonds issued under this section shall be sold only at public sale following such notice as the Council, by order or resolution, may prescribe; provided, however, that if no bid is received or if the bid or bids received are not satisfactory the Council may reject all bids received, if any, and may thereafter sell such bonds at public or private sale; provided, further, that the provisions of this subdivision shall not apply to the exchange of any refunding bonds for outstanding bonds. Any revenue bonds issued hereunder may be sold at a fixed rate of interest or the bidders may be invited to state the rate or rates of interest at which they will purchase said bonds, but no rate of interest on any of the bonds shall exceed six per cent per annum, payable semiannually. If the bidders are invited to state the interest rate or rates, then upon the acceptance of a bid the Council shall by resolution or order, which shall not be subject to referendum, fix such interest rate or rates as have been bid by the successful bidder as the rate or rates of interest on bonds sold. Said bonds shall be sold for not less than par and accrued interest to date of delivery.

Subdivision 9.

The proceeds from the sale of bonds issued hereunder (except premium and accrued interest which shall be paid into the bond service or other fund designated or established for the payment of principal and interest of the bonds) shall be paid into the construction fund designated by the ordinance providing for the issuance of said bonds and shall be applied exclusively to the objects and purposes set forth in such ordinance; provided, however, (1) that the Water Department Revenue Bond Fund from which the bonds are payable may be reimbursed from such proceeds for expenditures for purposes for which the bonds were issued made from such fund after the issuance of the bonds has been authorized at the election thereon, (2) that said proceeds may be used for the payment of interest on said bonds during the period of acquisition and construction and for the first six months thereafter; and (3) that when the objects and purposes for which the bonds are issued have been accomplished any remaining unexpended funds derived from the sale of the bonds shall be used for the payment of principal and interest of said revenue bonds or for the redemption of any callable bonds thereof.

Subdivision 10.

Refunding revenue bonds may be issued for the payment or redemption of any revenue bonds issued pursuant to this section and such refunding bonds may be issued in principal amount sufficient to refund the outstanding bonds proposed to be refunded thereby, including payment of accrued interest and of any premiums thereon and all expenses of such refunding. Refunding revenue bonds shall be authorized, issued and sold substantially in the manner provided for the issuance and sale of other revenue bonds hereunder or may be exchanged for the outstanding bonds to be refunded upon such terms and con-

ditions as may be stated in the ordinance authorizing such refunding bonds, except that no election shall be necessary to authorize the issuance of refunding bonds hereunder.

Subdivision 11.

To the extent that any provision of any ordinance authorizing the issuance of revenue bonds pursuant to this section or any provision of any ordinance, resolution or order pertaining to such revenue bonds adopted pursuant to the authority of this section is inconsistent with any of the provisions of any other section of this Charter the provisions of such ordinance, resolution or order shall control so long as any of the bonds or coupons to which the same pertain are outstanding and unpaid. No bond shall be deemed to be outstanding and unpaid within the meaning of this section if moneys for the purpose of paying the same or redeeming the same prior to maturity and sufficient therefor have been irrevocably set aside in a bond service fund, sinking fund, redemption fund, or other trust fund created to insure the payment or redemption thereof.

The Council is authorized to take any and all steps and proceedings necessary or convenient for the authorization, issuance and sale of revenue bonds under this section and for the payment or redemption thereof.'

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 19th day of January, 1959.

CHARLES C. DAIL
(SEAL) Mayor of The City of San Diego, California.
PHILLIP ACKER
City Clerk of The City of San Diego, California."

and

WHEREAS, Said proposed charter amendment is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of said the City of San Diego. Approval

CHAPTER 66

Senate Concurrent Resolution No. 18—Approving an amendment to the charter of the County of San Bernardino, State of California, ratified by the qualified electors of said county at an election held therein on the third day of June, 1958.

[Filed with Secretary of State, February 19, 1959.]

County of San Bernardino Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of San Bernardino, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of said county, as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } SS.

Certificate

Certificate of County Clerk of the County of San Bernardino, State of California, and the Chairman of the Board of Supervisors of San Bernardino County, State of California, as to the adoption and ratification of certain amendment to the Charter of said County of San Bernardino, submitted to the qualified electors of said County on the third day of June. 1958.

PREAMBLE

BE IT KNOWN THAT:

WHEREAS, The County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the seventh day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California, on the seventh day of April, 1913; (Statutes 1913, page 1652, et seq.), and

WHEREAS, On the eighteenth day of March, 1958, the Board of Supervisors of said San Bernardino County, by Ordinance No. 855, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County a certain amendment to the charter of said County by the submission of a certain proposal for such amendment to said electors at a special election to be held and conducted on the third day of June, 1958, for ratification or rejection, and further ordered that said special election be consolidated with the Primary Election to be held on said day and that all precincts established, and all election officers appointed for said Primary Election should be the precincts and the election officers for said special election and that said election officers should conduct said election and make return

thereof according to law; that all applicable provisions of Section 7½ of Article XI of said Constitution were complied with; and

WHEREAS, The Board further duly ordered that said proposal should be forthwith published ten times in the SAN BERNARDINO DAILY SUN, a daily newspaper of general circulation, printed, published and circulated in said County; and in said proposal, said proposed amendment was set forth in full and at length, and was and is in the words and figures hereinafter set forth; and

WHEREAS, Thereafter said proposal was duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: April 7th to April 16th, 1958, inclusive, and as often during said time as said newspaper was regularly published; and said Primary Election at which said proposal was submitted to the vote of the qualified electors of said County was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and

WHEREAS, Said Board of Supervisors duly prescribed the form and title of said proposal to be printed on the Primary Election ballot to be used at said Primary Election for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title the said proposal appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to June 3rd, 1958, the Registrar of Voters of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposal would be submitted to the qualified electors of said County at said Primary Election to be held June 3rd, 1958, and said Registrar of Voters, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and on said notice said proposal appeared in the form and by the title so prescribed by said Supervisors and in the form and by the title said proposal appeared upon said ballot; and

WHEREAS, At said Primary Election said proposal was duly submitted to the vote of the qualified electors of said County as Proposition A, and appeared on the primary ballot at said election;

And opposite said proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereafter and in addition thereto, said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The Registrar of Voters of said San Bernardino County mailed a printed copy of said proposed amendment enclosed in an envelope with a sample ballot to each qualified elector within said County of San Bernardino at least ten days prior to the said third day of June, 1958; and

WHEREAS, The returns of said Primary Election held in the County of San Bernardino on the said June 3rd, 1958, at which election said proposal was submitted to the vote of the qualified electors of said County, were made to and canvassed by the Registrar of Voters of said County of San Bernardino, as ordered by said Board of Supervisors, and duly certified to the Board of Supervisors, and it appeared therefrom and was so declared by the Board of Supervisors that at said election a majority of the qualified voters voting thereon voted in favor of Proposition A; and said Board of Supervisors thereupon ordered and declared that said Proposition A was ratified; and

WHEREAS, Said Proposition so ratified as amendment to said County Charter by the electors of the County of San Bernardino, at said primary election held on June 3rd, 1958, is now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, The undersigned, S. Wesley Break, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and V. Dennis Wardle, County Clerk and ex officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendment to said Charter of said County, so ratified by the majority of the electors voting thereon at said primary election held on the third day of June, 1958, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

"CHARTER AMENDMENT NUMBER TWENTY-TWO

Proposition A

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twenty-Two by amending Section 1 of Article IV to read as follows:

Purchasing Agent

SECTION 1. There is hereby created the office of Purchasing Agent. The Purchasing Agent shall be appointed by the Board of Supervisors from an eligible list certified by the Civil Service Commission in the manner provided by law and the regulations of the Civil Service Commission He shall perform such duties as may be prescribed by general law, by this Charter or by the Board of Supervisors."

AND WE FURTHER CERTIFY HEREBY That the facts set forth in the preamble of this certificate preceding said amendment to said Charter are true,

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California, to approve said amendment to said Charter as a whole, and to take other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this thirteenth day of January, 1959.

S. WESLEY BREAK
(SEAL) Chairman of the Board of Supervisors, San Bernardino County, State of California.

ATTEST:
V. DENNIS WARDLE, County Clerk
and Ex-officio Clerk of the
Board of Supervisors,
San Bernardino County,
State of California.
By RUDOLPH L. CORONA, Deputy

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the County of San Bernardino, as presented to and adopted and ratified by the electors of said county, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of said County of San Bernardino. Approval

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CHAPTER 67

Senate Concurrent Resolution No. 19—Approving an amendment to the charter of the County of San Bernardino, State of California, ratified by the qualified electors of said county at an election held therein on the fourth day of November, 1958.

[Filed with Secretary of State, February 19, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of San Bernardino, State of California, as here- County of San Bernardino Charter amendment

inafter set forth in the certificate of the chairman of the board of supervisors and county clerk of said county, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.

Certificate

Certificate of County Clerk of the County of San Bernardino, State of California, and the Chairman of the Board of Supervisors of San Bernardino County, State of California, as to the adoption and ratification of certain amendment to the Charter of said County of San Bernardino, submitted to the qualified electors of said County on the fourth day of November, 1958.

PREAMBLE

BE IT KNOWN THAT:

WHEREAS, The County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the seventh day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said County at an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California, on the seventh day of April, 1913; (Statutes 1913, page 1652, et seq.), and

WHEREAS, On the eighteenth day of August, 1958, the Board of Supervisors of said San Bernardino County, by Ordinance No. 872, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said County a certain amendment to the Charter of said County by the submission of a certain proposal for such amendment to said electors at a special election to be held and conducted on the fourth day of November, 1958, for ratification or rejection, and further ordered that said special election be consolidated with the General Election to be held on said day and that all precincts established, and all election officers appointed for said General Election should be the precincts and the election officers for said special election and that said election officers should conduct said election and make return thereof according to law; that all applicable provisions of Section 7½ of Article XI of said Constitution were complied with; and

WHEREAS, The Board further duly ordered that said proposal should be forthwith published ten times in the SAN BERNARDINO DAILY SUN, a daily newspaper of general circulation, printed, published and circulated in said County; and in said proposal, said proposed amendment was set forth in full and at length, and was and is in the words and figures hereinafter set forth; and

WHEREAS, Thereafter said proposal was duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: September 10th to September 19th, 1958, inclusive, and as often during said time as said newspaper was regularly published; and said General Election at which said proposal was submitted to the vote of the qualified electors of said County was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and

WHEREAS, Said Board of Supervisors duly prescribed the form and title of said proposal to be printed on the General Election ballot to be used at said General Election for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title the said proposal appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to November 4th, 1958, the Registrar of Voters of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposal would be submitted to the qualified electors of said County at said General Election to be held November 4th, 1958, and said Registrar of Voters, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and on said notice said proposal appeared in the form and by the title so prescribed by said Supervisors and in the form and by the title said proposal appeared upon said ballot; and

WHEREAS, At said General Election said proposal was duly submitted to the vote of the qualified electors of said County as Proposition A, and appeared on the ballot at said General Election;

And opposite said proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereafter and in addition thereto; said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The Registrar of Voters of said San Bernardino County mailed a printed copy of said proposed amendment enclosed in an envelope with a sample ballot to each qualified elector within said County of San Bernardino at least ten days prior to the said fourth day of November, 1958; and

WHEREAS, The returns of said General Election held in the County of San Bernardino on the said November 4th, 1958, at which election said proposal was submitted to the vote of the qualified electors of said County, were made to and canvassed by the Registrar of Voters of said County of San Bernardino,

as ordered by said Board of Supervisors, and duly certified to the Board of Supervisors, and it appeared therefrom and was so declared by the Board of Supervisors that at said election a majority of the qualified voters voting thereon voted in favor of Proposition A; and said Board of Supervisors thereupon ordered and declared that said Proposition A was ratified; and

WHEREAS, Said Proposition so ratified as amendment to said County Charter by the electors of the County of San Bernardino, at said General Election held on November 4th, 1958, is now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, The undersigned, S. Wesley Break, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and V. Dennis Wardle, County Clerk and ex-officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendment to said Charter of said County, so ratified by the majority of the electors voting thereon at said General Election held on the fourth day of November, 1958, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

"CHARTER AMENDMENT NUMBER TWENTY-THREE

PROPOSITION A

That the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Twenty-Three by adding Section 4½ of Article VII to read as follows:

Election re division of system

SECTION 4½. There shall be within one hundred days after the effective date of this section, an election among the members of the San Bernardino County Employees Retirement System, in which said members may vote upon the division of said system into two parts, one part to be composed of positions of members who desire coverage under Old Age, Survivors and Disability Insurance in addition to the present retirement system, and the other part to be composed of positions of members who do not desire such coverage, but wish to continue under the present retirement system. If a majority of the eligible members of the System voting in said election vote affirmatively, the Board of Supervisors shall divide said system pursuant to law and shall take all steps necessary to effect Old Age, Survivors and Disability Insurance coverage for the members of the system who choose such coverage.

At the time of said division, the Board shall also provide for a fixed-benefit retirement system for those employees of the

Sheriff's Department who are, by Federal law, ineligible for Old Age, Survivors and Disability Insurance, said fixed-benefit system to be in accordance with the provisions of Article 7.5 of the County Employees Retirement Law of 1937, as amended."

AND WE FURTHER CERTIFY HEREBY That the facts set forth in the preamble of this certificate preceding said amendment to said Charter are true,

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the Legislature of the State of California, to approve said amendment to said Charter as a whole, and to take other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this thirteenth day of January, 1959.

S. WESLEY BREAK
(SEAL) Chairman of the Board of Supervisors, San Bernardino County, State of California.

ATTEST:
V. DENNIS WARDLE, County Clerk and Ex-officio Clerk of the Board of Supervisors, San Bernardino County, State of California.
By RUDOLPH L. CORONA, Deputy

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the County of San Bernardino, as presented to and adopted and ratified by the electors of said county, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as a part of, the charter of said County of San Bernardino. **Approval**

CHAPTER 68

Senate Concurrent Resolution No. 21—Relative to trip of Nautilus under the North Pole.

[Filed with Secretary of State, February 19, 1959.]

WHEREAS, On August 3, 1958, the most startling event of modern sea navigation occurred when the long sleek United States Navy's nuclear submarine Nautilus passed under the North Pole, accomplishing a formidable feat in a vast and forbidding area of the seas; and

WHEREAS, This famous deed was the culmination of the ideas and plans of several men of vision, including Physicist Waldo K. Lyon and ex-Sub Skipper Robert D. McWethy, two of the first men to give serious thought to subtranspolar travel, Rear Admiral Hyman Rickover, creator of Nautilus, and Admiral Arleigh Burke, Chief of Naval Operations of the United States Navy; and, after the creation of Nautilus, these men knew that the perfect instrument for subpolar operations and the eventual underwater assault of the North Pole had finally arrived; and

WHEREAS, The crew selected for this journey into the unknown, which lasted for 21 days and encompassed 8,146 miles, was a handpicked, specially trained complement of one of the most excellently skilled and integrated teams ever assembled anywhere; and

WHEREAS, President Eisenhower awarded Commander William R. Anderson the Legion of Merit; and the crew members were awarded a Presidential Unit Citation, the first ever issued in time of peace; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature hereby extend their heartiest congratulations to the polar pioneers of Nautilus, and hail these guardians of liberty in their outstanding achievement, and commend Admiral Arleigh Burke, Chief of Staff of the United States Navy, Rear Admiral Hyman Rickover, creator of Nautilus, and Commander William R. Anderson, skipper of Nautilus on her history-making trip, all of whom had such foresight and faith in the operation that it became an actuality and did not remain just a dream; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Admiral Arleigh Burke, Chief of Staff of the United States Navy, to Rear Admiral Hyman Rickover, and to Commander William R. Anderson.

CHAPTER 69

Assembly Concurrent Resolution No. 52—Relative to the placement of mission bells along El Camino Real.

[Filed with Secretary of State, February 20, 1959.]

WHEREAS, El Camino Real is the highway which most typifies the tradition and the rich history of early California; and

WHEREAS, During many years the route of El Camino Real was marked by the placement of mission bells, which served as a point of interest for Californians and for thousands of visitors to this State and which have become a nationwide symbol of California; and

WHEREAS, Many of the mission bells have become lost or destroyed and it has been discovered that a limited number have been preserved by private persons or civic organizations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Highways, Department of Public Works is hereby requested and authorized to receive and erect such bells as may be made available to the department from any source at locations which it deems most appropriate to mark the original route of El Camino Real and to result in the least possible hazard to traffic upon the highways; and be it further

Resolved, That the Chief Clerk is directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 70

Assembly Concurrent Resolution No. 64—Relative to congratulating Carroll W. Parcher.

[Filed with Secretary of State, February 24, 1959.]

WHEREAS, Mr. Carroll W. Parcher, the editor and publisher of the GLENDALE NEWS-PRESS, was recently elected president of the California Newspaper Publishers' Association at its seventy-first convention held in San Francisco; and

WHEREAS, The new president, who was elected to the board of directors in 1955 and served as first vice president of the C.N.P.A. during the past year, becomes head of an association with 599 memberships including dailies and weeklies in California, Nevada, Arizona, Oregon, Alaska, and Hawaii, together with allied, associate, and student paper members; and

WHEREAS, Mr. Parcher has long taken a leading part in community and civic affairs in Southern California, and is a popular and active member of numerous trade organizations as well as service and social clubs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend their hearty congratulations to Carroll W. Parcher on this newest honor bestowed upon him; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr. Parcher.

CHAPTER 71

Assembly Concurrent Resolution No. 67—Relative to congratulating Mr. Paul Ames.

[Filed with Secretary of State, February 24, 1959.]

WHEREAS, Mr. Paul Ames has received the California State Junior Chamber of Commerce award as the outstanding young farmer of California and will compete at Cedar Rapids, Iowa, for the outstanding young farmer of the United States; and

WHEREAS, Mr. Paul Ames, age 34, is married and the father of four children, a graduate of the University of California at Davis, and is a member of the Indio First Methodist Church; and

WHEREAS, Mr. Paul Ames at the age of 34 years has achieved outstanding recognition in the farming industry and operates and manages a total of 1,220 acres at the present time, has developed and pioneered new machinery and techniques in the farming industry, and has devised and developed important methods for the conservation of water; and

WHEREAS, Mr. Ames is a dedicated civic leader, his services in this vital field includes active participation in the Indio Junior Chamber of Commerce, serving as a committee chairman, Indio Rotary Club, Mecca Civic Council, director and chairman of the Mecca Planning Committee, Coachella Valley Advisory Planning Commission, and the Mecca Volunteer Fire Department; and

WHEREAS, Mr. Ames has rendered substantial service in governmental affairs including service as a director of the Coachella Valley Soil Conservation District and the Mecca Sanitary District, committee chairman of the Agricultural Stabilization and Conservation Committee, secretary and director of the Coachella Valley Farm Bureau, and president of the Coachella Valley Farmers' Association; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Assembly and the Senate join with all of the citizens of this State in congratulating Mr. Paul Ames on his selection as the outstanding young farmer of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mr. Paul Ames and to the State Junior Chamber of Commerce.

CHAPTER 72

Assembly Concurrent Resolution No. 68—Relative to congratulating Judge Delbert E. Wong.

[Filed with Secretary of State, February 24, 1959.]

WHEREAS, Governor Brown has recently appointed Delbert E. Wong of Los Angeles as a judge of the Los Angeles Municipal Court; and

WHEREAS, This appointment, which would be a signal honor for any member of the bar, is even more significant in the case of Judge Wong, since he is the first American-Chinese to be appointed as a judge in the United States; and

WHEREAS, The appointment of Judge Wong is particularly gratifying to the Members of the Legislature, since many still fondly remember him from the period, from 1948 to 1952, in which he served as a deputy in the Office of the Legislative Counsel; and

WHEREAS, Judge Wong, who was born in Hanford 38 years ago and was raised in Bakersfield, and who attended the University of California at Berkeley and the Stanford Law School, has proven his outstanding capabilities as a lawyer during his service in the Office of the Legislative Counsel, and during his subsequent service in the Office of the Attorney General, where he was engaged in, among other things, the defense of the State and state employees against various suits and claims, including false arrest, malpractice charges, slander, and other civil complaints; and

WHEREAS, Judge Wong has served his Country with distinction in other fields too, having flown 30 missions in World War II as a navigator on a B-17 Flying Fortress in the Eighth Air Force in England, winning the Distinguished Flying Cross and the Air Medal with three oak leaf clusters, and rising to the rank of first lieutenant; and

WHEREAS, Judge Wong is an active participant in civic affairs, being a past president of the Los Angeles Chinatown Optimists Club and a national director of the Chinese-American Citizens League; and

WHEREAS, A devoted family man, Judge Wong resides in Los Angeles with his charming wife, Dolores, and their three delightful children, Shelly, aged eight, Duane, aged six, and Kent, aged two, and the happy couple are expecting their fourth child in June; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature extend their heartiest congratulations to Judge Delbert E. Wong upon his recent appointment to the Los Angeles Municipal Court bench, certain that he will serve as a judge thereof with great honor and distinction, and extend their best wishes for continued success and happiness to Judge Wong and to his wife and children; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to Judge Delbert E. Wong and to his devoted parents, Mr. and Mrs. Earl Wong of Bakersfield.

CHAPTER 73

Assembly Concurrent Resolution No. 69—Relative to the retirement of Carrol Monroe Speers.

[Filed with Secretary of State, February 24, 1959.]

WHEREAS, The Members of the Legislature have learned that Carrol Monroe Speers has retired from the office of member of the City Council of San Mateo; and

WHEREAS, Dedicated to the public welfare without a thought of self, Carrol Speers bore creditably weighty responsibilities as an elementary school trustee, city planning commissioner and mayor before becoming a city councilman, to which position he was re-elected for his fourth term last year; and

WHEREAS, To each public post he brought integrity, thoughtfulness, sincerity and earnest effort; and

WHEREAS, He helped guide San Mateo through the difficult period of its greatest growth, shaping the city into one of the finest in the United States; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature commend Carrol Monroe Speers for his long and honorable career and express their sincere appreciation for his loyal, dependable services; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Carrol Monroe Speers.

CHAPTER 74

Assembly Concurrent Resolution No. 70—Relative to the death of J. Frank Barrett.

[Filed with Secretary of State, February 24, 1959.]

WHEREAS, It was with sincere and profound regret that the Members of the Legislature of the State of California learned of the death of San Mateo's nationally famed builder and outstanding civic and Catholic lay leader, J. Frank Barrett, 70, on January 11, 1959; and

WHEREAS, Mr. Barrett was a partner in the original construction firm of Barrett and Hilp, which was founded on a $450 investment in 1912 and grew into a $20,000,000 annual operation by 1953; and

WHEREAS, J. Frank Barrett was a guiding force in the construction of numerous structures, of which some were: the anchorages for the Golden Gate Bridge, St. Catherine's Catholic Church in Burlingame, one of the Nation's largest high schools in Stockton, Rickey's Garden Hotel in Palo Alto, the Santa Clara County Jail in San Jose, the new science building for San Jose State College, and numerous other buildings; and

WHEREAS, Mr. Barrett was President of the San Mateo County Development Association, a Director of the Bay Area Rapid Transit District, and a Past President of the San Francisco Chamber of Commerce; and

WHEREAS, He was a leader in numerous Catholic organizations, such as the Society of St. Vincent de Paul, Serra International, League of the Cross, Knights of Columbus, and Knights of Malta; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California proclaim the sorrow and deep sense of loss with which they note the passing of J Frank Barrett, and do hereby extend their sincerest sympathies to all of the members of his family in their bereavement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to his children: John F. Barrett, Jr., Richard H. Barrett, Mrs. Gilmore O'Neill, and Mrs. Leo E. Heagerty.

CHAPTER 75

Assembly Concurrent Resolution No. 76—Relative to congratulating the Westside Jewish Community Center.

[Filed with Secretary of State, February 24, 1959.]

WHEREAS, The Westside Jewish Community Center, located at 5870 West Olympic Boulevard, Los Angeles, will be celebrating the fifth anniversary of its establishment on March 1, 1959; and

WHEREAS, The Westside Jewish Community Center has in this short period of time established itself as an important center of community activities in the area in which it is located; and

WHEREAS, The center was built at a cost of $2,000,000 with $1,000,000 thereof received as a grant from the United Jewish Welfare Fund, with another grant from the Los Angeles Building Fund, and with the remainder of the cost coming from individual gifts; and

WHEREAS, This center, with facilities consisting of 80,000 square feet under cover and two acres of playground space, is the scene of activities which are open to all members of

the community, regardless of ability to pay for membership; and

WHEREAS, The center serves as a threshold for community life to many newcomers to Los Angeles, especially to the young adults and social groups at all age levels, and provides the opportunity for people to work and play with others of their own age; and

WHEREAS, The focus at the center is on personality development, with many programs, such as athletics, drama, arts and crafts, music, and dancing, which afford an opportunity for the participants to gain useful skills and to obtain a greater joy out of life; and

WHEREAS, The center serves almost 7,000 members each year, with the aggregate attendance for the first five years totaling two and one-half million, a figure equal to the estimated population of the City of Los Angeles; and

WHEREAS, The center co-operates with all other community organizations, including the Community Chest, Girl Scouts, Hadassah, Histadruth, Jewish War Veterans, Mizrachi Women's Club, Pioneer Women, Red Cross and Welfare Fund, with many of these clubs holding meetings and special events at the center; and

WHEREAS, Approximately 2,300 children have enjoyed the happiest summers of their lives in the three home camps sponsored by the center, and other teen-agers have attended Camp J. C. A. in the San Bernardino Mountains; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Assembly and the Senate join in extending their congratulations to the Westside Jewish Community Center upon its fifth anniversary and extending to the center their best wishes for its continued success in development of its facilities and activities and in the worthwhile role the center is playing in the community which it serves; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to Mr. Robert J Felixson, President of the Westside Jewish Community Center.

CHAPTER 76

Assembly Joint Resolution No. 13—Relative to equalizing retirement benefits for retired members of the Armed Forces who retired prior to June 1, 1958.

[Filed with Secretary of State, February 26, 1959]

WHEREAS, There is now pending before the Congress of the United States legislation concerning the improvement of benefits for retired members of the United States Armed Forces who retired prior to June 1, 1958; and

WHEREAS, There appears to be no basis for the gross discrimination against retired personnel who retired before June 1, 1958, as they are, by reason of past meritorious services, equally entitled to the increased benefits granted personnel who retire, or have retired, after such date; and

WHEREAS, This false distinction violates the basic precepts of fair play, and the circumstances of retirement should not penalize these honorable members of our society, who must meet the present ever-increasing cost of living the same as personnel that retired after June 1, 1958; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation that will increase the retirement benefits of the retired personnel who retired prior to June 1, 1958, so that they will be treated equally with personnel who retire, or have retired, after such date; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 77

Assembly Concurrent Resolution No. 38—Relative to making October 31st of each year Youth Honor Day.

[Filed with Secretary of State, February 26, 1959.]

WHEREAS, It is of utmost importance to the welfare of this Nation that the youth of this State be given recognition for their outstanding achievements; and

WHEREAS, The youth of this State should be encouraged to prepare themselves for their rights and obligations as citizens of this great Nation through the development of a sense of honor which embodies a concept of individual youth and responsibility; and

WHEREAS, The legislatures of several states have adopted resolutions designating October 31st of each year as Youth Honor Day, which is appropriately observed in honor of the youth of this Nation; and

WHEREAS, The Youth Honor Day program has been of tremendous benefit to the youth of America by providing them with the opportunity to assume the responsibility of governing the conduct of the members of their own group; and

WHEREAS, The adoption of the Youth Honor Day program would prove very beneficial not only to the youth but also to all the people of this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members

elected to each house voting therefor and concurring therein, That the Governor of the State of California is requested to issue a proclamation designating October 31st of each year as Youth Honor Day and urging the people of this State to actively participate in the observance of this day; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Governor of California, the Honorable Edmund G. Brown.

CHAPTER 78

Assembly Joint Resolution No. 10—Relative to memorializing Congress concerning the establishment in California of a soil and water conservation laboratory.

[Filed with Secretary of State, March 2, 1959.]

WHEREAS, A proposal is under consideration to provide for the establishment by the Secretary of Agriculture of four soil and water conservation laboratories, one to be located in the western irrigated area of the United States; and

WHEREAS, There is a great interest throughout California's extensive agricultural community in research into problems relating to soil and water management and conservation; and

WHEREAS, An excellent location for such a conservation laboratory exists at the Davis Campus of the University of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and the Secretary of Agriculture to provide such laboratories; and be it further

Resolved, That the Legislature of the State of California wishes to express its intent to the Congress and to the Secretary of Agriculture that it shall provide necessary land at or near the Davis Campus of the University of California upon which a conservation laboratory may be established and maintained; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the President of the Senate in the Congress of the United States, to the Speaker of the House of Representatives in the Congress of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Agriculture.

CHAPTER 79

Assembly Concurrent Resolution No. 56—Relative to the continuance of the Joint Committee on Legislative Procedure.

[Filed with Secretary of State, March 2, 1959]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Legislative Procedure created by Assembly Concurrent Resolution No. 147 of the 1955 Regular Session, and continued as a joint investigating committee by Assembly Concurrent Resolution No. 175 of the 1957 Regular Session, is recreated and continued as a joint investigating committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session, except that the committee shall not hold hearings outside of Sacramento. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature, including any recess, until the ninetieth calendar day of this session unless sooner terminated, with authority to file its final report not later than that date.

3. The provisions of the Joint Rules of the Senate and Assembly adopted at this session and amended from time to time, are applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 80

Assembly Concurrent Resolution No. 65—Relative to salmon marking.

[Filed with Secretary of State, March 2, 1959]

WHEREAS, The condition of the salmon resources of this State has caused widespread concern among both sport and commercial fishermen to the extent that many previously divergent groups are now united in their efforts to find a method to preserve and enhance this most vital resource; and

WHEREAS, The pilot program to mark fingerling salmon and transport them through the river system areas of greatest danger by barge to saline waters where they are released to continue their migration to the sea has resulted in a phenomenal small loss percentage; and

WHEREAS, If this method of propagation should prove to be feasible on a large scale, and to be anywhere near as produc-

tive as the pilot program, it could be one answer to the problem of preservation of our salmon resource; and

WHEREAS, The true value of this program cannot be determined until the full migration cycle of the salmon has been studied, including the recovery of the mature marked salmon on their return from the sea, and thus every possible effort must be made to put this program in operation as soon as possible for such return will not be for three or four years after their release; and

WHEREAS, Sufficient fingerling salmon will be available this spring and unless marked and released this spring the program must wait for a full year until the next migration; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Fish and Game is requested to take all necessary steps to carry out the program of salmon marking immediately; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Department of Fish and Game.

CHAPTER 81

Assembly Concurrent Resolution No. 71—Approving certain amendments to the charter of the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held thereon on the fourth day of November, 1958.

[Filed with Secretary of State, March 2, 1959.]

City of Stockton: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A SPECIAL CHARTER AMENDMENT ELECTION HELD THEREIN ON THE 4TH DAY OF NOVEMBER, 1958, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN } ss.
CITY OF STOCKTON

Certificate

We, Dean C. DeCarli, Mayor of the City of Stockton, and B. L. Trahern, City Clerk of the City of Stockton, do hereby certify as follows:

That the said City of Stockton in the County of San Joaquin, State of California, is now and at all of the times mentioned herein was a city containing a population of more than 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders' charter adopted pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1923 (Stats. 1923, page 1321), and filed with the Secretary of State of the State of California on January twenty-nine, 1923; and

That, pursuant to Section 8 of Article XI of the Constitution of the State of California, the legislative body of said city, i.e., the City Council of said city, did on its own motion, by its resolution numbered 21262, adopted on September 8, 1958, duly submit to the qualified electors of the City of Stockton six (6) certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a special municipal charter amendment election by said resolution called for said purpose in said city on the 4th day of November, 1958, which said election was duly consolidated with the State of California general election to be held in San Joaquin County and in said city on said 4th day of November, 1958; and

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the charter of the City of Stockton on the 15th day of September, 1958, in the Stockton Daily Record, a newspaper of general circulation published daily except Sunday in the said City of Stockton and the official newspaper of said city, and in each edition thereof during said day of publication.

That said Council caused copies of said proposals to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said city, and, beginning on September 15, 1958, advertised in said Stockton Daily Record daily, except Sunday, up to and including the day fixed for said election, a notice that pamphlet copies of said proposals were on file and could be had on application therefor at said office of the City Clerk of said city.

That said State of California general election and said municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the charter of said city and by law on

said 4th day of November, 1958, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said Stockton Daily Record.

That the City Council of said City of Stockton did, in the manner provided by law, duly and regularly cause all ballots cast at said special municipal charter amendment election, consolidated with the State of California general election, as aforesaid, to be canvassed by the Board of Supervisors of San Joaquin County, and did, by resolution duly adopted on November 24, 1958, confirm said canvass and did duly find and declare that a majority of the qualified voters voting on Proposals A, B and D voted in favor thereof and that each of said Proposals A, B and D to amend the charter of said city were ratified.

That a majority of the qualified voters voting on each of said Proposals A, B and D voted in favor of the ratification of and did ratify each of said proposals to amend said charter of said city.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

(A) By amending Section 13 of Article IV to read as follows:

Publication of ordinance

"SECTION 13. To constitute an ordinance, a bill must before final action thereon, be passed to print and published at least once in the official newspaper of the city and if any amendment is made to any proposed ordinance, the ordinance as amended must be published at least once before its final adoption, provided that ordinances establishing or amending rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring or other regulations having to do with the public health, safety, or welfare, where such rules and regulations or amendments thereto have been printed as a code in book form, may be adopted by the City Council in whole or in part, by reference thereto, without further publication thereof, provided, however, that no less than three (3) copies of such code shall be filed, for use and examination by the public, in the office of the city clerk at least six days prior to the adoption thereof; provided, further, that an ordinance or any amendment of an ordinance for the issue of revenue bonds pursuant to Art. IIIA of this charter need not be passed to print or published if three copies of said ordinance of issue or amendment are filed for use and examination by the public in the office of the city clerk at least six days prior to the adoption thereof and provided further that notice of said filing is published in the official newspaper of the city at least once prior to final adoption of said ordinance of issue or amendment."

(B) By repealing Section 23 of Article IV.

(D) By amending Section 12 of Article XI to read as follows:

"SECTION 12. The city council shall authorize the appointment and provide for the compensation of such extra policemen as may, from time to time, become necessary for temporary duty. The city manager may authorize the appointment of special policemen to be paid by the persons, firms, or corporations petitioning for the same. All extra and special policemen shall possess all the powers and discharge all of the duties of regular policemen, and shall be under the direction and control of the city manager, and be subject to and obey all rules and regulations of the police department." Extra policemen

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Stockton with the original proposals submitting the same to the electors of said city and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Stockton are hereby submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to each of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Stockton to be affixed hereto this 14th day of January, 1959.

DEAN DECARLI
(SEAL) Mayor of the City of Stockton
B. L. TRAHERN
City Clerk of the City of Stockton

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Stockton, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the charter of said City of Stockton. Approval

CHAPTER 82

Assembly Concurrent Resolution No. 81—Approving certain amendments to the charter of the City of Hayward, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the eighth day of April, 1958.

[Filed with Secretary of State, March 2, 1959.]

City of Hayward: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the charter of the City of Hayward, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF HAYWARD IN THE ADOPTION OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF HAYWARD.

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } SS
CITY OF HAYWARD.

Certificate

We, the undersigned, Frank R. Biggs, Mayor of the City of Hayward, and Edward K. Stanton, City Clerk of said City, do hereby certify and declare as follows:

That the City of Hayward, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned during the year 1958 was a city containing a population of more than fifty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and is now organized, existing, and acting under a Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the 10th day of January, 1956, and duly approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 7th day of March, 1956.

That the City Council of the City of Hayward, being the legislative body of said City, on its own motion by its Resolution No. 1234 C.S., adopted February 25, 1958, duly and regularly proposed and submitted to the qualified electors of said City two certain proposals, designated as Propositions 1 and 2, for amending the Charter of said City, to be voted upon by said qualified electors at the General Municipal Election held in said City on the 8th day of April, 1958. That said General Municipal Election was duly and regularly held on the 8th

day of April, 1958, in said City after due notice given and published.

That pursuant to the aforesaid resolution of the City Council of the City of Hayward, the proposed charter amendments were published and advertised.

That the City Council of the City of Hayward, on the 15th day of April, 1958, at a meeting duly and regularly called and held at its usual place of meeting, duly received the votes cast at said election and canvassed the returns, as certified by the election boards, and duly ascertained, determined, and declared that each of the said proposed amendments to the Charter of the City of Hayward, designated as Propositions 1 and 2, was ratified by a majority of the qualified electors of said City voting separately thereon.

That as to the proceedings taken relating to the amendments to the Charter of the City of Hayward hereinafter set forth, the provisions of Section 8, Article XI, of the Constitution of the State of California and the laws of the State of California applicable thereto have been substantially complied with.

That said amendments so ratified replaced present Section 900 and Section 1207 of the Charter of the City of Hayward with a new Section 900 and a new Section 1207, being in the words and figures following, to-wit:

Boards and commissions Powers and duties

SECTION 900. IN GENERAL. There shall be the boards and commissions enumerated in this Article which shall have the powers and duties stated herein. The number of members to comprise any board or commission shall be determined by ordinance or resolution of the Council. No member of any board or commission shall be a member of any other board or commission or hold any paid office or employment, in the City government. In order to be eligible for any appointment to any board or commission, a person shall be a qualified elector of the City.

In addition, the Council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Cash basis fund

SECTION 1207. CASH BASIS FUND. There shall be a Cash Basis Fund which balance each fiscal year shall be equal to not less than fifteen (15) percent of the current year's proposed expenditures for General Fund current expenses. Each fiscal year, the City Council shall appropriate to the Cash Basis Fund such amounts as are required to comply with this section.

Expenditures shall not be made from the Cash Basis Fund. Available money in the Cash Basis Fund may be loaned by transfer, to other funds of the City, in anticipation of receipts for such borrowing fund. Such loans shall be repaid to the Cash Basis Fund during the same fiscal year that the loan was made.

The sole purposes of the Cash Basis Fund are to avoid the necessity of revenue anticipation borrowing and to insure a good credit standing for the City.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Hayward with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Hayward to be affixed hereto this 3rd day of February, 1959.

FRANK R. BIGGS
(SEAL) Mayor of the City of Hayward
EDWARD K. STANTON
City Clerk of the City of Hayward.

WHEREAS, The said proposed amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Hayward as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Hayward.

CHAPTER 83

Senate Concurrent Resolution No. 31—Relative to the commendation of the City of Torrance, California, and the City of Konya, Turkey, for participating as sister cities in President Eisenhower's "People-to-People" Program.

[Filed with Secretary of State, March 2, 1959]

WHEREAS, President Eisenhower in 1956 inaugurated the "People-to-People" Program to establish greater friendship and understanding between the peoples of the United States and other nations through the medium of direct personal contact; and

WHEREAS, To implement this program the City of Torrance, California, and other cities in the United States were requested by the American Municipal Association to affiliate with a foreign city of similar characteristics and mutual interests; and

WHEREAS, The Torrance City-to-City Committee selected the City of Konya, Turkey, as Torrance's sister city for participa-

tion in said program, and the city council of said city endorsed said selection and, on behalf of the people of Torrance, invited the people and the government of the City of Konya, to participate with Torrance as its sister city in the President's program; and

WHEREAS, The mayor and the municipal council of the City of Konya have accepted the invitation of Torrance to become its sister city; and

WHEREAS, The City of Torrance has declared February 28th as "Konya Day" and will on that day host Madam Ismet Sandli, Turkish Delegate to the United Nations; and

WHEREAS, The action of the Cities of Konya and Torrance is representative of the mutual trust and understanding that exist between the peoples of our two great nations; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California herewith commends the action of the Cities of Konya and Torrance for affiliating as sister cities in President Eisenhower's "People-to-People" Program and congratulates the governments and peoples of both cities on their inspiring example of the fight that individual municipalities can wage against the expansion of international communism, and the furtherance of the brotherhood of man among free peoples everywhere; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Torrance, California, and Konya, Turkey.

CHAPTER 84

Assembly Joint Resolution No. 3—Relative to imported tuna.

[Filed with Secretary of State, March 3, 1959.]

WHEREAS, As expressed in Assembly Joint Resolution No. 2 of the 1958 Regular Session (Res. Ch. 59, Stats. 1958) ". . . The tuna fishing industry and the tuna canning industry are major industries of the State of California and are the chief contributing factor in maintaining California's position as the leading fishery state in the Nation; and . . . The tuna fishing industry has lost a large share of its market to the severe competition from imported tuna which is introduced into this State in many forms and which is produced under standards far lower than those rightfully employed by California fishermen . . ."; and

WHEREAS, The recent increased importation of preprocessed or selectively cut portions of tuna, such as merely the loin of the fish or a cut known as "rounds" which is already in the proper shape for canning, has greatly intensified this problem not only for the fishermen and cannery owners and employees

but also the citizens of this State generally through the possible loss of this important industry; and

WHEREAS, Many attempts to remedy this situation have been presented to the Congress of the United States without effect; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the House of Representatives Merchant Marine and Fisheries Committee, or other appropriate committee, is respectfully requested to investigate this problem in California and to hold such hearings in California as are necessary to allow this problem to be presented to the committee by the local citizens most directly affected, and permit the Assembly and Senate Interim Fish and Game Committees of the California Legislature to attend such hearings and aid in the investigation of all possible solutions; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Speaker of the House of Representatives and to each Representative from California in the Congress of the United States.

CHAPTER 85

Assembly Concurrent Resolution No. 57—Relative to adding Rule No. 34.2 to the Joint Rules of the Senate and Assembly, with respect to memorial resolutions.

[Filed with Secretary of State, March 3, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule No. 34.2 be added to the Joint Rules of the Senate and Assembly, to read:

Memorial Resolutions Regarding Members and Former Members of the Legislature

34.2. Whenever the death of a Member of the Legislature occurs during his term of office, or whenever the death of a former member who had served in both houses of the Legislature occurs, a concurrent resolution may be used as a memorial resolution in respect thereto. In all other instances a Senate resolution or a House resolution, or both, shall be used as memorial resolutions with respect to the deaths of former Members of the Legislature or other persons. In all cases a Senate resolution or a House resolution, or both, shall be used to congratulate any person or organization upon the occurrence of any significant event or achievement.

CHAPTER 86

Assembly Concurrent Resolution No. 82—Relative to the congratulation and commendation of Lt. Shepherd M. Jenks.

[Filed with Secretary of State, March 4, 1959.]

WHEREAS, It is with the deepest sense of pride and satisfaction that the Members of the Legislature of the State of California have learned of the selection of the intrepid Lt. Shepherd M. Jenks, U.S.N., as one of the Ten Outstanding Young Men in America for 1958 by the United States Junior Chamber of Commerce; and

WHEREAS, This distinguished and gallant officer, by his amazing and extraordinary feat of navigating a course for the U.S.S. Nautilus on its perilous and historic journey beneath the polar icecap and the North Pole, a task previously regarded as impossible by virtue of the proximity of the magnetic pole, is eminently qualified for this signal honor; and

WHEREAS, By this voyage a new route to rival the fabled and long-sought Northern Passage has been opened for world commerce between the Atlantic and Pacific Oceans; and

WHEREAS, Lt. Jenks, the son of Mr. and Mrs. Christopher M. Jenks of San Francisco, and a graduate, with honors, from the United States Naval Academy at Annapolis, Maryland, by his genius and skill has well earned the honor bestowed upon him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California do hereby extend to Lt. Shepherd M. Jenks, U.S.N., their most hearty congratulations upon his selection by the United States Junior Chamber of Commerce as one of the Ten Outstanding Young Men in America for 1958 and their highest commendation for the vital part he played in making the transpolar voyage of the U.S.S. Nautilus possible; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to prepare and transmit suitable prepared copies of this resolution to Lt. Jenks and to his proud parents, Mr. and Mrs. Christopher M. Jenks.

CHAPTER 87

Assembly Concurrent Resolution No. 83—Relative to the passing of Mrs. Mary Rapp.

[Filed with Secretary of State, March 4, 1959.]

WHEREAS, Mrs. Mary Rapp, the little lady who gave as her recipe for longevity, "Thank God for your blessings," has passed on to her greater reward; and

WHEREAS, Mrs. Mary Rapp lived upon this earth for 104 years, being the oldest resident in the history of San Mateo; and

WHEREAS, Mrs. Mary Rapp, born Mary Leavy in County Galway, Ireland, came to Waltham, Massachusetts, on March 27, 1868, and subsequently came to San Francisco with her father; and

WHEREAS, Mary Leavy married the late William Rapp and in 1887 came to the little country village, of 1,800 residents, that was then San Mateo; and

WHEREAS, Mrs. Rapp is survived by two of her five children, by six grandchildren, 19 great-grandchildren, and two great-great-grandchildren; and

WHEREAS, Her family records that Mrs. Rapp achieved longevity largely because she could rise above adversity, because she had above all things her love for her family, her devotion to God, and because she lived within life's limitations with contentment; and

WHEREAS, Mrs. Rapp's centennial birthday in 1954 made nationwide news and she received at that time and upon subsequent birthdays, numerous cards and telegrams, including messages from the President of the United States; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express their profound regret and deepest sorrow at the passing of so wonderful a person as Mrs. Mary Rapp, and extend their deepest sympathy to her entire family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare suitable copies of this resolution to be sent to her daughter, Mrs. Clement J. Nash of San Mateo and to her son, William A. Rapp of San Mateo, and to her grandchildren, Mrs. John Bacon of San Mateo, Mr. Thomas H. Rapp of Menlo Park, Mrs. Robert DeNike of Altadena, Mrs. Peter Van Kuran of Arcadia, Mr. Albert J. Rapp of Bridgeport, Connecticut, and Mrs. James Fleming of Honolulu, Territory of Hawaii, and to her nieces, Miss Winifred Burke of San Mateo, Miss Ella Leavy of San Mateo, and Mrs. Katherine Burke Field of San Mateo.

CHAPTER 88

Assembly Concurrent Resolution No. 85—Approving a charter amendment to the charter of the City of Whittier, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of said city at the general election held therein on the fourth day of November, 1958.

[Filed with Secretary of State, March 4, 1959.]

City of Whittier: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to

the charter of the City of Whittier, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF WHITTIER OF CERTAIN CHARTER AMENDMENTS.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF WHITTIER

Certificate

We, the undersigned, D. B. Vaupel, Mayor and presiding officer of the City Council of the City of Whittier, and Guy N. Dixon, City Clerk of the City of Whittier, do hereby ratify and declare as follows:

That the City of Whittier, a Municipal Corporation, in the County of Los Angeles, State of California, is now, and ever since the year 1954, has been organized, existing and acting under a freeholders' charter as contemplated under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a Municipal Election held for that purpose on April 13, 1954, and approved and ratified by the Legislature of the State of California by concurrent resolution No. 3 thereof, and approved by the Legislature of the State of California on January 7, 1955;

That the City Council, being the legislative body of said City on its own motion, pursuant to the provisions of the Constitution of the State of California, by its resolution No. 3052, adopted on August 19, 1958, duly proposed to the qualified electors of the City of Whittier that certain amendment to the Charter of said City, designated as proposed charter amendment No. FF, and ordered such charter amendment to be submitted to said qualified electors at the general municipal election to be held in the City of Whittier on November 4, 1958;

That said proposed amendment was published as required by law;

That said proposed amendment was duly and regularly printed in convenient pamphlet form and at and during the time and in the manner provided by law. That such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of the City of Whittier;

That the City Council did by resolution No. 3052, order the holding of a general election in said City of Whittier on November 4, 1958, for the purpose, among other things, of submitting to a vote the said proposed charter amendment, which date of election was not less than 40 days, nor more than 60 days, after the completion of the publication of such proposed charter amendment.

That pursuant to said charter and resolutions, the said proposed amendment was submitted to the qualified electors of said City for their ratification and adoption on November 4, 1958 and at said election of majority of the qualified electors voting thereon, voted for the ratification of and did ratify said proposed amendment to the Charter of the City of Whittier;

That the total vote on said question of the adoption of said amendment was as follows: "Yes, 10,623, No, 2287."

That the City Council of the City of Whittier in accordance with the law did meet on the 9th day of December, 1958, at a regular meeting of said Council and duly canvassed the returns of said election and thereupon duly found, determined and declared that the said proposed amendment No. FF to the Charter of the City of Whittier was ratified and adopted by a majority of the electors of the City of Whittier voting thereon;

That the said amendment to the Charter so ratified and adopted by the electors of the City of Whittier is in the following words and figures, to-wit:

PROPOSED CHARTER AMENDMENT NO. 1

Shall proposed Charter Amendment No. 3 amending Section 401 of the City Charter of the City of Whittier to read as follows: "Section 401. ELIGIBILITY. No person shall be eligible to hold an elective office unless he is, and shall have been for at least three years immediately preceding his election or appointment, a qualified elector of the City, or of territory annexed thereto," be ratified and adopted? (To be followed by the words "yes" and "no".)

Eligibility

That the undersigned have compared the foregoing amendment with the original proposal submitting the same to the electors of the City of Whittier, and found that the foregoing is a full, true and correct copy thereof;

That as to the said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Whittier to be fixed hereto this 10th day of December, 1958.

(SEAL)

D. B. VAUPEL
Mayor of the City of Whittier
GUY N. DIXON
City Clerk of the City of Whittier.

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of

the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Whittier, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Whittier. Approval

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CHAPTER 89

Assembly Concurrent Resolution No. 42—Relative to amending the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, March 5, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly are amended by adding thereto a new rule to read as follows:

Consideration of Bills

10.8. No bill shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced, except this provision and the limitation contained in Section 2(a) of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill's introduction.

(c) If the Rules Committee recommends that said waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

CHAPTER 90

Assembly Concurrent Resolution No. 86—Relative to memorial celebration of City of Lincoln.

[Filed with Secretary of State, March 5, 1959.]

WHEREAS, It has come to the attention of the Legislature that the City of Lincoln, Placer County, will commence a weeklong memorial celebration on the twenty-fourth of May, 1959, and which will end on Sunday, May 31, 1959; and

WHEREAS, This celebration will commemorate the founding of the City of Lincoln and will honor the memory of its forefather and namesake, Colonel Charles Lincoln Wilson; and

WHEREAS, Colonel Charles Lincoln Wilson was a man of great vision and foresight and was instrumental in bringing to California the great surveyor and engineer, Theodore Judah, who was responsible for the surveying and engineering of the railroad route across Donner Summit and who received the original patent to the land on which the City of Lincoln now stands; and

WHEREAS, In 1857 these two men incorporated the California Central Railroad with plans to build a railroad from Folsom to Marysville, and eventually as far north as Redding; but, due to insufficient funds, they were only able to build the railroad as far as Lincoln, which became the railroad's terminal point; and

WHEREAS, Theodore Judah transferred his original patent, signed by James Buchanan, President of the United States, to Colonel Wilson, who proceeded to build his home and to become the key figure in the establishment of the City of Lincoln; and

WHEREAS, Lincoln now has one of Northern California's largest clay industries and the city's history shows that it materially aided in the development of our great State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby commends the City of Lincoln for its outstanding contribution in the development of California and extends its heartiest good wishes to the people of the community for a riproaring memorial celebration in May, 1959; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Mayor of the City of Lincoln, to each member of the City Council of the City of Lincoln, and to Mr. Jarol Jansen, chairman of the centennial committee.

CHAPTER 91

Senate Concurrent Resolution No. 33—Relative to a program of basic research and field studies dealing with all phases of mining and the mineral industries.

[Filed with Secretary of State, March 6, 1959]

WHEREAS, Mining and the mineral industries are now an important source of wealth within this State and their future development will be economically beneficial to the State and is vitally necessary to the national welfare; and

WHEREAS, The University of California and the Division of Mines of the Department of Natural Resources have expressed interest in undertaking a research and development program in the fields of mining and the mineral industry; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Mines of the State Department of Natural Resources and the Regents of the University of California are requested to prepare detailed plans and budgets required to undertake and finance research and field studies dealing with the mineral industries of California in accordance with the joint interim report submitted to the Presiding Officer of the Senate and the Speaker of the Assembly by the President of the University of California and the Director of the Department of Natural Resources, in response to Senate Concurrent Resolution No. 84 of the 1957 Session of the Legislature; and be it further

Resolved, That the Division of Mines is requested to provide in its program and budget, for research and field studies on mineral utilization, beneficiation of ores, commodity research, petrographic and mineralogic research, mining methods, mines and mine problems and for the augmentation of its service as a co-ordinating agency for information relating to the mineral industry of California; and be it further

Resolved, That the University of California is requested to provide in its proposed program for the establishment of research directed toward the creation of devices and methods for locating new ore bodies, the devising of cheaper methods, the discovery of better ways to concentrate ores and to extract materials and the finding of new uses for presently unused minerals found in California, and to provide for the undertaking of basic and applied research in geology, geochemistry, geophysics, mining and mineral production, beneficiation, extraction, utilization and technical economic analyses of these processes as they apply to upland and offshore mineral resources; and be it further

Resolved, That the regents are requested to give consideration to the implementing of a proposed mines and mining program by establishing a statewide institute for mineral research and engineering within the College of Engineering,

similar in functions and organization to the existing Institute of Traffic and Transportation Engineering; and be it further

Resolved, That the Regents of the University of California and the Director of the Department of Natural Resources are requested to report to the Legislature on the proposed plans for implementing the program set forth in this resolution, no later than May 1, 1959; and be it further

Resolved, That the Secretary of the Senate shall submit copies of this resolution to the Regents of the University of California and the Director of the Department of Natural Resources.

CHAPTER 92

Assembly Concurrent Resolution No. 49—Relative to amending the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, March 6, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly are amended by adding thereto a new rule 8.3 to read as follows:

Introduction of Bills

8.3. No bill shall be introduced after the 120th calendar day of a general session except as follows:

(a) A written notice of intention to introduce a bill, a copy of the bill and a digest prepared pursuant to Rule 8.5 shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house. The notice and digest shall be printed in the Journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(c) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

CHAPTER 93

Assembly Concurrent Resolution No. 79—Relative to amending the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, March 6, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly for the 1959 Regular Session are amended as follows:

First, that Rule 22.1 is added thereto, to read:

Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

Second, that Rule 22.2 is added thereto, to read:

Consent Calendar

22.2. Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as "consent calendar bills." Any consent calendar bill which is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the second reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

Third, that Rule 22.3 is added thereto, to read:

Consideration of Bills on Consent Calendar

22.3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the

Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the daily file.

CHAPTER 94

Assembly Concurrent Resolution No. 90—Approving the charter of the City of Dairy Valley, County of Los Angeles, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of February, 1959.

[Filed with Secretary of State, March 10, 1959.]

City of Dairy Valley: Charter

WHEREAS, Proceedings having been had in, and taken by, the City of Dairy Valley for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Dairy Valley, all as set forth in the following certificate of the Mayor and City Clerk of said City of Dairy Valley, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF DAIRY VALLEY RE RATIFICATION OF CITY CHARTER

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF DAIRY VALLEY

Certificate

We, the undersigned Jack C. Bettencourt, Mayor of the City of Dairy Valley, State of California, and Agnes Hickey, City Clerk of said city and ex-officio clerk of the City Council of said city, do hereby certify and declare as follows:

That the undersigned said Agnes Hickey was at all times herein mentioned the clerk of the legislative body of the city and City Clerk of said City of Dairy Valley; that heretofore and prior to December 22, 1958, the said City Council of the City of Dairy Valley did cause to be framed a proposed charter for its own government, and on the 22nd day of December, 1958, at a special meeting of said City Council of said city, said City Council by Resolution No. 138 adopted by unanimous vote of said City Council, all members being present, ordered the proposition for the adoption of said proposed charter to be placed on the ballot at the special election ordered in the City of Dairy Valley for the 17th day of February, 1959, for the purpose of submitting said proposition to

the electors of said City of Dairy Valley; that said proposed charter of the City of Dairy Valley consisting of pages 1 through 33 was filed in the office of the City Clerk of Dairy Valley on the 22nd day of December, 1958, and said resolution further ordered and directed that said City Clerk publish said proposed charter in a newspaper of general circulation within the City of Dairy Valley;

That said proposed charter was published pursuant to said order in the Artesia News on the 2nd day of January, 1959, said newspaper being of general circulation in said City of Dairy Valley; that the date of such publication was within 15 days after the said charter was filed in the office of said Clerk of said City Council; that the date set for the submission to the electors of said proposed charter, to wit, February 17, 1959, was not less than 40 days nor more than 60 days after the completion of the advertising in said newspaper as aforesaid;

That the population of said City of Dairy Valley is more than three thousand, five hundred and less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Legislature of California;

That said election was duly and regularly held on the 17th day of February, 1959, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter and for the ratification and adoption thereof;

That the said City Council of the City of Dairy Valley at a meeting duly held on February 24, 1959, at the time and in the form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined, and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the adoption therof, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Dairy Valley voting thereon, as follows, to wit:

Votes in favor of the adoption and ratification of said proposed charter	155
Votes against the adoption and ratification of said proposed charter	36

That said election was held in accordance with the election laws of the State of California relating to, and governing, such special municipal elections within said state, so far as applicable, and in other respects in strict accordance with the general laws of the State of California;

That said charter so prepared, proposed, submitted, ratified, and adopted as herein set forth is in the words and figures following, to wit:

THE CHARTER OF THE CITY OF DAIRY VALLEY

We, the people of the City of Dairy Valley, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

Article I

Incorporation and Succession

Name and boundaries

Section 100. Name and Boundaries. The City of Dairy Valley, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Dairy Valley." The boundaries of the City shall be the boundaries as established at the time this Charter takes effect or as such boundaries may be changed thereafter in the manner authorized by law.

Succession Rights and liabilities

Section 101. Succession, Rights and Liabilities. The City of Dairy Valley shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Ordinances

Section 102. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Continuance of present officers and employees

Section 103. Continuance of Present Officers and Employees. The present officers and employees shall continue to perform the duties of their respective offices and employments without interruption for the same compensations and under the same conditions until the election or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided herein and subject to the other provisions hereof.

Effective date of charter

Section 104. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

Article II

Powers of City

Powers

Section 200. Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to any and all rights, powers, privileges, or procedures, heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by

other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The City shall also have the power to contract with any county, city or other governmental body for the performance of city functions or services by such county, city or other body and the city shall also have the power to transfer any of its functions and any of the functions of an officer, board or commission of the city to an officer, board or commission of the county in which the city is situated. The enumeration in this Charter of a particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Article III

Form of Government

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government. Form of government

Article IV

Elective Officers

Section 400. Elective Officers. The elective officers of the City shall consist of a City Council of five members elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years until their respective successors qualify. Elective officers

The members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms.

The term of each elective officer shall commence on the first Wednesday following his election. Ties among candidates for any office shall be settled by the casting of lots.

Section 401. Eligibility. No person shall be eligible to hold an elective office unless he is, and shall have been for at least two years immediately preceding his election or appointment, a qualified elector of the City. Eligibility

Section 402. Compensation. The members of the City Council shall receive reimbursement on order of the City Council for council authorized traveling and other expenses when on official duty. Compensation

The City Clerk and City Treasurer shall receive compensation for their services in such amount and at such stated times as shall be prescribed by resolution adopted by the City Council.

Section 403. Vacancies. A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Wednesday following the next general municipal election and Vacancies

until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

City Council: Presiding officer, Mayor

Section 404. City Council, Presiding Officer, Mayor.

(a) On the first Wednesday following any general or special municipal election at which any councilman or councilmen is or are elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. The Mayor shall also act in a liaison capacity between the City Council and the City Manager, and in such capacity shall advise the City Manager on matters of Council policy. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Powers vested in City Council

Section 405. Powers Vested in the City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Interference in administrative service

Section 206. Interference in Administrative Service. Neither the City Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or his removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

Regular meetings

Section 407. Regular Meetings. The City Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution and may adjourn or

re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

Special meetings

Section 408. Special Meetings. Special meetings may be called at any time by the Mayor, or by three members of the City Council, by written notice delivered personally or by mail to each member of the Council at least eight hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.

Place of meeting

Section 409. Place of Meeting. All meetings shall be held in such place as the City Council shall fix by ordinance or resolution, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings will be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by three members of the City Council.

Quorum Proceedings

Section 410. Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the clerk shall be given by the clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it Subpoenas shall be issued in the name of the City and attested by the City Clerk. Disobedi-

ence of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

At the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such question to be entered upon the minutes of the meeting.

Citizen participation

Section 411. Citizen Participation. No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Adoption of ordinances and resolutions

Section 412. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a different vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting.

Ordinances: Publication

Section 413. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper, if any, within fifteen days after its adoption.

Same: Codification

Section 414. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect

as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing, and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Section 415. Ordinance, When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption: Same When effective

(a) An ordinance calling or otherwise relating to an election.

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance.

(c) An ordinance relating to taxes, if any, for the usual and current expenses of the City.

(d) An emergency ordinance adopted in the manner provided for in this Article.

Section 416 Ordinances. Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of $500.00, or a term of imprisonment not exceeding six months, or both such fine and imprisonment. Same Penalty

Section 417. Publishing of Legal Notices. In the event that there is more than one newspaper in circulation published and circulated in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published and circulated in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract. Publishing of legal notices

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices and other matter may be published by posting copies thereof in at

least three public places in the City. No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Article V

City Manager

City Manager

Section 500. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. In the selection of a city manager the City Council shall screen all applicants and other qualified persons known by the council to be available. It shall appoint, by a majority vote, the person that it believes to be best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, or his knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after he has ceased to be a councilman.

Same Powers and duties

Section 501. City Manager. Powers and Duties The City Manager shall be the head of the administrative branch of the city government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint, suspend, or remove all department heads and officers of the City except officers and those department heads and officers the power of whose appointment is vested by the Charter in the City Council.

(b) Prepare the budget annually, submit such budget to the City Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(d) Keep the City Council advised of the financial condition and the future needs of the City and make such recommendations as may seem to him desirable.

(e) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials, and equipment required by any office, department, or agency of the City government and recommend them to the City Council for adoption by it by ordinance.

(f) Perform such other duties consistent with this Charter as may be required of him by the City Council by ordinance or otherwise.

Same: Meetings

Section 502. City Manager. Meetings. The City Manager shall be accorded a seat at the City Council table and at

all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Article VI

Officers and Employees

Section 600. Officers to be Appointed by the City Council. In addition to the City Manager, there shall be a City Clerk, City Treasurer, City Attorney, and, in the discretion of the City Council, an Assistant City Attorney, who shall be appointed by and serve at the pleasure of the City Council. The offices of City Clerk and City Treasurer may be held by the same person. Officers appointed by City Council

Section 601. Administrative Department. The City Council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct, and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices, and agencies and for their consolidation, alteration, or abolition Each new department created by the City Council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the City Manager. Administrative Department

The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments, or agencies not inconsistent with this Charter. The City Council shall provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

Section 602. City Clerk. Powers and Duties. The City Clerk shall have power and be required to: City Clerk Powers and duties

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with a certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books in which a record shall be made of all written contracts and fidelity and performance bonds.

(d) Be the custodian of the Seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.

(f) Be ex officio assessor, unless the City Council has availed itself or does in the future avail itself of the provisions of the

general laws of the State relative to any assessment of property and the collection of city taxes, if any, by county officers, or the City Council by ordinance provides otherwise.

(g) Be responsible for the conduct of all city elections.

(h) Deputize other persons to assist in carrying out the duties of the City Clerk.

Treasurer

Section 603. Treasurer. There shall be a treasurer who shall have power and shall be required to:

(a) Collect any license fees or other revenues of the City, or for whose collection the City is responsible and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court or from any office, department or agency or the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council or if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in the Charter.

(d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

City Attorney

Section 604. City Attorney. Powers and Duties. To become eligible for City Attorney or Assistant City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California and shall have engaged in the practice of law for at least two years prior to his appointment. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all city officers in matters of law pertaining to their office.

(b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, except the prosecution of criminal actions, and represent and appear for any city officer or employee, or former city officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party, for any act arising out of his employment or by reason of his official capacity.

(c) Attend all regular meetings of the City Council and give his advice and opinions in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by, and all bonds given to, the City, endorsing his approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Approve, as to legality, all investments of City funds.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of a litigation or matter or to assist the City Attorney therein.

Administrative oaths

Section 605. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Illegal contracts Financial interest

Section 606. Illegal Contracts, Financial Interest. No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the option of the City when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than three per cent of all the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Acceptance of other office

Section 607. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any other elective public office shall be deemed thereby to have vacated his office under the City government.

Official bonds

Section 608. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

Article VII

Appointive Boards and Commissions

Boards and commissions

Section 700. In General. The City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Appropriations

Section 701. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Appointments, terms

Section 702. Appointments. Terms. The number of members to comprise such boards and commissions shall be specified to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each of such boards or commissions shall be appointed and shall be subject to removal, by motion of the City Council adopted by at least three affirmative votes. The members thereof shall be appointed from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government and shall serve for a term of four years and until their respective successors are pointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Existing boards

Section 703. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms of such duration, not exceeding four years, as will carry into effect the plan for staggered terms prescribed in the preceding section,

Meeting Chairman

Section 704. Meeting. Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who

shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and subject to the approval of the City Council, and copies of which shall be kept in the office of the City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

Compensation, Vacancies

Section 705. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Article VIII

Elections

General municipal elections

Section 800. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each even numbered year commencing with the year 1960.

Special municipal elections

Section 801. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Procedure re elections

Section 802. Procedure for Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in general law cities so far as the same are not in conflict with this Charter.

Initiative, referendum and recall

Section 803 Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be

amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

Article IX

Fiscal Administration

Fiscal year

Section 900. Fiscal Year. The fiscal year of the City Government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Annual budget

Section 901. Annual Budget. Preparation by the City Manager. At such date as he shall determine, the City Manager shall obtain from each department head estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as he may deem advisable.

Budget· Submission to city council

Section 902. Budget, Submission to City Council. At least thirty five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. Copies of the preposed budget shall be available for inspection by the public in the office of the City Clerk. At a regular meeting, the City Council shall consider the proposed budget and make any revisions thereof that it may deem advisable and on or before August 31, it shall adopt the budget A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed and shall remain on file in the office of the City Clerk where it shall be available for inspection.

Tax limits

Section 903. Tax Limits.

(a) In the event the City Council shall ever determine that it is necessary to levy a property tax for municipal purposes, any such tax shall not be in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) The City Council shall be empowered to levy and collect at the time and in the same manner as other property taxes, if any, for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made.

(1) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City.

(c) The procedure for the assessment, levy and collection of taxes, if ever, upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

Bonded debt limit

Section 904. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City, exclusive of any indebtedness that may hereafter be incurred for the purpose of constructing sewers or drains in the City, for which purposes a further indebtedness may be incurred for the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Contracts on public works

Section 905. Contracts on Public Works. Every project involving an expenditure of more than Five Thousand Dollars for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the construction, resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph if such work is performed by a City or County of Los Angeles department.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, after rejecting bids, or if no bids are received, may declare and determine that in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least three affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by, the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least three affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Presentation of demands

Section 906. Presentation of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the City Clerk, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw a warrant on the City Treasurer therefor, payable out of the proper fund. Objections of the City Clerk may be overruled by the City Council and the warrant ordered drawn.

The City Clerk shall transmit such demand, with his approval or rejection thereof, endorsed thereon, and warrant, if any, to the City manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or disapprove the demand in whose or in part.

Registering warrants

Section 907. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Actions against city

Section 908 Actions Against City. No suit shall be brought on any claim for money or damages against the City or any board or officer thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be verified and presented to the City Clerk within ninety days after the occurrence, event or transaction from which the

damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim accurred.

In all cases such claims shall be approved or rejected in writing by order of the City Council and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from the day the same is filed with the City Clerk shall be deemed a rejection thereof.

Independent audit

Section 909. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the official books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. Within sixty days from the end of the fiscal year, unless such time shall be extended by the Council, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Treasurer and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

Article X

Franchises

Granting of franchises

Section 1000. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City, for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide by procedural ordinance the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or any department thereof, when furnishing any such utility or service.

Resolution of intention

Section 1001. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the City Council

shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish, at the expense of the proposed grantee, said resolution at least once within fifteen days of the passage thereof, in the official newspaper. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may grant or deny the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Term of franchise

Section 1002. Term of Franchise. Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California or some municipal or public corporation, thereunto duly authorized by law shall purchase or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Grant in lieu of all other franchises

Section 1003. Grant to Be in Lieu of All Other Franchises. Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such additional territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignee thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Eminent domain

Section 1004. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Duties of grantees

Section 1005. Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore adopted by the City Council in the exercise of its authority governing the construction, maintenance and operation of its plants, work or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience or safety so demands.

(e) Pay the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Exercising rights without franchise

Section 1006. Exercising Rights Without Franchise. The exercise by any person firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Article XI

Miscellaneous

Definitions

Section 1100. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Dairy Valley, and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Dairy Valley.

(c) "County" is the County of Los Angeles.

(d) "State" is the State of California.

Purpose of Charter

Section 1101. Purpose of Charter It shall be the purpose of this Charter to maintain a city government responsive to the citizens of the City of Dairy Valley, to provide adequate local government with a minimum of taxation and, in addition to other municipal purposes, to promote, foster and preserve agriculture within the City.

Violations

Section 1102. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Validity

Section 1103. Validity. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

We do further certify and declare that the foregoing constitutes a full, true, and correct statement of the actions and proceedings had by the City of Dairy Valley and the City Council of said city, in the matter of the framing, proposal, and submission of said proposed charter for the government of the City of Dairy Valley, and in calling, voting upon, and canvassing the returns and declaring the result of said election.

IN WITNESS WHEREOF we have hereunto set our hands and hereto affixed the seal of said City of Dairy Valley, this 4th day of March, 1959.

JACK R. BETTENCOURT
(SEAL) Mayor of the City of Dairy Valley
AGNES HICKEY
City Clerk of the City of Dairy Valley

and

WHEREAS, The said charter as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said charter of the City of Dairy Valley, as presented to, and adopted and ratified by, the electors of said city and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as and for the charter of the City of Dairy Valley. Approval

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CHAPTER 95

Assembly Concurrent Resolution No. 73—Relative to the commendation of Mr. Sydney Kossen.

[Filed with Secretary of State, March 10, 1959]

WHEREAS, After 13 years of inspired and dedicated service with the San Francisco News, three years as political editor of that paper, Sydney Kossen is leaving the News to join, on February 16, 1959, the staff of the San Francisco Examiner; and

WHEREAS, Mr. Kossen has had a brilliant career as a newspaperman for 22 years, beginning his professional work in Sacramento with the International News Service, and continuing his work in Seattle, his birthplace, with the Seattle Post-Intelligencer, subsequently serving with the San Francisco News; and

WHEREAS, Sid Kossen served as a Navy lieutenant during World War II participating honorably in the important amphibious campaign of the South Pacific; and

WHEREAS, Sid Kossen, during his association with the San Francisco News as a reporter, and as political editor, has served the people of California well by presenting to the public the important and significant issues before the Legislature; and

WHEREAS, Sydney Kossen is now leaving the field of legislative reporting and will be sorely missed by California legislators in that his fair and impartial reporting has earned him the respect and admiration of all the Members of the Legislature; and

WHEREAS, Sid Kossen, in addition to his outstanding career, is the husband and father of a charming family consisting of his lovely wife, Jeanette, his daughter, Barbara, and his son, Michael; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members of this body hereby extend to Sydney Kossen a most sincere commendation for his outstanding work in the field of journalism and legislative reporting and, further, join with his numerous friends in extending the wish that he shall have the greatest success in his new endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr. Sydney Kossen.

CHAPTER 96

Assembly Concurrent Resolution No. 75—Relative to Invest in America Week.

[Filed with Secretary of State, March 11, 1959.]

WHEREAS, The standard of living in this Country, which is higher than that of any other nation in the world, is the product of the American system of free enterprise; and

WHEREAS, More and finer products for consumers while assuring greater opportunities and higher wages for all have come about through the investment of the savings of the men and women of America; and

WHEREAS, The greater the understanding of the citizens respecting investments in the form of savings accounts, ownership of property, life insurance, local businesses and larger business organizations, the greater the amount of their investment; and

WHEREAS, Invest in America Week has been celebrated yearly as a means of focusing the attention of all citizens on the basic fact that it is through the combined efforts of the American people that free enterprise prospers; and

WHEREAS, The annual Invest in America observance is a seasonable time to reaffirm our beliefs in the power of work, the ability of our citizens to create through savings and investments new businesses and better job opportunities, and provides an excellent occasion to resell capitalism, a system under which we have established the highest standard of living in the world; and

WHEREAS, The Northern California Invest in America community program has received national recognition through its receipt of the George Washington Honor Medal of the Freedom Foundation for its work in interpreting the American way of life; and

WHEREAS, Invest in America Week is supported and encouraged by all segments of our society, including business, labor,

religious, educational, and governmental groups throughout the Nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 26th through May 2d be Invest in America Week throughout the State of California, and all citizens be encouraged to join in recognizing the outstanding merits of our American way of life.

CHAPTER 97

Assembly Concurrent Resolution No. 80—Relative to corrections in legislative digests.

[Filed with Secretary of State, March 11, 1959]

Be it resolved by the Assembly of the State of California, the Senate thereof concurring, That Joint Rule 8.5 of the Joint Rules of the Senate and the Assembly be amended to read:

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it.

The digest shall be printed on the bill as introduced in distinctive type upon the lower part of the first page thereof. If a material error in the printed digest is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided in Joint Rule 10 for amendments to bills. He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

CHAPTER 98

Assembly Concurrent Resolution No. 36—Relative to approving continuation of studies by the California Law Revision Commission.

[Filed with Secretary of State, March 12, 1959]

WHEREAS, Section 10335 of the Government Code provides that the commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics

selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission has submitted to the Governor and the Legislature its 1959 report, containing a list of studies in progress, all of which the Legislature has heretofore approved for study; and

WHEREAS, Section 10335 of the Government Code provides that after the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission the heretofore approved topics on which studies are in progress as listed in the commission's 1959 report.

CHAPTER 99

Senate Concurrent Resolution No. 24—Relative to a study of election laws and practices in this State.

[Filed with Secretary of State, March 12, 1959]

WHEREAS, It is a fundamental tenet of the democratic process of our republican form of government that citizens have the right, privilege and duty to express their choices on the composition and policies of that government by ballot; in order to translate properly the intention of each voter it follows that this voting process must be accurate, efficient, convenient, prompt, infallible and conclusive; and

WHEREAS, Election laws and procedures in California have not kept abreast of either the needs of the present day voting public or the demands of the State's expanding population, and the inadequacies of existing voting practices, precinct organization and counting methods were plainly manifested in the recent November general election; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby recognizes the need to make a thorough study of all existing election laws and practices, which study shall include a detailed examination into the adequacy of present precinct organization; standards for proper and convenient polling places; qualifications for selection of election board personnel; consideration of time and working conditions for election board personnel; voter residence requirements; absentee voting procedures; determination of the level for responsibility for vote counting; consideration of the utilization of mechanical voting process; and inclusion of school elections under general election standards; and be it further

Resolved, That the Legislature hereby directs the Committee on Rules of the Senate and the Committee on Rules of the Assembly to determine the most feasible method by which such a study may be made and to direct an appropriate joint committee or appropriate committees in each of the two houses to make such study.

CHAPTER 100

Assembly Concurrent Resolution No. 72—Relative to the construction of State Highway Route 23 between Soledad Junction and Palmdale as a four-lane freeway.

[Filed with Secretary of State, March 16, 1959.]

WHEREAS, State Highway Route 23, which extends from Los Angeles to U. S. Highway 50 near Lake Tahoe and which is included in the Federal Highway System as a portion of U. S. Highways 6 and 395, is an important link in both the State and Federal Highway Systems; and

WHEREAS, In addition to the extensive interstate traffic upon this highway, there is also, on the portion of this highway between Soledad Junction and Antelope Valley at Palmdale, a large amount of traffic thereon from State Highway Routes 23 and 59, plus local traffic and traffic for Edwards Air Force Base, the second largest air force base in the United States, testing aircraft, rockets and guided missiles, and traffic from Air Force Plant 42 at Palmdale where Lockheed, Convair, North American, Douglas, and Hughes assemble and test aircraft; and

WHEREAS, The Antelope Valley, in which Lancaster, Palmdale and Edwards are located, is a major United States aircraft, rocket and guided missile testing center and an aircraft assembly center, having an employment of 15,000 in these activities alone; and

WHEREAS, The Antelope Valley will experience an increasingly rapid growth in aircraft and related industries in the near future and will play an increasingly important part in national defense for aircraft, rocket and guided missile development; and

WHEREAS, In the event of an atomic attack, tremendous amounts of traffic will flow to this area using this highway since Antelope Valley, with 1,820 square miles of flat land, is the only great natural dispersal area north of metropolitan Los Angeles; and

WHEREAS, It is essential in order for this portion of State Highway Route 23 to be adequate to support the present traffic, the additional traffic which may be expected within the next few years, and the traffic which will necessarily be imposed upon this highway in the event of atomic attack, that the design for this highway be immediately formulated, the acquisition of the necessary rights-of-way be commenced and

that construction begin at the earliest possible date to provide a four-lane freeway on Highway Route 23 between Soledad Junction and Palmdale in Antelope Valley; and

WHEREAS, Assembly Concurrent Resolution No. 39, adopted unanimously by the Assembly on March 27, 1958, and by the Senate on March 30, 1958, requested that the Department of Public Works and the California Highway Commission include in the 1958-59 Highway Budget the necessary allocation of money for the design, acquisition, and construction of Highway Route 23 between Soledad Junction and Palmdale as a four-lane freeway; and

WHEREAS, The Department of Public Works and California Highway Commission failed to comply with said request of the Legislature, and include construction moneys in the 1958-59 Highway Budget, because rights-of-way had not been acquired, and sufficient planning and design of said freeway had not been accomplished; and

WHEREAS, Adequate moneys have been budgeted and allocated for the said acquisition of highways in the 1959-60 Budget, and design and plans now made, for the early construction of said freeway; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works and the California Highway Commission are requested to include in the 1960-61 State Highway Budget the necessary allocations of money for the construction and completion of said highway, Route 23, between Soledad Junction and Palmdale, as a four-lane freeway, and proceed without delay to the acquisition of all necessary rights-of-way and the processing of contracts between the Division of Highways and the County of Los Angeles and the construction of said freeway; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of the Department of Public Works and to the State Highway Engineer.

CHAPTER 101

Assembly Concurrent Resolution No. 74—Relative to the passing of Dr. Otto G. Freyermuth.

[Filed with Secretary of State, March 16, 1959.]

WHEREAS, It is most fitting that this Legislature take occasion to express the deep regret of its members at the death on January 19, 1959, at the age of 82, of Dr. Otto G. Freyermuth; and

WHEREAS, Dr. Freyermuth, who was a native of Indiana, was graduated from the University of California in 1900, from Hahnemann Medical College in Chicago in 1903, and did postgraduate work in New York, London, Berlin and Vienna; and

WHEREAS, Dr. Freyermuth distinguished himself as a pioneer of western psychiatry and a spotlight figure in great criminal trials for decades; and

WHEREAS, A man of immense energy and panoramic interests, including private practice, local and national politics, top-echelon Masonry and development of the city and State that he loved and served so faithfully; and

WHEREAS, With prophetic insight, he battled for treatment of the insane by sheriffs' officers as sick persons instead of as convicted criminals; and

WHEREAS, He was equally farsighted when, during World War II, he called for plans for the postwar California boom he knew would come; and

WHEREAS, Dr. Freyermuth had many friends throughout the width and length of the State from his associations as past president of the Civic League of Improvement Clubs, a thirty-third-degree Mason, an Elk, an Odd Fellow, a Kiwanis and a member of the Commonwealth Club; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature hereby wish to express their grief on the passing of Dr. Otto G. Freyermuth and to extend their sincere condolences to the surviving members of his family and the many personal friends who survive him; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. Freda Freyermuth, his widow, and to his children, Mrs. Carolyn Riedeman, Dr. Otto N. Freyermuth of Pacific Palisades, and George H. Freyermuth of New York.

CHAPTER 102

Senate Concurrent Resolution No. 15—Relative to the erection of signs along routes to state parks and monuments.

[Filed with Secretary of State, March 16, 1959.]

WHEREAS, The Hearst Memorial State Park is the center of widespread curiosity, drawing motorists from throughout the Country; and

WHEREAS, The Benicia State Capitol State Historical Monument, because of its historical significance, has become an outstanding educational and tourist attraction worthy of the attention of all the citizens of this State; and

WHEREAS, The motoring public has become confused and traffic conditions have become congested as a result of a lack of signs designating the best routes to the park and monument, some of which lie over secondary routes; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works

is requested to erect signs at convenient and proper locations on state highways at intersections with state highways and with local highways directing traffic to and from the Hearst Memorial State Park and the Benicia State Capitol State Historical Monument; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Department of Public Works.

CHAPTER 103

Assembly Concurrent Resolution No. 94—Relating to St. Patrick's Day.

[Filed with Secretary of State, March 18, 1959.]

WHEREAS, On this seventeenth day of March, 1959, throughout the entire world, those of Irish birth and those of Irish heritage, and, yes, even those of other races, celebrate St. Patrick's Day in honor of a scholar, a servant of God, and a man whose memory survives in American minds as a gracious symbol of understanding; and

WHEREAS, Everywhere beneath the sun—under blue vault of heaven—whether under the humble and contented roof of the home of the weary exile, or on the sea, or in the marts of trade and industry, or in any other place where Irish blood pulses in the veins of a generous Celt, the memory of this great saint gives rise to thoughts of a far-off yesterday; and

WHEREAS, On this St. Patrick's Day, 1959, we again commemorate the life of an ancient race and an illustrious saint who dedicated himself to tolerance, faith in God, and preaching of Christianity to the peoples of Ireland in the early days of paganism; and

WHEREAS, While we honor the patron saint of Ireland, it is the hope of all who hold St. Patrick as a happy symbol of American tolerance that the men and women of this Nation and those of Irish heritage, whatever their creed or race or color, shall remain before the world as sons and daughters of one national family; and

WHEREAS, The Legislature of the State of California thus deems it fitting and proper that the patron saint of Ireland be so honored and revered; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this body, along with the citizens of the State of California, of America, and of the world, pay homage during its daily deliberation to that great scholar and man of God, St. Patrick, the patron saint of Ireland.

CHAPTER 104

Assembly Joint Resolution No. 12—Relative to enactment of a National Food Allotment Stamp Plan.

[Filed with Secretary of State, March 19, 1959.]

WHEREAS, Reports from County Welfare Departments in California show an increasing number of low income families, especially those engaged in agricultural occupations at both the farm and processing level, forced to resort to appeals to public assistance agencies to provide food as well as other necessities during the winter and spring; and

WHEREAS, Surplus foods furnished by the United States Department of Agriculture are available to public assistance recipients in only a limited number of counties and even where available do not provide a balanced diet, merely furnishing flour, cornmeal, dry skim milk powder, rice and sometimes butter; and

WHEREAS, Retail prices for food continue to rise along with the cost of all other living items; unemployment reached 317,000 in December representing 5.3 percent of the California labor force; many counties, faced with welfare department deficits, are refusing supplementary food allotments to employables or those drawing unemployment compensation benefits which are totally inadequate for large families and for which thousands of other families are ineligible, to say nothing of the growing thousands who have exhausted their benefits yet cannot find jobs; and

WHEREAS, There is a constant surplus of farm commodities forcing down the price paid to California farmers which commodities are bitterly needed by the unemployed here and nationally, now numbering more than four million; and

WHEREAS, A National Food Allotment Stamp Plan would distribute these surpluses, as they arise, through retail channels, upgrading the diets of those most in need, increasing prices to farmers and stimulating retail sales; and

WHEREAS, The State Department of Social Welfare, the California Association for Health and Welfare, the California Institute of Social Welfare, the organized labor movement, county welfare directors, farmers and city people through community and civic organizations favor re-establishment of this means for getting surplus foods to hungry people; and

WHEREAS, A number of measures to establish a National Food Stamp Program have been introduced in the Eighty-sixth Congress; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact a National Food Allotment Stamp Plan as a means toward strengthening our national health and developing a more equitable distribution of the abundance which California and the Nation's farmers are in a position to provide and to

make such food available in addition to, and not in place of, any welfare assistance (financial or otherwise) granted needy persons; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 105

Senate Concurrent Resolution No. 11—Relative to highway improvements by the Department of Public Works.

[Filed with Secretary of State, March 20, 1959]

WHEREAS, The white lines employed on our state highways as lane dividers are virtually impossible to see in times of bad weather, and particularly in the reflection of headlamps upon the wet pavement; and

WHEREAS, The lack of visibility of these lines has resulted directly in the loss of lives and injury to persons and property, and has indirectly resulted in a far greater number of accidents and injuries by slowing down traffic and creating traffic jams; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works, and the Division of Highways in particular, is requested to study the effectiveness of highway white lines and seek to improve their bad weather visibility. It is requested that the study include comparison of the different types of paint, including reflectorizing paint, reflectorizing material, or mechanical substitutes for the white lines. It is further requested that the study include a consideration of recessed illuminated highway dividing strips; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Department of Public Works and its Division of Highways.

CHAPTER 106

Assembly Concurrent Resolution No. 41—Relative to public lands in South Humboldt Bay.

[Filed with Secretary of State, March 24, 1959]

WHEREAS, Section 25 of Article I of the California Constitution declared the right of the people of this State to fish upon and from the public lands of the State and in the waters thereof; and

WHEREAS, Section 2 of Article XV of the California Constitution declares the principle of public access to navigable waters of the State for a public purpose; and

WHEREAS, The ever-increasing population of this State is in need of proper areas for fishing and clam digging, and available public lands should be so designated in order to meet this need; and

WHEREAS, South Humboldt Bay is an excellent area for fishing and clam digging, but due to the extremely confused state of claims of land ownerships in this area the public is not certain which areas are open to them as public lands and which areas are in private ownership; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Lands Commission is requested to determine the ownership and extent of the state-owned tide and submerged lands in South Humboldt Bay, and report such ownership to the Legislature not later than the fifth day of the 1960 Budget Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Lands Commission.

CHAPTER 107

Senate Joint Resolution No. 11—Relative to federal highway legislation.

[Filed with Secretary of State, March 24, 1959.]

WHEREAS, The California Legislature, by the adoption of Senate Joint Resolution No. 28 (Chapter 126 of Resolutions, Statutes of 1955), and Senate Joint Resolution No. 4 (Chapter 24 of Resolutions, Statutes of 1956 Regular Session), and Assembly Joint Resolution No. 4 (Chapter 11 of Resolutions, Statutes of 1956 First Extraordinary Session), urged the enactment of federal highway legislation substantially as set forth in the Federal-Aid Highway Act of 1956 except for the provision limiting the apportionments for each fiscal year for the National System of Interstate and Defense Highways to the amounts available in the Highway Trust Fund as provided in Section 209(g) of the act approved June 29, 1956; and

WHEREAS, It now appears that in the absence of federal legislation during the current session, due to said provision, there will be no funds available for apportionment for expenditure upon the National System of Interstate and Defense Highways during the fiscal year commencing July 1, 1960, and ending June 30, 1961, and only a very small amount would be available for the National System of Interstate and Defense Highways during the succeeding fiscal year; and

WHEREAS, As pointed out in the resolutions adopted by the California Legislature above referred to, one of the essentials of a successful program is a system of financing which permits

long-range planning, with a definite and certain apportionment formula to permit construction in an orderly manner; and

WHEREAS, The failure to provide for the continuance of progress on the National System of Interstate and Defense Highways for a period of two fiscal years would not only prevent the orderly prosecution of work already planned but would seriously disrupt the organization of the California Division of Highways and in all probability would have the same results in many other states so that the completion of said National System of Interstate and Defense Highways would be delayed much longer than two years; and

WHEREAS, The economy of California depends upon the completion of an adequate highway system therein, including as an integral part the National System of Interstate and Defense Highways, and it was for the reason that the federal-aid highway program was so written as to assure the completion of the interstate system that the Legislature of California indicated its support therefor; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress is urged to provide for the continuance of the federal-aid highway program as set forth in the Federal-Aid Highway Act of 1956 with the exception of the provision contained in Section 209(g) thereof, including the approval of the cost estimates submitted to the Congress by the Bureau of Public Roads of the Department of Commerce as a basis for apportionment for the fiscal year ending June 30, 1962; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the chairmen of the appropriate committees of the Congress, and to each Senator and Representative from the State of California in the Congress of the United States.

CHAPTER 108

Senate Concurrent Resolution No. 26—Relative to extending the time for the filing of a report by the Joint Legislative Tax Committee.

[Filed with Secretary of State, March 24, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Tax Committee created by Assembly Concurrent Resolution No. 206 of the 1957 Regular Session shall report its recommendations to the Governor and the Legislature relative to estimates of necessary expenditures of the State for the years through 1965-1966 and tax proposals in connection therewith as required by the paragraphs numbered 6 and 7 of such resolution not later than the ninetieth legislative day of this session.

CHAPTER 109

Senate Concurrent Resolution No. 25—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

[Filed with Secretary of State, March 25, 1959.]

WHEREAS, Each department of the government of this State is accountable to the Federal Government for the payment of the withheld tax which is deducted from the salaries of the officers and employees of such departments, and discharges its responsibility in this respect through its own fiscal officer; and

WHEREAS, The State Controller has customarily been designated by concurrent resolution as accounting officer of the Legislature for such purposes, and has been designated by statute to make deductions under the Legislators' Retirement Law; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Controller be and he is hereby designated as the accounting officer for the Legislature and each house thereof, and authorized to maintain accounts of amounts paid to the Members of the Legislature, attaches thereof, and attaches and employees of such committees of the Legislature as may from time to time exist for purposes of making deductions and filing returns with the Federal Government in connection with the withheld tax or any other tax that may provide for salary deductions, and for purposes of making deductions and filing returns of retirement and other deductions provided by law, and other purposes; and be it further

Resolved, That there is hereby made available from the Contingent Funds of the Senate and Assembly, equally, amounts for the purpose of defraying expenses of the Controller in carrying out the duties imposed upon him by this resolution, as determined by the Rules Committees of the Senate and Assembly; to be disbursed, after approval by the chairman of the Rules Committee of the Senate and the Chairman of the Rules Committee of the Assembly, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall become effective February 1, 1959, and shall be of no further force or effect after January 31, 1961.

CHAPTER 110

Assembly Concurrent Resolution No. 91—Relative to augmenting the funds of the Joint Interim Committee on the Special Education and Rehabilitation of Handicapped Children and Adults.

[Filed with Secretary of State, March 26, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money here-

tofore made available, the sum of one thousand eight hundred dollars ($1,800), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Committee on the Special Education and Rehabilitation of Handicapped Children and Adults (created by Assembly Concurrent Resolution No. 209, 1957 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution for the printing, publication, and filing of its report to the Legislature under said resolution, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 111

Assembly Joint Resolution No. 9—Relative to public inspection of crop allotment records in the State of California.

[Filed with Secretary of State March 31, 1959.]

WHEREAS, It is the policy of the State of California that public records and documents be open for public inspection in order to prevent secrecy in governmental affairs; and

WHEREAS, The State of California has a vital interest in its agricultural industry, including the crop allotment program of the United States; and

WHEREAS, The records and documents of the crop allotment program of the United States which are maintained in this State could be of vast assistance to the officials of this State in the assessment of taxes and tax equalization; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Secretary of Agriculture of the United States permit the public and newspaper representatives to inspect all crop allotment records and documents maintained in this State; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Secretary of Agriculture and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 112

Senate Joint Resolution No. 4—Relative to the conversion of sea water.

[Filed with Secretary of State March 31, 1959.]

WHEREAS, The critical deficiency in the water supply of the State of California necessary to meet the needs of the ever-

growing population of this State demands that every potential source of water be utilized to the fullest extent; and

WHEREAS, With the continual influx of population from other parts of the Nation, this State is encountering great difficulties in developing water supplies sufficient to meet the growing demands; and

WHEREAS, The study of means of economically converting sea water to fresh water to meet these demands and to supplement natural supplies of water would be of immeasurable assistance not only to this State but to other states encountering the similar problem of diminishing supplies and increasing population; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to expedite without delay, current studies of means of economically converting sea water to fresh water; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 113

Senate Concurrent Resolution No. 28—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and the Members of the Senate and Assembly.

[Filed with Secretary of State, April 1, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the State for a longer period than 60 days during their terms of office are hereby granted to His Excellency Edmund G. Brown, Governor of the State of California; the Honorable Glenn M. Anderson, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Stanley Mosk, Attorney General; to Alan Cranston, Controller; to Bert A. Betts, Treasurer; to Roy E. Simpson, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, Paul Leake, and Richard Nevins, members of the Board of Equalization; to Glenn R. Baker, Ford A. Chatters, Robert S. Ash, Robert D. Gray, and Emery E. Olson, members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Stanley Arnold, John William Beard, Swift Berry, Charles Brown, Hugh M. Burns, Paul L. Byrne, Carl L. Chris-

tensen, Jr., James A. Cobey, Randolph Collier, Nathan F. Coombs, Nelson S. Dilworth, Richard J. Dolwig, Hugh P. Donnelly, A. A. Erhart, Fred S. Farr, Hugo Fisher, Luther E. Gibson, Donald L. Grunsky, John J. Hollister, Jr., John W. Holmdahl, Ed. C. Johnson, J. Eugene McAteer, James J. McBride, John F. McCarthy, George Miller, Jr., Robert I. Montgomery, John A. Murdy, Jr., Virgil O. O'Sullivan, Joseph A. Rattigan, Edwin J. Regan, Richard Richards, Albert S. Rodda, Stanford C. Shaw, Alan Short, Waverly Jack Slattery, Walter W. Stiern, Stephen P. Teale, John F. Thompson, J. Howard Williams; Assemblymen Bruce F. Allen, Don A. Allen, Sr., L. M. Backstrand, Tom Bane, Jack A. Beaver, Carlos Bee, Frank P. Belotti, William Biddick, Jr., Clark Bradley, Carl A. Britschgi, George E. Brown, Jr., Ralph M. Brown, Montivel A. Burke, Phillip Burton, John A. Busterud, Ronald Brooks Cameron, Charles Edward Chapel, John L. E. Collier, Charles J. Conrad, Glenn E. Coolidge, George G. Crawford, Robert W. Crown, Rex M. Cunningham, Lou Cusanovich, Walter I. Dahl, Pauline L. Davis, Bert DeLotto, Clayton A. Dills, Dorothy M. Donahoe, Edward E. Elliott, Louis Francis, Myron H. Frew, Edward M. Gaffney, Charles B. Garrigus, Ernest R. Geddes, Samuel R. Geddes, W. S. Grant, Richard T. Hanna, Augustus F. Hawkins, Sheridan N. Hegland, James L. Holmes, Leverette D. House, Seth J. Johnson, Joseph M. Kennick, Vernon Kilpatrick, Frank Lanterman, Harold K. Levering, Lloyd W. Lowrey, Frank Luckel, Paul J. Lunardi, Thomas J. MacBride, Milton Marks, S. C. Masterson, Richard H. McCollister, Lester A. McMillan, Charles W. Meyers, Allen Miller, Don Mulford, William A. Munnell, Eugene G. Nisbet, John A. O'Connell, Alan G. Pattee, Nicholas Petris, Carley V. Porter, Bruce V. Reagan, Thomas M. Rees, William B. Rumford, Jack Schrade, Harold T. Sedgwick, Joseph C. Shell, Bruce Sumner, Howard J. Thelin, Vincent Thomas, Jesse M. Unruh, Jerome R. Waldie, John C. Williamson, George A. Willson, Charles H. Wilson, Gordon H. Winton, Jr., Edwin L. Z'berg.

The leaves of absence granted by this resolution are also granted to the successors of any of the above named officers during their terms of office as such successors.

CHAPTER 114

Assembly Concurrent Resolution No. 99—Relative to the appearance of the Legislative Counsel as a friend of the Supreme Court of California in State Board of Education v. Levit, Sac. No. 7057.

[Filed with Secretary of State, April 1, 1959]

WHEREAS, The Budget Act of 1958 contains, in Item 435 thereof, a nonappropriation clause of the type which has traditionally been used to designate purposes for which the Legislature intends that no money shall be available; and

WHEREAS, Pursuant to the advice of its counsel, the State Board of Education has purported to enter into a contract for supplementary science textbooks at the first and second grade levels contrary to the express language contained in said Item 435, and has commenced an original proceeding in the Supreme Court of California to compel the Director of Finance to publish such textbooks; and

WHEREAS, The petition now on file in the Supreme Court raises substantial questions of law concerning the power of the Legislature concerning appropriations and the purchase and distribution of school textbooks; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Counsel is authorized, pursuant to Section 10246 of the Government Code, to appear as amicus curiae in the pending proceeding in the Supreme Court of California entitled State Board of Education v. Levit, Sac. No 7057, and to represent in that action the Joint Legislative Budget Committee of the Legislature, as the legislative agency most appropriately concerned with the fiscal powers of the legislative branch of State Government.

CHAPTER 115

Assembly Concurrent Resolution No. 77—Relative to a legislative investigation of the problems in the building alteration, repair and remodeling industry.

[Filed with Secretary of State, April 2, 1959]

WHEREAS, Certain illegal and harmful practices are prevalent in the building alteration, repair and remodeling industry; and

WHEREAS, These practices are the result of the operation of so-called "suede shoe boys" in this industry; and

WHEREAS, Despite certain prosecutions and convictions of persons engaging in such illegal and harmful practices, many innocent homeowners and other persons are and continue to be victims of such practices; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the appropriate joint interim committee be requested to study and investigate the subject matter of the recitals of this resolution and particularly the continued operation of persons engaged in such activities throughout the State, and to report thereon to the Legislature, including its recommendations as to needed legislation; and be it further

Resolved, That the Senate and Assembly Committees on Rules shall select the proper interim committee for such a study and investigation and request it to act upon this resolution.

CHAPTER 116

Assembly Concurrent Resolution No. 87—Relative to tolls on the Carquinez Strait Bridge.

[Filed with Secretary of State, April 3, 1959]

WHEREAS, There is currently in effect a commuter's toll rate for the benefit of persons regularly crossing the Carquinez Bridge by passenger automobile; and

WHEREAS, The same reduced rate is not available to persons regularly crossing that bridge by pickup truck, though such vehicle is used only as a passenger vehicle; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Toll Bridge Authority is requested to make applicable to pickup trucks the commuter toll rates in effect for passenger automobiles, subject to the following conditions:

1. The commuter toll rate shall be restricted to light and medium weight vehicles of the type commonly referred to as half-ton and three-quarter-ton pickup trucks.

2. The commuter toll rate shall be restricted to those pickup trucks performing the same function as passenger automobiles and shall not be applicable to those which are engaged in transporting property.

3. The commuter toll rate shall be established in conformance with Article V of the California Toll Bridge Authority Resolution Authorizing the Creation of an Issue of Not Exceeding $80,000,000 Carquinez Strait Bridges Toll Bridge Revenue Bonds; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Toll Bridge Authority.

CHAPTER 117

Assembly Concurrent Resolution No. 100—Relative to commending the American Legion on its fortieth anniversary.

[Filed with Secretary of State, April 3, 1959]

WHEREAS, March 15, 1959 marked the fortieth anniversary of the inception of the American Legion; and

WHEREAS, This great organization of American veterans began in Paris, France, at a meeting attended by some 1,500 servicemen on March 15, 1919; and

WHEREAS, Chartered by the Sixty-sixth Congress of the United States on September 16, 1919, the American Legion held its first national convention in Minneapolis in November, 1919; and

WHEREAS, The avowed purposes of the organization are: to uphold and defend the Constitution of the United States of America; to promote peace and good will among the peoples

of the United States and all the nations of the earth; to preserve the memories and incidents of the two World Wars and the Korean hostilities fought to uphold Democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their Country; and

WHEREAS, The principles and purposes of the American Legion have been spread to all points of the civilized world as a result of the efforts of the more than 2,700,000 members; and

WHEREAS, Americans everywhere may take great pride in the accomplishments of the American Legion and each of its members; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature take great pleasure in commending the American Legion on the occasion of its fortieth anniversary of service to the people of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mr. Preston J. Moore, National Commander of the American Legion, Indianapolis, Indiana, and Mr. John J. Flynn, Departmental Commander, Department of California, American Legion, San Francisco, California.

CHAPTER 118

Senate Joint Resolution No. 9—Relating to scrapie disease of sheep.

[Filed with Secretary of State, April 7, 1959.]

WHEREAS, Scrapie disease of sheep has been found and eradicated on six occasions in California since 1952, and now again has been diagnosed as present in a flock of purebred sheep in this State, and

WHEREAS, This serious transmissible sheep disease has, since 1947, been diagnosed and eradicated from some 70 flocks located in 20 states, but continues to be a threat to the sheep industry of our State and the Nation through foreign imports, and

WHEREAS, In the United States the federal-state co-operative eradication program involves the slaughter of infected flocks and their progeny, and includes flocks known as source flocks; however, a comparable program is not being followed in Canada, and

WHEREAS, Most of the scrapie in the United States, including the current case in California, has been traceable to importations from Canada, and

WHEREAS, A scrapie study group selected by the United States Department of Agriculture recently recommended, after

study, that regulations relating to the importations of sheep and goats be amended to foreclose such entry, and

WHEREAS, The eradication of previous outbreaks of this disease in California alone has cost the State and Federal Governments $500,000 in indemnity payments, and estimates are that the present outbreak will cost an additional $162,000; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Agriculture of the United States to take prompt action to prevent the further introduction of scrapie into the United States from Canada; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Secretary of Agriculture of the United States.

CHAPTER 119

Senate Concurrent Resolution No. 29—Relative to an alternate truck route through the City of Eureka.

[Filed with Secretary of State, April 7, 1959.]

WHEREAS, State Highway Route 1 (U. S. 101) at the present time goes through a heavily populated portion of the City of Eureka; and

WHEREAS, This highway, the only major north-south highway serving the north coastal area of the State, carries a large amount of both passenger car and truck traffic; and

WHEREAS, The congestion of this traffic on this highway in the City of Eureka has created a problem which has caused great concern to the people of this area and to the users of this highway; and

WHEREAS, The construction of an alternate truck route through the City of Eureka would assist materially in the solution of the traffic problem on this important state highway route; and

WHEREAS, Irrespective of whether this alternate truck route is constructed by the State as a new state highway route or by the City of Eureka as a city street, the construction thereof will require approval by the Department of Public Works, since it will of necessity require reconstruction of portions of the existing state highway route in order to provide the necessary interchanges to permit truck traffic to leave and re-enter the existing state highway; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works be requested to make a comprehensive study of the economic and practical feasibility of an alternate truck route through the City of Eureka and to report thereon to the Legislature at the 1961 Regular Session; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 120

Senate Concurrent Resolution No. 30—Relating to the improvement of the Redwood Highway.

[Filed with Secretary of State, April 7, 1959]

WHEREAS, The Redwood Highway is one of California's most scenic and picturesque highways, traversing a magnificent mountain region, an area of stately redwood trees having unsurpassed beauty, and a spectacularly bold and rugged coastline; and

WHEREAS, The Redwood Highway is the only principal thoroughfare serving the 400-mile stretch of the otherwise isolated north coast region; and

WHEREAS, The Redwood Highway has long ceased to provide adequate access for the people of the area, for the millions of tourists from throughout the State and Nation who come to enjoy this vacation and sportsman's paradise, and for commercial and industrial activities; and

WHEREAS, Since the heavy flow of traffic on the Redwood Highway largely represents motorists from other sections of the State and is not the product of a dense local population, the area has failed to receive funds necessary to maintain and improve this highway to the standards the traffic requires; and

WHEREAS, A project of prime importance to all the people of the State is the Redwood Park Bypass, an improvement of the Redwood Highway designed to save the beauty of the irreplaceable stands of redwood trees while eliminating a major center of traffic congestion, which has long received the support of conservationists, the Department of Public Works and others having statewide interests; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Commission and the Department of Public Works are urged to take appropriate steps to complete the already partially constructed Redwood Parks Bypass, including the allocation of funds for the immediate purchase of all necessary rights-of-way and the commencement of construction as soon as is practicable; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the California Highway Commission and the Department of Public Works.

CHAPTER 121

Senate Concurrent Resolution No. 37—Approving amendments to the charter of the City of Santa Clara, County of Santa Clara, State of California, ratified by the qualified electors of said city at an election held therein on the fourth day of November, 1958.

[Filed with Secretary of State, April 7, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Santa Clara, a municipal corporation of the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

WHEREAS, The City of Santa Clara, in the County of Santa Clara, State of California, is now organized and existing and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, duly ratified by the electors of said city at an election held for that purpose on the second day of April, 1951, and approved and ratified by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the twenty-fifth day of April, 1951; and

WHEREAS, The City of Santa Clara contains a population of more than 3,500 inhabitants and less than 50,000 inhabitants; and

WHEREAS, The City Council of the City of Santa Clara, being a legislative body of said city, did, by and in pursuance of a certain ordinance passed and adopted by said city council on the second day of September, 1958, by more than two-thirds vote, duly submit to the qualified electors of said city three proposals to amend the charter thereof, to be voted upon by said qualified electors at a special election to be held in said city on the fourth day of November, 1958.

WHEREAS, Said proposals were published and advertised in the form and manner and for the length of time and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Santa Clara Journal, a weekly newspaper printed, published and circulated in said city, which said newspaper was for the purpose of such advertising designated by said city council as the official newspaper of said city (there being no official newspaper in said city); and

WHEREAS, The said proposals were published in the manner hereinabove described and within 15 days after it was filed with the city clerk, and the election at which it was voted upon was held on the fourth day of November, 1958, not less than 40, nor more than 60 days after the completion of said advertising; and

WHEREAS, A majority of the qualified voters, voting on the said proposals, voted in favor thereof, and the said City Coun-

cil of the City of Santa Clara did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, by ordinance adopted on the second day of September, 1958, declare, after the result of the said election had been determined, that the proposals hereinafter set forth were duly ratified and adopted by a majority of the voters of the city voting thereon; and

WHEREAS, The said proceedings and the text of the said proposals are duly set forth in the certificate of the Honorable Anthony Toledo, Mayor of the City of Santa Clara, and the Honorable A. S. Belick, City Clerk of the City of Santa Clara, as follows, to-wit:

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss
CITY OF SANTA CLARA

We, the undersigned, Anthony Toledo, Mayor of the City of Santa Clara, and A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify and declare as follows:

That the City of Santa Clara is a municipal corporation in the County of Santa Clara, State of California, and is now and at all times hereinafter referred to as a City containing a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Santa Clara is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section VIII of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on April second, 1951, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the twenty-fifth day of April, 1951;

That in pursuance of Section VIII of Article XI of the Constitution of the State of California, and on its own motion, the City Council of the City of Santa Clara, being the legislative body of said City, by more than two-thirds vote of said City Council, did duly submit to the qualified electors of said City of Santa Clara three proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at a special election held in said City on the fourth day of November, 1958, which said proposals are hereinafter set forth at length;

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California in the Santa Clara Journal which was then and there a weekly newspaper printed and circulated at and within the City of Santa Clara,

County of Santa Clara, State of California, and which said newspaper was duly designated by said City Council of the City of Santa Clara as the official newspaper of said City for said publishing and advertising, (there being no official newspaper of said city);

That said proposed amendments were so published within fifteen days after they were filed with the City Clerk, and that the election at which it was voted on was by ordinance of the said City of Santa Clara adopted and passed on the second day of September, 1958, set for the fourth day of November, 1958, which was not less than forty, and not more than sixty days after the completion of the advertising in the official paper aforesaid;

That thereafter the Board of Supervisors of the County of Santa Clara, acting on behalf of the City Council of the City of Santa Clara, did in the manner prescribed by law duly and regularly canvass the returns of said election and said City Council by resolution adopted on the second day of December, 1958 declared the result of said municipal election as determined from the canvass thereof;

That at said election held on the fourth day of November, 1958 which was consolidated with the General State Election, said proposed amendments were ratified and adopted by a majority of the electors of said City voting thereon;

That said proposed Charter amendments so ratified by the electors of the said City of Santa Clara are as follows, to-wit:

PROPOSED CHARTER AMENDMENT (A)

A proposition on the motion of the City Council to amend the Charter of said City by amending Sections 1300, 1302, 1304 and 1306 therein and adding Section 1306.5 to said Charter as follows:

Fiscal year

Section 1300. Fiscal Year. Unless otherwise provided by ordinance, the fiscal year of the City government shall begin on the first day of July of each year and end on the 30th day of June of the following year.

Budget submission to city council

Section 1302. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, or at such prior date thereto determined by the City Council, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in an official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing

Budget adoption

Section 1304. Budget. Further consideration and Adoption. After the conclusion of the public hearing, the City

Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager and a further copy shall be placed and shall remain on file in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Tax collection

Section 1306. Tax System and Collection of Taxes. The City Council shall have power to avail itself of any law of the State of California now or thereafter in force, insofar as such provisions are not in conflict with this charter, whereby the assessment of property and the collection of taxes may be made by the officers of the County in which the City of Santa Clara is located. The Council may, by an ordinance, provide for the assessment of property and the collection of taxes by officers of the City. Such an ordinance may create the offices of assessor and tax collector and provide for their consolidation with any other offices of the City now or hereafter existing, and give to such officers any or all of the powers authorized by general law. If the City Council fails to fix the rate and levy taxes on or before August 15 or the date previously established by ordinance in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Tax levy for "interim budget"

Section 1306.5. Budget and Levy of Taxes for Interim Period between Fiscal Years. If a change of a fiscal year results in the existence of a period between fiscal years for which no budget has been adopted, the City Council shall adopt an "interim budget" for said period. The Council may include in the tax levy for the fiscal year following said interim period a tax levy for the raising of sufficient funds with which to operate the City during said period The tax limits provided for in this Charter shall be applicable to the levy of taxes for said interim period at the rate of one-twelfth of any such limit for each month of said period.

Proposed Charter Amendment (B)

A proposition on the motion of the City Council to amend Section 1101 of the Charter of the City of Santa Clara to read as follows:

Classified Civil Service

Section 1101. Classified Service. The Civil Service of the City shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following offices and positions:

1. All elective officers

2. City Manager
3. Police Judge
4. City Attorney
5. City Clerk
6. City Auditor
7. The head of each department, including but not limited to:
(a) Director of Finance
(b) City Engineer
(c) Chief of the Police Department; and
(d) Chief of the Fire Department.
8. All members of Boards and Commissions.
9. Persons employed for a temporary or special purpose, for a period not to exceed six months in any one calendar year, if the City Manager certifies that such employment is temporary and that the work should not be performed by employees in the Classified Service.
10. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character; and
11. Volunteer members of the Fire Department.
12. The City Council by ordinance may divide or separate any department of the City into divisions and by ordinance, may provide that the employee selected to be the head of any such division shall be in the Unclassified Service.
(b) The Classified Service shall comprise all positions not specifically included by this section in the Un-Classified Service, and except positions under the board of Education.

Proposed Charter Amendment (C)

A proposition on the motion of the City Council to amend Section 905 of the Charter of the City of Santa Clara to read as follows:

Section 905.

City Engineer

1. City Engineer. The City Engineer shall be a Registered Professional Engineer in the State of California, and he shall have power and be required to:
(a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys and designs.
(b) Perform such other duties as the City Council may from time to time prescribe, either by ordinance or resolution.
(c) On vacating the office, surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his office and the work thereof.

Department of Public Works

2. Department of Public Works. There shall be a Department of Public Works and Utilities, the head of which may be the City Engineer, who shall have charge of the administration of technical matters pertaining to the public works and utilities of the City and who shall have power and be required to:

(a) Supervise and be responsible for the general care, maintenance, inspection and repair of streets, sidewalks, sewers and storm drains and related activities;

(b) Supervise and be responsible for the inspection and regulation of building construction and alteration, and plumbing and electrical installations, and enforce all ordinances and laws pertaining thereto;

(c) Supervise and be responsible for the physical maintenance and operation of all public utilities owned and operated by the City, including but not limited to the municipal water system and the municipal electric power system; and

(d) Cooperate with and advise the Recreation Commission in the care, improvement, maintenance and construction of parks, playgrounds and other recreational grounds or facilities, including all properties now or hereafter acquired or set apart for recreational purposes by the City.

That the returns of said election were in accordance with the law in such cases made and provided, fully and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposals for the amendments to the Charter, and had ratified said proposed amendments to said Charter, as hereinbefore set forth, and that we and each of us further certify that we have compared the foregoing and enclosed and ratified amendments to the Charter of the City of Santa Clara with the original ordinance and proposals submitting the same to the electors of said City at the special election held on the fourth day of November, 1958 and that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Santa Clara to be affixed this twenty-ninth day of January, 1959.

ANTHONY TOLEDO, Mayor
(SEAL) A. S. BELICK, City Clerk

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Santa Clara, as presented to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Santa Clara.

CHAPTER 122

Senate Concurrent Resolution No. 38—Relative to congratulating and expressing appreciation to participants in the revision of the California State Education Code.

[Filed with Secretary of State, April 7, 1959.]

WHEREAS, The Legislature, by Assembly Bill No. 4118 authored by former Assemblyman Wallace Henderson, adopted at the 1957 Regular Session, authorized the complete revision of the California Education Code; and

WHEREAS, The following persons were selected to participate in this major effort: Dr. Ernest A. Engelbert, Director, Mr. Charles Young, Assistant Director, Miss Lorraine S. Baker, Dr. William C. Beatty, Mr. Stanton P. Belland, Dr. W. Richard Bigger, Dr. Paul R. Bowers, Dr. William S. Briscoe, Mr. Leon D. Cathey, Mr. Verne D. Close, Mr. Francis J. Ebert, Mr. Norman L. Epstein, Mr. Mark F. Ferber, Mr. Harold C. Fishman, Mr. Michael Harris, Mr. Roderick D. Hayes, Dr. Russell Kent, Dr. James D. Kitchen, Mr. Ephraim Kranitz, Mr. Ralph V. Matthews, Dr. Edgar L. Morphet, Mr. Henry B. Niles, Dr. Rolf W. Ordal, Dr. John G. Ross, Dr. Jerome H. Rothstein, Dr. Frederick T. Shipp, Mr. Louis H. Silverberg, Mr. Bryant M. Smith, Mr. Hamilton A. Tyler, Dr. Arvo Van Alstyne, Dr. Frank A. Yett, Mr. William H. Young; and

WHEREAS, The following institutions of higher learning made personnel and facilities available for this endeavor: Bureau of Governmental Research, University of California, Los Angeles; Fresno Junior College; Fresno State College; San Diego State College; San Francisco State College; Stanford University; and University of California, Berkeley; and

WHEREAS, During the past year members of the research staff and educational institutions carried out a program of work so that the revision of the Education Code was completed on schedule; and

WHEREAS, The State of California is indebted to these public-spirited citizens and institutions who responded so wholeheartedly to the request for their help, and brought their knowledge and wisdom to bear on these urgent problems; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members of the Legislature express their sincere appreciation and gratitude to the persons and institutions of higher learning who participated in the revision of the California Education Code; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared and illuminated copy of this resolution to each of the above-named persons and institutions of higher learning.

CHAPTER 123

Assembly Concurrent Resolution No. 78—Relative to fire safety in schools.

[Filed with Secretary of State, April 8, 1959.]

WHEREAS, The recent school fire in Chicago resulted in the loss of life of 90 school children and three teachers; and

WHEREAS, Investigations disclose that this heavy loss of life was due to the use of multistoried buildings for school purposes without giving proper consideration to fire safety measures in the design and construction of the building as well as in the use of same; and

WHEREAS, It appears that one of the major contributing factors to the heavy loss of life was the delay in the sounding of the school fire alarm for the evacuation of the building; and

WHEREAS, There are in California a great many school buildings of similar design and construction, wherein a similar disaster might occur; and

WHEREAS, The Legislature has delegated to school authorities and fire officials the authority and responsibility for providing reasonable life safety in the design, construction, maintenance and operation of school buildings; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature direct the attention of school authorities, fire officials and all others having responsibility for the safety of life in our California schools to the seriousness of the fire safety problem, particularly in the use of older multistoried structures wherein adequate and dependable means of sounding the alarm and escape from such buildings in the event of fire are not provided; and be it further

Resolved, That responsible safety officials and authorities should without further delay make the necessary inspections, surveys, corrections, and installations to insure a reasonable degree of fire and life safety for the children housed in California school buildings; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Superintendent of Public Instruction and the State Fire Marshal.

CHAPTER 124

Assembly Concurrent Resolution No. 106—Approving a new charter for the City of Eureka, a municipal corporation in the County of Humboldt, State of California, ratified by the qualified electors of said city at a special election held therein on the fifth day of March, 1959.

[Filed with Secretary of State, April 10, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a new charter for the City of Eureka, a municipal corporation of the County of Humboldt, State of California, as hereinafter set forth in the ordinance proposing the new charter and the certificate of the members of the city council of said city, as follows:

ORDINANCE NO. 2787

AN ORDINANCE PROPOSING A NEW CHARTER OF THE CITY OF EUREKA.

Be it ordained by the Council of the City of Eureka, as follows:

Title

SECTION 1: The Council of the City of Eureka hereby proposes to the qualified electors of the City of Eureka, State of California, that the City Charter of said City be so changed as to read as follows:

"PROPOSED NEW CHARTER OF THE CITY OF EUREKA"

ARTICLE I

Boundaries: Rights and Liabilities; Form of Government

Continuation and general powers

Section 100. Continuation and General Powers. The municipal corporation now existing, known as the City of Eureka, shall remain and continue a body politic and corporate, under the name and style of the City of Eureka, and by that name shall have perpetual succession; and may have and use a common seal, alterable at pleasure; and may purchase, receive, hold, and enjoy real and personal property within or without its boundaries, and sell, convey, let, mortgage and dispose of the same for the common benefit, and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn; and may receive bequests, gifts and donations of all kinds of property, wherever situate, in fee simple or in trust, for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with the power to manage, sell,

lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

Section 101. Succeeds Former City. The public buildings, lands, and property, all rights of property and rights of action, all money revenues, and income belonging or appertaining to the City of Eureka, are hereby declared to be vested in said City of Eureka. Succeeds former city

Section 102. Powers and Duties Preserved. The said City of Eureka shall continue to have, hold, use, and enjoy all public buildings belonging to the City of Eureka, and lands, wharves, waters, property, real and personal, rights of property, rights of action, suits, actions, moneys, revenues, income, books, documents, records, archives, claims, demands, and things in possession and action, of every nature and description and shall be subjected to all the obligations, debts, liabilities, dues, and duties of the existing municipality. Powers and duties

Section 103. Suits, How Brought. Suits, actions and proceedings may be brought in the name of the City of Eureka, for the recovery of any property, money, or thing belonging thereto, in law or equity, rights of, or contracts with, said City of Eureka, whether made, or existing, or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against said City of Eureka. Suits

Section 104. Boundaries. The boundaries of the City of Eureka now existing shall continue until changed in the manner authorized by law. Boundaries

Section 105. Wards. The City of Eureka is hereby divided into five wards, numbered consecutively from one to five, inclusive, the respective boundaries of which shall be as established on the effective date of this section; provided, that the Council may by ordinance change such boundaries when necessary and expedient to provide more nearly equal representation among the five wards. Wards

Section 106. Form of Government. The government provided by this Charter shall be known as the "council-manager" form of government. Government form

ARTICLE II

Elections

Section 200. Elections. Elections to be held in said City for the purpose of electing officers of said city and for all other purposes are of two kinds: Elections

First—General municipal elections.

Second—Special municipal elections.

Section 201. Date of Election. Commencing with the year 1959, general municipal elections shall be held every two years on the second Monday in June. At the general municipal election in 1959 there shall be elected a Mayor and five members Same Date

of the City Council and the required number of members of the Board of Education. After the canvass of the votes and before the successful candidates for City Council take office, they shall by lot determine that two members of the Council are to serve a two year term, and three members a four year term. Thereafter all terms shall be for four years.

Special elections

Section 202. Time of Special Elections. Special Municipal elections for all purposes designated in this charter shall be held on the days as fixed by the Council therefor.

Procedure

Section 203. Procedure for Holding Elections. Nominations for election and all elections shall be held in accordance with the provisions of the Election Code of the State of California as it then exists, as applied to the holding of elections in general law cities.

Initiative, referendum and recall

Section 204. Initiative, Referendum and Recall. The people continue to reserve to themselves the powers of initiative, referendum and recall of the elected officials, and the Council may on its own motion refer matters to referendum vote, all in the manner prescribed by general law.

Officers

Section 205. Officers to Hold Office. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the officers to which they have been elected, on the second Monday in July next succeeding their election and, except for the provisions of Section 201, relating to the election in 1959, shall hold their offices for the term of four years, and until their successors are elected and qualified.

ARTICLE III

City Council

City Council

Section 300. Council. The legislative power of the City of Eureka shall be vested in a Council of five members, whose term shall be four years (except for the initial election of two members as provided in Section 201) and said Council shall have the power to make and enforce any and all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter as the same now is or as it may be hereafter amended; and to do and perform all acts and things appropriate to a municipal corporation, or which may be for the general welfare and good of its inhabitants, which are not specifically forbidden by the Constitution of the State of California, or which now or hereafter it would be lawful to specifically enumerate in this charter; and no enumeration or specific statement herein of any particular power shall be held to be exclusive of a limitation of the foregoing general grant of power.

Councilmen

Section 301. Councilmen, Qualifications of. The qualified electors of the City voting as a whole shall elect one member of the Council for each of the five wards of the city, and no person shall be eligible to the office of councilman who has not

resided in said city for one year, and in the ward for which he is elected at least six months next preceding his election, and if he fails to continue to be a resident of such ward, his office shall, by reason thereof, become vacant; provided, that in case a redistricting or redivision of the city into wards be made, whereby the lines or boundaries of any wards are changed, the last provision in regard to residence shall not apply to any person whose residence has been changed thereby from the ward for which he was elected and in which he resided.

Vacancies in Council

Section 302. Council, Vacancies in. Any vacancy occurring in the office of councilman shall be filled within sixty days by appointment by the Mayor with the approval of the majority of the Councilmen. The person so appointed by them shall possess the qualifications hereinbefore prescribed for members of the Council, and he shall hold office for the remainder of the term.

Meetings of Council

Section 303. Council Meetings. The Council shall meet in the City Hall of the city on the second Monday of July succeeding their election, and at such other times as may be designated by ordinance. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Special meetings may be called by the Mayor or three members of the Council. Three members of the Council shall constitute a quorum, and the affirmative vote of three members shall be necessary for the passage of an ordinance or the final transaction of any business, but a less number than three may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe.

President of Council

Section 304. President of Council. The Council shall be the judge of the election, qualification, and return of its own members It shall elect one of its members, who shall be styled the President of the Council, and who shall preside at all meetings of the Council during the absence of the Mayor, and shall, in case of sickness or inability of the Mayor, or his absence from the city, act as the Mayor of the city The Council shall establish rules for its proceedings. It shall have power to punish its members for disorderly conduct, committed in its presence, and may expell any member for malfeasance in office by an affirmative vote of four of its members. It shall have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars, or imprisonment not exceeding ten days, or both such fine and imprisonment.

Oaths

Section 305. Oaths Officers May Administer. The President of the Council, the Chairman of each committee, and each and every elective officer shall have the power to administer oaths and affirmations relative to any business brought before the Council, or under consideration by its committees or their respective departments.

Meeting place

Section 306. Meetings, City Hall. The meetings of the Council shall be held at the City Hall of the city they shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, the passage of any ordinance, ordering work to be done or supplies furnished, the ordering of assessments for street improvements, or building of sewers, and in all other cases upon the call of any member.

Ordinances

Section 307. Ordinances, Enacting Clause. The enacting clause of all ordinances shall be in these words: "Be it ordained by the Council of the City of Eureka, as follows."

Same: Amendments

Section 308. Ordinance, How Amended. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be re-enacted at length as amended.

Same: One subject

Section 309. Ordinance, One Subject. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

Same Adoption

Section 310. Ordinance, How Adopted. No proposed ordinance shall be adopted except by vote taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the minutes.

Motion to reconsider

Section 311. Motion, Reconsider How. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the Council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

Ordinance passage

Section 312. Passage of Ordinance. No ordinance shall be passed except by bill. Every bill after it has passed the Council shall be signed by the President thereof, and every bill which shall have passed the Council, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days (Sundays excepted) after receiving it. If he approves it, he must sign it, and the same shall then become an ordinance; but if he shall disapprove it, he shall return it, with his objections in writing, to the Council. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

Same Mayor's veto

Section 313. Ordinance, Mayor Veto. When a bill is returned without the approval of the Mayor, the Council must cause the objections of the Mayor to be entered upon its journals and proceed to reconsider and vote on the same. If, after such consideration, the bill is again passed by an affirmative vote of not less than four members, it shall take effect as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive four affirmative votes it shall then

be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the journal of the Council.

Section 314. Ordinance, How Published. All ordinances must be published in the manner prescribed by the Council. Publication of ordinances

Section 315. Ordinance, When Takes Effect. No ordinance passed by the Council shall take effect until thirty days after its passage and approval, unless otherwise provided in the enactment. Effective date

Section 316. Ordinances, Book Form. The Council shall, during the first year after its organization under this Charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinances, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Council shall, every three years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same subject to the terms and conditions herein expressed. All such publications shall contain the charter with any amendments made thereto. Ordinance book

Section 317. Council Clerk The Council may appoint a clerk and assign to him duties not inconsistent with those imposed on other officers or departments under this Charter. Council Clerk

ARTICLE IV

The Mayor

Section 400. Mayor. The Mayor shall be at least 26 years of age, and shall have been a citizen of the State and a resident and qualified elector of the City for the five years next preceding the day of his election. Mayor's qualifications

Section 401. Mayor, Duties. The Mayor shall preside at meetings of the Council; shall decide by his vote all tie votes; shall approve or disapprove all ordinances as herein provided; shall make the appointments authorized by this Charter with approval of the Council; shall be recognized as the head of the city government for all ceremonial purposes, and by the Governor for the purpose of military law; but shall have no regular administrative duties. Duties

Section 402. Mayor, Special Meetings. The Mayor may call special meetings of the Council. He shall be duly notified by the City Clerk of all special meetings of the Council when called by its members, and the time and place of all regular or special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings. Special meetings

Section 403. Mayor's Office, Vacancy in. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for that purpose. The person selected shall possess the qualifications hereinbefore Vacancy

prescribed for Mayor, and a member of the Council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

Other offices

Section 404. Mayor, other Offices Prohibited. The Mayor shall not, during the term for which he shall have been elected or appointed, hold any other salaried public civil office, nor shall he receive from the city for any cause or reason any other greater compensation than the salary allowed him as Mayor.

Mayor's clerk

Section 405. Mayor's Clerk. The Mayor may appoint a clerk and assign to him the duties consistent with his office.

Salaries

Section 406. Salaries of Mayor and Council. The monthly salary of the Mayor shall continue to be $175.00, and that of each Councilman shall continue to be $100.00. Such salaries may not be increased except by amendment of this Section, and no such increase shall be effective during the term for which the Mayor or Councilmen shall then have been elected.

Same:

Section 407. Salaries of Other Officers and Employees. The Council shall by ordinance determine the salaries of all other officers and employees of the City.

Article V.

Administration

City Manager

Section 500. City Manager. There shall be a City Manager appointed by the Council, who shall be the administrative head of the city government. He shall serve at the pleasure of the City Council. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth At the time of appointment he need not be a resident of the City or State, but during his tenure of office he shall reside within the City of Eureka.

Councilmen ineligible

Section 501. Councilmen Ineligible. No member of the City Council shall, during the time for which he was elected or appointed, or for one year thereafter, be eligible to hold the position of City Manager or City Manager pro tem.

Section 502. First Manager Non-Resident. No person living within the City of Eureka at the time of adoption of this Article will be eligible to hold the position of City Manager for one year thereafter.

Duties

Section 503. Duties of the City Manager. Subject to policy prescribed by the Council, the City Manager shall have the power and it shall be his duty:

(a) to supervise the administrative affairs of the city except as otherwise specifically provided in this Charter.

(b) to make such recommendations to the Council concerning the affairs of the city as he may deem desirable, including the proposal of ordinances and resolutions he finds necessary for effective management or in the public interest.

(c) to keep the Council advised of the financial condition and future needs of the city.

(d) to see that the ordinances of the city and the applicable laws of the State are enforced.

(e) to appoint, discipline and remove all department heads of the city under his jurisdiction; provided that the appointment and or dismissal of department heads shall be subject to approval of the Council.

(f) to act as purchasing agent for the city and all offices, boards and commissions.

(g) to investigate the operations of departments and other agencies of the city, and of all contracts to which the city is a party, and to assure proper performance.

(h) to investigate complaints concerning utility operations and to see that all permits, privileges and franchises granted by the city are faithfully performed.

(i) when directed by the City Council, to represent the City in its inter-governmental relations, and to negotiate contracts for joint governmental actions subject to Council approval.

(j) if so authorized by ordinance, to perform the duties imposed by law on a City Clerk, Auditor, Assessor, Tax Collector or Treasurer and to deputize others to act for him in such matters to the extent permitted by law.

(k) to exercise general supervision over all public property under control of the city.

(l) to attend all meetings of the City Council unless excused, and such meetings of the boards and commissions as he chooses, or which he is directed to attend by the Council, and participate in discussions at such meetings.

(m) to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council.

(n) to prescribe such general rules and regulations as he may deem necessary or expedient in the general conduct of the administrative departments under his jurisdiction.

(o) to devote full-time to the duties of his office and to the interests of the city.

Department heads

Section 504. Department Heads Responsible to City Manager. The heads of the administrative departments under the City Manager shall be directly responsible to him for the efficient administration of their respective departments. The City Manager may designate acting department heads when necessary to assure the continuity of the City's business. He shall have the power, with the approval of the Council, to employ expert consultants to perform work or give advice connected with the departments of the city when he finds such work or advice necessary.

Emergency powers

Section 505. Emergency Powers. In the case of general conflagration, rioting, floods or other emergency menacing life or property, the City Manager shall at the direction of the

Mayor, marshall all of the forces of the different departments of the city for the maintenance of the general security.

Interference with City Manager

Section 506. Interference with City Manager. No member of the Council shall by suggestion or otherwise attempt to influence or coerce the City Manager for personal gain. Nor shall he discuss directly or indirectly or attempt to exact any promise from any candidate for City Manager concerning appointments to city offices or employment. Except for the purpose of inquiry, the Council member shall deal with the administrative service for which the City Manager is responsible solely through the City Manager, and not through his subordinates. A violation of the provisions of this Section by any member of the Council shall constitute a misdemeanor for which the offending member may be charged in any court of competent jurisdiction, and if found guilty the sentence imposed shall include removal from office.

City Manager pro tem

Section 507. City Manager Pro Tem. The City Council shall appoint one of the officers of the city to serve as Manager pro tem during any absence or disability of the City Manager.

Administrative organization

Section 508. Administrative Organization Authorized. The Council shall by ordinance provide the form of organization through which the functions of the city are to be administered. Any combination of duly authorized duties, powers and functions which in the judgment of the Council will provide the most efficient and economical service possible consistent with the public interest and in keeping with accepted principles of municipal administration may be authorized by such ordinance. All departments or other administrative sub-divisions so created shall be administered by the City Manager or by a department head, unless otherwise authorized by this Charter.

The functions and services which shall be included in the administrative organization herein authorized may include but are not necessarily limited to the following:

(a) The planning and regulation of land use.

(b) The regulation of building and housing standards and regulations governing occupancy.

(c) Cultural and recreational programs.

(d) The protection and improvement of the public health.

(e) The protection of persons and property and the preservation of the peace.

(f) The prevention and extinguishing of fires.

(g) The development, maintenance and operation of parks and recreation areas.

(h) The acquisition, construction and maintenance of public works.

(i) The acquisition, construction, maintenance and operation of public utilities and enterprises, including but not limited to power and light, fuel and heat, water, harbors, airports, vehicular parking and transportation.

(j) All necessary administrative and fiscal services.

(k) Any other function or service specifically authorized by Charter or authorized or permitted by State Law.

Section 509. City Attorney. There is hereby created the office of City Attorney, who shall be the chief legal advisor and prosecutor of the city. He shall be appointed by and serve at the pleasure of the Council and shall have been at the time of his appointment admitted to practice and engage in the practice of law in the State of California. He must be a citizen of the United States, need not when appointed be a resident of the City or the State, but shall become a resident of the city within 90 days after his appointment and remain a resident during his tenure. Failure to establish and maintain such residence shall constitute forfeiture of the office. The City Attorney shall advise all officers and agencies of the city on legal matters referred to him, shall draft such ordinances, resolutions, contracts and other legal documents as directed by the City Council or requested by the City Manager, shall prosecute violations of city ordinances and shall act as counsel in behalf of the city or any of its officers or agencies in litigation involving any of them in their official capacity. He shall administer the office of City Attorney subject to policies prescribed by the Council. The Council may empower the City Attorney, at his request, to employ special legal counsel, appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter. The City Attorney shall approve, as to form, all official and other bonds given to or for the benefit of said City, and no contract shall become enforceable as against said City without the endorsement thereon of such approval. City Attorney

Section 510. Boards and Commissions. The Council may appoint advisory or appellate boards and commissions, prescribe their duties and fix their compensations, if any. The members thereof shall be appointed by the Mayor, with the approval of the Council. Boards and commissions

Section 511. Continuation of Departments and Offices. The departments and offices heretofore created by the Charter, by ordinance or by administrative order are continued until modified by ordinances adopted pursuant to this Article. Continuation of departments and offices

Section 512. City Clerk. The Council shall appoint or provide for the appointment of a City Clerk and he shall serve at the pleasure of the Council, said City Clerk will perform all duties as prescribed in this Charter or by Ordinance. City Clerk

ARTICLE VI

Fiscal Administration

Section 600. Taxation. The Council of the City of Eureka shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the Municipal Government for the current fiscal year; provided, that the rate of taxation so levied shall Taxation

not exceed in any year One and 50/100 Dollar for each One Hundred Dollars upon the assessed value thereof, except for the payments of principal and interest of the bonded debt of the city, if any; and provided further, that in addition to said One and 50/100 Dollar rate; the Council may levy a tax of not more than Ten Cents for each One Hundred Dollars upon the assessed value thereof, to be used for recreational purposes only.

Funds

Section 601. Funds to be Established. The Council shall, before fixing the rate of annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and of the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly; and no transfers shall be made except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds, if any.

Regulation of tax levy

Section 602. Council to Regulate Tax Levy by Ordinance. The Council shall regulate by ordinance the date of making the annual tax levy; the time, manner, and place of payment of all taxes; when they shall become delinquent; the time when they shall sit as a Board of Equalization; the date of all sales of property for delinquent taxes; and the time, form, and manner of making and giving all notices, if any, relative to any of such subjects.

Fiscal year

Section 603. Fiscal Year. The fiscal year of the city shall commence on the first day of July of each year.

Budget preparation

Section 604. Budget Preparation. At least 45 days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a budget of proposed expenditures and estimated revenues, accompanied by an explanatory budget message. For such purpose, the City Manager, on such schedule and under such terms as he may prescribe, shall obtain from the head of each department or other agency of the city their estimates of revenue and expenditure in such detail and with such supporting plans and data as he may require. The Manager may revise such estimates in any manner he deems advisable. The explanatory budget message of the City Manager to the Council shall explain the budget, shall outline the proposed financial policies of the city for the ensuing fiscal year, shall propose priorities for capital expenditures, and shall describe the important features of the budget plan. It shall state the reasons for salient changes from the previous year in cost and revenue items, and shall explain any major changes in financial policy. The budget shall be submitted in such form as to enable the Council to compare the prior and current years' revenue and expenditures to which such proposed revenues and expenditures relate. Estimates of revenue shall include surpluses to be carried over from the current year, plus miscellaneous revenues from all sources other than the tax on prop-

erty, the balance to be raised by the general property tax, and an estimate of the tax rate required for the purpose.

Section 605. Hearing and Approval. After submission of the budget by the City Manager, the Council shall review it in such detail as it deems necessary, and after a public hearing held not less than 10 days after public notice thereof, may revise the budget in any manner it finds necessary. Not later than the last day of the fiscal year the Council shall adopt a budget for the ensuing fiscal year, failing which the last fiscal year allotments shall be effective until the budget is adopted. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. Same. Hearing and approval

Section 606. Budget Transfers. At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion so as to authorize the transfer of unused balances appropriated for one department to another department, or to appropriate available funds not included in the budget; and may authorize the City Manager to transfer funds between purposes within departments. Budget transfers

Section 607. Assessment. The Council shall provide by ordinance for the assessment of property for the purpose of taxation, either under the direction of the City Manager or by agreement with the County of Humboldt in the manner provided by law. Assessments

Section 608. Tax Collection. The Council shall provide by ordinance for the collection of all taxes and other revenues due the City, either under the direction of the City Manager or City Clerk or by agreement with the County of Humboldt, the State of California, or any other agency regularly engaged in the collection of a given tax or other revenue Tax collection

Section 609. General Revenues. The Council may, by ordinance, provide for any tax, license or permit fee, service charge or other kind of revenue authorized by this charter or by the Constitution or general laws of the State. General revenues

Section 610. Purchasing. The City Manager shall purchase or contract for the equipment, materials, supplies and services required by the city, for which expenditures have been authorized in the budget or by other action of the Council. The Council shall establish by ordinance the conditions under which purchasing shall be only after competitive bidding, shall specify those amounts and conditions under which Council approval is required for specific items of purchase, and shall prescribe conditions under which all bids may be rejected and new bids invited. In the case of materials, supplies and equipment a preference of not to exceed five percent may be allowed to firms or individuals who regularly maintain a place of business and transact business in, or maintain an inventory of merchandise for sale in the city. Purchasing

Section 611. Public Works. Any city improvement estimated to cost more than $3,000, shall be performed under contract with sealed bid and accompanying performance bond, Public works

except where such improvement is authorized by the Council to be made directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than $3,000. shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided that all bids may be rejected for cause, and new bids may be sought in accordance with the original procedure. Alterations in contracts affecting the scope of work, time requirements, cost or any other substantive provisions affecting cost or the city's interests, shall be approved by the Council after considering the recommendations of the City Manager.

Contracts

Section 612. Contracts, Limits. No contract for service or supplies shall be made by the city for a longer term than one year; provided that contracts with other governmental agencies, or for utility services the rates for which are regulated by the state or national government, or for public works improvements for which funds have been provided, may be for a longer term in the discretion of the City Council.

Accounting System

Section 613. Accounting System. The City Manager shall direct the establishment and supervise the maintenance of a uniform system of accounting applicable for all departments and other agencies of the city, conforming to modern accepted practices of municipal accounting, which shall be adequate to account for all monies on hand and for all income and expenditures in such detail as will provide complete and informative data concerning the financial affairs of the city and in such manner as will be readily susceptible to audit and review.

Expenditures Control, etc

Section 614. Authorization and Control of Expenditure. No expenditure of city funds shall be made except for the purposes and in the manner specified in an appropriation by the Council. The City Manager shall establish and direct such systems of internal control and audit as he may find necessary to insure the fulfillment of the purpose of this Section.

Treasury

Section 615. All Money to Treasury. All public monies collected by any officer, or employee, of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employee, or other person so collecting money, shall be paid by demands upon the Treasury, duly audited as other demands are audited and paid.

Demand

Section 616. Suits Must be Preceded by Demand. No suit shall be brought upon any claim for money or damages against the City of Eureka until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand, if the same shall be in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandate, or other proceeding, against the said Council, or any Board of officer of said city,

to compel it, or him, to act upon such demand or claim, or to pay the same when so audited.

Independent audit

Section 617. Independent Audit. The Council shall employ at the beginning of each fiscal year a public accountant who shall, at such time or times as may be specified by the Council and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds, and of such other officers, employees or departments as the Council may direct. The Council may direct that such accountant may conduct the independent audit throughout the fiscal year and make reports at intervals required by the Council, but a report for the entire fiscal year shall be filed within 30 days after the closing of the books for said fiscal year, and copies of such reports shall be filed with the Council and with the City Manager, and shall be available for public inspection and review.

General bond indebtedness

Section 618. General Bonded Indebtedness. Whenever the Council determines that the public interest requires the construction, acquisition, completion, initial equipping, remodeling or repair of any improvement, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for it in any one year, they may by ordinance submit a proposition to incur an indebtedness evidenced by general obligation bonds for such purpose, and proceed therein as provided in the Constitution and general laws of the State.

Utility bonds

Section 619. Utility Bonded Indebtedness. Whenever the electorate, by majority vote of those voting on a proposition submitted at any regular or special municipal election, authorize the acquisition of a public utility by the city, the Council is empowered to finance the acquisition of privately owned utility properties and/or the purchase of land pertinent thereto, vehicles, machinery, materials and the cost of all construction and property installations for utility purposes by borrowing. Bonds issued for such purposes shall not be general obligation bonds of the city, and shall be secured by the assets of such utilities only. The Council is also hereby empowered to finance the improvement or extension of any public utility now owned by the city by means of such bonds secured by the assets of the utility. Resolutions authorizing the issuance of such bonds for acquisition or extension of utilities shall require the affirmative vote of a majority of the City Council.

Revenue bonds

Section 620. Revenue Bonds. Whenever the Council determines that it is in the public interest to acquire, construct, or improve or finance any enterprise when it is feasible to finance exclusively from the revenues of said enterprise, it may by resolution submit a proposition to the voters to incur a bonded indebtedness for such purpose to be secured by revenue bonds subject to all of the terms and procedures provided by State law. Such resolution shall state clearly the revenues which may be obligated, which may be all those permitted by general law.

Off-street parking

Section 621. Off-Street Vehicular Parking. The Council is hereby expressly authorized to exercise the powers vested by law in any city to provide off-street vehicular parking facilities and to provide for the financing thereof in whole or in part from revenues derived therefrom.

ARTICLE VII

Personnel Administration

Merit principles

Section 700. Merit Principle. All appointments and promotions in the merit system of the city shall be based on merit as determined by tests and by records of achievement.

Merit system

Section 701. The Merit System. The merit system of the city shall include all offices and employees in the city government except:

(a) offices required by this Charter to be filled by election or appointment by the Mayor or City Council;

(b) one assistant and one secretary to the City Manager, one secretary to the Mayor, and one secretary to the Council;

(c) part-time employees who are regularly employed for less than one-third time throughout the year, or who are employed in seasonal employment for not more than 90 days in any consecutive 12 months; and

(d) those engaged by contract for special services of a professional, scientific or technical nature, or where the service is essentially non-personal in character.

Provisional appointments

Section 702. Provisional Appointments. Provisional appointments to positions in the merit system may be made pending the creation of eligible lists, but such provisional appointments may not exceed eight months and may not be renewed or extended.

Personnel ordinance

Section 703. Personnel Ordinance. The City Council shall by ordinance provide a modern system of personnel administration based on the merit principle required by this Article, consistent with modern accepted practices in public personnel administration, and giving due consideration to the relative interests of the city as an employer and of its employees, within six months of adoption of this charter.

Merit system status

Section 704. Merit System Status. All officers and employees of the city subject to the merit system who have held their positions for six months prior to the taking effect of this Article shall automatically acquire status under the merit system without examination; and all other officers and employees subject to the merit system and in office on the taking effect hereof shall be deemed provisional employees.

Removal and suspension

Section 705 Removal and or Suspension. Any officer or employee of the city subject to merit system who shall be removed or suspended by proper authority having charge of his appointment, shall have a written notice of the cause of his removal or suspension from duty, and he shall have an oppor-

tunity to be heard on the cause of his removal or suspension before a public hearing of the City Council or personnel board.

ARTICLE VIII

Public Libraries

Section 800. Free Library. There shall continue to be maintained in the City free public libraries and reading rooms as heretofore provided and as may be further directed by the Council. Free library

Section 801. Use of Library. The public library and reading room created and existing under the provisions hereof, and known as the "Eureka Free Library", is hereby continued in existence and shall be free of access to all residents of said city and the general public, subject to such rules and regulations for the government and management thereof as may from time to time be adopted by the Council, after considering the recommendations of the City Manager and of any advisory body the Council may create. Use of library

ARTICLE IX

Miscellaneous Provisions

Section 900. Franchises to Highest Bidder. All grants of franchises or public privileges by the Council shall be awarded to the highest bidder in pursuance of the general laws of said State, nor shall any such franchises or privileges have any validity unless the person or persons to whom the same is made shall, within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same; provided, that where condemnation of property is necessary, condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of the franchise or privilege. Whenever any franchise or privilege shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and said franchise or privilege, or the part thereof, so in disuse, shall no longer be used or enjoyed. When in the exercise of any franchise or privilege, use has been made in any way of any street or alley of the city, such street or alley shall be put in good repair, and all the materials or obstructions which have been placed therein in the exercise of such franchise or privilege shall be removed therefrom at the expense of the person or company who has held such franchise or privilege, whenever the franchise or privilege is abandoned or falls into disuse. Franchises

Section 901. Officer Holding Other Office. Any person except as otherwise in this Charter provided, holding a salaried office under this city, whether by election or appointment, who shall during his term of office hold or retain any office of profit Dual office holding

or emolument under the Government of the United States or of this State, or who shall hold any other office connected with the city, or other cities, or with the County of Humboldt, shall be deemed thereby to have vacated the office held by him under the city government.

Officers, etc., interested in contracts

Section 902. Officers or Employees Interested in Contracts. No member of the Council, and no officer or employee of the City, shall be or become directly or indirectly interested in, or with the performance of, any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. Any member of the Council, or any officer or employee of this city, violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city while he is such officer, member or employee, unless the same shall devolve upon him by law, shall forfeit his office, and be forever disqualified from holding any position in the service of the city; and all contracts made, or rights or franchises granted, in violation of this section shall be absolutely void.

Officer as surety

Section 903. Officers not to be Surety. No officer of the city shall be or become a surety on any bond given to the city, or to any person for the benefit of the city; nor shall any officer or employee of the city give or promise to give any person any portion of his compensation, or any money, or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for, or elected to any office or employment under the city. No officer of the city shall, while in office, accept any donations or gratuity in money or anything of value, either directly or indirectly from any subordinate employee, or from any candidate or applicant for any position under him, or from any person seeking special favors or considerations. Any person violating the provisions of this Section shall forfeit his office and employment under the city and be forever disqualified from holding any position in the service of the city.

Open books

Section 904. Books Open to Public Inspection. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours Copies and extracts from such books and records duly certified shall be given by the officer having the same in custody to any person demanding upon payment of a reasonable fee.

Oaths

Section 905. Official Oaths. Every officer provided for in this Charter shall, before entering upon the duties of his office, take, subscribe, and file with the City Clerk, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of

the State of California, and that I will faithfully discharge the duties of the office of _____ to the best of my ability."

Section 906. Official Bonds. Officers or employees receiving and disbursing or accounting for public funds are to provide official bond. The City Council shall determine by ordinance which other officers and employees are to provide such bond, and shall determine the amount and terms thereof. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk Premiums on officials bonds shall be paid by the city. There shall be no personal liability upon, or any right to recover against, a superior officer or his bond for any wrongful act or omission of his subordinate, unless such superior officer was a party to or conspire in such wrongful act or omission. Bonds

Section 907. Creation and Abolition of Offices The City Council may create offices in addition to those provided by this Charter. Whenever in the judgment of the Council no necessity exists for the continuation of any appointed office created or provided by this Charter, except that of City Manager, the Council shall discontinue such office. Offices

Section 908. Employees Residence. All officers and employees of the city must be citizens of the United States, and during their terms of office or employment must establish residence in the city no later than 90 days following the date of their employment; provided, that unless no qualified applicants are available, employees employed by the city shall have maintained residence in the city at least one year prior to appointment. Each such officer or employee shall perform such duties as may be required of them by this Charter or by any law or ordinance, and shall receive only such compensation as may have been duly provided. Residence of employees

Section 909. Officers, Removal from City. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days, consecutively, without the permission of the Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within the time required by this Charter, or shall resign, or be convicted of felony or of malfeasance in office, or be adjudged insane, his office shall be and become vacant, and such vacancy shall be filled, as in this Charter provided. Officers leaving city

Section 910. City Property. All books, papers, plats, charts, records, files, and stationery belonging to the city, made, or made use of, by any officer, or employee of the city in the performance of his official duties, shall be deemed and considered as belonging to the city, and shall be delivered to his successor in office, who shall give duplicate receipts in writing therefor, one of which shall be filed with the City Clerk. City property

Section 911. No Discrimination. No officer or employee in any department of the city government shall ever be ap- Discrimination

pointed, or removed for or on account of partisanship, his political opinions, or race, color, or creed.

Improvement proceedings

Section 912. Improvement Proceedings. All improvements, actions, proceedings, matters, and things not otherwise provided for in this Charter shall be taken, had, and conducted under, and in pursuance of the provisions of the laws of the State of California applicable thereto, in force at the time such improvements, actions, proceedings, matters, and things are taken and had.

Special meetings

Section 913. Special Meetings. Whenever special meetings are called by the Council, Board of Education, or any other Board of the municipality, notice thereof shall be served on each member personally or by mail, addressed to him, at his place of residence; if by mail, the notice, postpaid, shall be deposited in the Post Office of the city, at least twenty-four hours before the time of meeting. At such special meeting, no subject shall be considered except that specified in the notice.

Judicial notice

Section 914. Judicial Notice of Ordinance. It shall not be necessary, in any action, civil or criminal, to plead or prove the organization or existence of the corporation of the City of Eureka, nor the passage, existence, or validity of any ordinance, rule, resolution, or other regulation thereof; but the Court before which the proceedings shall be pending shall take judicial notice of this Charter and of such ordinance, rule, resolution, or other regulation, and of the contents thereof, without proof, unless their validity is assailed, when the burden of proof shall be on the party assailing the same; and in all civil actions to which the city, or any officer of the city, is a party, either plaintiff or defendant, the adoption and contents of any ordinance, rule, resolution, or other regulation of the Council may be proven PRIMA FACIE by the introduction of the original entry thereof on the records of the Council, by a copy thereof certified by the City Clerk, to be a full, true and correct copy of such original entry, or by the introduction of a printed copy published or purporting to have been published by authority.

Ordinance in force

Section 915. Ordinance in Force. All ordinances, rules, resolutions, and other regulations of the City of Eureka, in force at the time of this Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed. All officers of the city heretofore existing shall, unless expressly continued in force by this Charter, cease to exist at the time that this Charter takes effect, and shall be supplanted by the officers herein provided for, and the incumbents of the offices so abolished shall surrender to the officers having like powers and duties, as provided by this Charter, all monies, bonds, contracts, books, accounts, records, files, furniture, and property of the offices so abolished. No business pending before any department or officer of the city at the time this Charter takes effect shall be considered as lost, discontinued, or abandoned by reason thereof, but the same may be taken up, con-

tinued, transacted, and completed before the proper department or officer provided for by this Charter.

Section 916. First Election. The Council of the present City of Eureka shall provide for the holdings of the first election of officers under this Charter; shall canvass the vote, declare the result, and approve the bonds of all officers elected at such election. First election

Section 917. Definitions. Unless the provision or the context otherwise requires, as used in this Charter: Definitions

(a) "Shall" is mandatory and "may" is permissive.

(b) "City" is the City of Eureka and "department", "board", "commission", "agency", "officer", or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Eureka,

(c) "County" is the County of Humboldt.

(d) "State" is the State of California.

(e) "Council" is the City Council of the City of Eureka.

(f) "Mayor" is the Mayor of the City of Eureka.

(g) "Member" or "Member of the Council" means any one of the five members of the Council.

(h) The masculine gender includes feminine and neuter.

Section 918. Headings. Article and section headings appearing in this Charter are for illustration and information and do not in any manner affect the scope, meaning or intent of the provisions of this Charter.

Section 919. Validity and Separability. If any provision of this Charter or the application thereof to any person or circumstance is held invalid the remainder of the Charter and the application of such provisions to other persons or circumstances shall not be affected thereby. Validity and separability

ARTICLE X

Educational Department

Section 1000. School Department. The government of the School Department of the City shall be vested in a Board of Education to consist of five members who shall receive no compensation. The Qualified electors of the school district shall as a whole elect one member of the Board for each of the five wards of the school district. No person shall be eligible to be elected to the Board of Education who has not resided in the District for one year and in the ward for which he is elected for at least six months preceding his election, and if he fails to continue to be a resident of such ward, his office shall by reason thereof become vacant; provided, however, that in the event ward boundaries are legally changed, this provision shall not apply for balance of the term for which the member was elected. Each member of the Board shall hold office for a period of four years, or until his successor shall be elected or appointed. The term of office of present members shall not be affected by the adoption of this section. School Department

Board of Education

Section 1001. Board of Education, Organization. The Board of Education shall meet on the second Monday of July thereafter their election and organize by electing one of their members president, whose term of office shall be two years. The Board shall hold regular meetings at least once in each month at such time as shall be determined by its rules. Special meetings may be called at any time by the President or any two members of the Board A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the Board shall be public and its records open for public inspection. The Board may determine the rules of its proceedings and the ayes and noes shall be taken when demanded by any member and entered upon the records of the Board. Any vacancy occurring in the Board shall be filled until the next municipal election by a majority vote of the remaining Directors, and in case of a tie vote the Mayor of the City shall have the casting vote. The appointee shall be a resident of the ward in which the vacancy occured.

Same Powers and duties

Section 1002. Board of Education, Powers and Duties. The Board of Education shall administer the schools in conformance with the California State Educational Code.

Publication of new charter

SECTION II. The City Clerk is hereby directed to cause the proposed new charter to be published once in the Humboldt Standard a newspaper of general circulation, published and circulated in the City of Eureka (there being no official paper of said City), and shall have copies of said proposed new Charter printed in convenient pamphlet form, and shall, until the date fixed for the election upon such new Charter, keep copies thereof on file in her office for distribution and shall advertise once in one or more papers of general circulation, published and circulated in the City of Eureka, State of California, a Notice that such copies of said proposed new Charter may be had at her office upon application therefor, all in accordance with and in the time provided in Section 8, Article XI of the Constitution of the State of California, and shall also cause the said proposed new Charter of the City of Eureka to be printed in pamphlet form and to be mailed to each registered voter within the time and in the manner provided for in Ordinance 833 of the City of Eureka and the election laws of the State of California.

Election

SECTION III: Said proposed new Charter shall be submitted to the qualified electors of said City of Eureka on the 5th day of March, 1959, at which time said proposed new Charter may properly be voted upon.

Ordinance published

SECTION IV: This ordinance shall be published once in the Humboldt Standard, a newspaper of general circulation, published and circulated in the City of Eureka, and shall take effect and be in force immediately upon its approval by the Mayor.

Adopted: This 16th day of January 1959.
ORVIL WILSON
(SEAL) President of the Council

Submitted to the Mayor: This 16th day of January, 1959.
Approved by the Mayor: This 19th day of January, 1959.
OSCAR SWANLUND
Mayor of the City of Eureka
Attest: RUBY C. SHANAHAN
City Clerk of the City of Eureka.

CERTIFICATE

Be it known, that the City of Eureka, a city containing a population of more than 3,500, by motion of legislative body pursuant to Article XI, Section 8(f) of the Constitution of the State of California did cause to be framed a proposed charter and submitted same to the electors at a special election called for that purpose on the 5th day of March, 1959, and under and in accordance with the provisions of said Section 8 of Article XI, not less than forty (40) days nor more than sixty (60) days after the completion of advertising in the Humboldt Standard, a newspaper of general circulation, published and circulated in said City of Eureka, publication completed on the 22nd day of January, 1959, and as hereinbefore set forth by Ordinance No. 2787;

And further that we the members of said City Council in pursuance of law did within the period of ten days after the closing of the polls at said special election, to wit: on the 13th day of March, 1959, meet and canvass the returns of said special election and certify that the total number of votes cast at said special election was Six Thousand Two Hundred Two (6,202) votes; that the total votes cast in favor of said proposed new charter was Three Thousand Four Hundred Fifty Two (3,452) votes; and that the total votes cast against said proposed new charter was Two Thousand Seven Hundred Fifty (2,750) votes; and that therefore there was a majority vote cast in favor of said proposed new charter.

In Witness Whereof, we have hereunto set our hands this 25th day of March, 1959. Done in duplicate.

OSCAR SWANLUND
Mayor of the City of Eureka
Attest:
RUBY C. SHANAHAN
City Clerk of the City of Eureka

ORVIL WILSON
ROBERT H. MADSEN
BURR W. CANNAM
AARON M. BISTRIN
DONALD A. CAVE

(SEAL)

WHEREAS, The said proposed charter as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for ap-

proval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter of the City of Eureka, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, as the charter of the City of Eureka.

CHAPTER 125

Assembly Concurrent Resolution No. 97—Relative to making additional funds available to the Legislative Audit Committee.

[Filed with Secretary of State, April 10, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of two hundred eighty thousand dollars ($280,000) or so much thereof as may be necessary, is hereby appropriated from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid equally from said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 126

Senate Concurrent Resolution No. 36—Relative to the continuance of the Joint Committee on Water Problems.

[Filed with Secretary of State, April 10, 1959.]

Resolved by the Senate of the State of California, The Assembly thereof concurring, as follows:

1. The Joint Committee on Water Problems created by Senate Concurrent Resolution No. 105 (Res. Ch. 337) of the 1957 Regular Session is continued as a joint interim committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 127

Senate Concurrent Resolution No. 41—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State, April 10, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of four hundred seventy thousand dollars ($470,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 128

Assembly Concurrent Resolution No. 93—Relative to Sabbath School Instructors' Week.

[Filed with Secretary of State, April 10, 1959.]

WHEREAS, Instruction in our religious institutions for children of all faiths plays a vital role in preparing them to be useful law-abiding citizens; and

WHEREAS, Throughout the Country, thousands of persons give freely of their time and efforts to instruct children in the tenets of the Protestant, Jewish, and Catholic religions; and

WHEREAS, By the guidance and teaching of these dedicated men and women, many young persons are saved from potential

delinquency and instead become respected members of their community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members respectfully request the Governor of the State of California to set aside a week to be known as Sabbath School Instructors' Week, to commemorate the volunteer religious instructors of all creeds who contribute so much to the future of our Country through their religious training of our young people; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Governor of California.

CHAPTER 129

Assembly Joint Resolution No. 14—Relative to civil defense.

[Filed with Secretary of State, April 14, 1959.]

WHEREAS, The development of new methods of warfare has subjected the civilian population of the United States to increasing risks in the event of an attack on this Country; and

WHEREAS, With weapons now available an enemy nation could launch an attack on virtually any sector of the United States; and

WHEREAS, The protection and orderly relief of the civilian population in event of attack has thus become a problem that cannot be met solely by the states and local governments; and

WHEREAS, The Eighty-fifth Congress, recognizing this broadened concept, adopted Public Law 606, which provides for civil defense responsibilities to be assumed jointly by the Federal Government and the states and their political subdivisions; and

WHEREAS, Public Law 606 declares as a matter of policy that matching funds will be provided by the Federal Government up to 50 percent to states and local subdivisions for personnel and administrative expenses; and

WHEREAS, A supplemental appropriations bill to implement the provisions of Public Law 606 was introduced in the Eighty-fifth Congress but did not pass, due primarily to the limitations of time; and

WHEREAS, An appropriations bill for the Office of Civil and Defense Mobilization will be introduced during the Eighty-sixth Congress, which, if enacted, will provide funds to carry out the provisions of Public Law 606; and

WHEREAS, This bill will have the full support of the governors, mayors, government officials on all levels, and civil defense citizens' advisory committees concerned with the protection of life and property in this Country during times of national emergency or disaster; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Members of this Legislature respectfully memorialize the Congress of the United States to adopt such an appropriations measure for the benefits it will provide to the entire Nation; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Congressman Clarence Cannon of Missouri, Chairman of the House Appropriations Committee, to Senator Carl Hayden of Arizona, Chairman of the Senate Appropriations Committee, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 130

Senate Concurrent Resolution No. 45—Relative to the continuance of the Joint Judiciary Committee on Administration of Justice.

[Filed with Secretary of State, April 15, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Judiciary Committee on Administration of Justice, created by Senate Concurrent Resolution No. 34 of the 1957 Session and continued by Senate Concurrent Resolution No. 8 of this session, is continued as a joint committee at this session until May 20th, for the purpose of preparing and filing its report, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The provisions of the Joint Rules of the Senate and Assembly, as adopted at this session, or amended from time to time, are applicable to this committee and its members.

3. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 131

Assembly Concurrent Resolution No. 50—Relative to an amendment of the Joint Rules of the Senate and Assembly to provide for the creation of a Joint Committee on Legislative Organization.

[Filed with Secretary of State, April 16, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

First, that Rules 2 and 40, and the headings thereof, of the Joint Rules of the Senate and Assembly are repealed.

Second, that Rule 40 is added to the Joint Rules of the Senate and Assembly, to read as follows:

Joint Committee on Legislative Organization

40. The Joint Committee on Legislative Organization is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, and two Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the State Government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered and acted upon.

(d) The operation of the Legislature, and the committees thereof, and the means of co-ordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in

session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the State in the performance of its duties.

(h) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The committee shall succeed to, and is vested with all of the powers and duties of the State Capitol Committee, the Joint Committee on Interhouse Co-operation, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

This resolution shall become effective only if Assembly Bill No. 718 is enacted by the Legislature at its 1959 Regular Session and in such case at the same time as said statute takes effect.

CHAPTER 132

Assembly Concurrent Resolution No. 84—Relative to acquisition of land in the City of Newport Beach for a state park.

[Filed with Secretary of State, April 16, 1959.]

WHEREAS, The State of California now owns certain real property consisting of beach frontage on the Pacific Ocean in the City of Newport Beach known as the Corona Del Mar State and City Beach Park; and

WHEREAS, Pursuant to a lease agreement between the State Park Commission and the City of Newport Beach executed on the nineteenth day of August, 1949, it was mutually understood and agreed that the State Park Commission intended to acquire additional beach properties for the completion of the said park; and

WHEREAS, Two blocks of property now under water but capable of being developed as residential lots constitute the only remaining quiet water swimming beach in the area; and

WHEREAS, The importance of retaining public ownership of the beach and the water adjacent thereto is reflected in the recently completed master plan of the City of Newport Beach for the development of the Corona Del Mar State and City Beach Park; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Park Commission is hereby requested to take the necessary action as soon as possible to acquire the two blocks of land described as follows for the completion of the Corona Del Mar State and City Beach Park:

Blocks D-33 and E-33 of the Corona Del Mar Tract, Miscellaneous Maps No. 3, Pages 41 and 42, as recorded in the Recorder's Office, Orange County, California;

and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Park Commission.

CHAPTER 133

Assembly Concurrent Resolution No. 102—Relative to extending congratulations to the California branch of the National Council of Jewish Women.

[Filed with Secretary of State, April 16, 1959.]

WHEREAS, On March 19, 1959 the California Legislation Committee of the National Council of Jewish Women held a legislative "workshop" in Sacramento; and

WHEREAS, The National Council of Jewish Women was founded in 1893 through the untiring efforts of Mrs. Hannah G. Solomon, a prominent Chicago civic leader; and

WHEREAS, During its more than 65 years in existence, the council has conducted constructive and beneficial community activities in the fields of health, welfare and education and has worked closely in co-operation with established agencies in philanthropies and personal services; and

WHEREAS, The California branch of this organization has since its inception worked unselfishly to create a better understanding among the people of this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legisla-

ture commend the California branch of the National Council of Jewish Women and Mrs. Clarence M. Hart, chairman of the legislation committee of such branch, for the interest which they have shown in the legislative process; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the National Council of Jewish Women, to the California branch of the National Council of Jewish Women, and to Mrs. Clarence M. Hart.

CHAPTER 134

Senate Concurrent Resolution No. 44—Relative to amending the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, April 16, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule No. 10 of the Joint Rules of the Senate and Assembly is amended to read:

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

CHAPTER 135

Assembly Joint Resolution No. 8—Relative to the selection of the City of Antioch as a site for an experimental saline water conversion plant.

[Filed with Secretary of State, April 21, 1959.]

WHEREAS, Contra Costa County has experienced a 265 percent growth of population in the last 18 years, with an attendant increase of industrial development, which industrial development has greatly manifested itself in the general vicinity of the City of Antioch; and

WHEREAS, The northerly shore of Contra Costa County, upon which the City of Antioch and its extensive industrial developments are situated, has historically enjoyed an available supply of fresh water throughout most of the year; and

WHEREAS, That supply has steadily deteriorated, due to salt water intrusion, caused by upstream water diversions and storage on the Sacramento and San Joaquin Rivers and their tributaries, with the attendant threat to growth of municipal communities and industrial developments in Contra Costa County; and

WHEREAS, The United States Bureau of Reclamation has taken the position that salinity control is not a proper function of the Central Valley Project, has only tacitly agreed that releases from Shasta Dam, the only present means of controlling salinity encroachment and brackish conditions, will not be diminished until Contra Costa County finds another solution to its problem; and

WHEREAS, Economical conversion of brackish to fresh water could solve this county's problem by supplying an adequate amount of water for domestic, agricultural and industrial uses as replacement for water lost through upstream diversions; and

WHEREAS, The Antioch site is an ideal one for a conversion plant since the seasonal variations in salinity of offshore water and the many varied uses in and near Antioch for fresh water, will provide ideal conditions for making economic analysis of the conversion process; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and the United States Department of the Interior, to take such action as may be necessary for the selection of the City of Antioch as a site for an experimental saline brackish water conversion plant and that the program be augmented to provide for an additional saline brackish water conversion plant to be located in California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

CHAPTER 136

Assembly Joint Resolution No. 29—Relative to the dredging of Redwood City Harbor.

[Filed with Secretary of State, April 21, 1959.]

WHEREAS, In 1945 the United States Congress in the River and Harbor Act of March 2, 1945, authorized the improvement of the Redwood City Harbor to be accomplished by deepening the channel across San Bruno Shoal, deepening the entrance channel from the bay to the harbor, and enlarging the existing turning basin; and

WHEREAS, The importance of the Port of Redwood City to the San Francisco Bay area is illustrated by the fact that the statistics of the United States Army Engineers show the total ocean commerce handled at the Port of Redwood City to be 46 percent as large as that handled at the Port of San Francisco and for outbound ocean commerce alone the statistics show that the tonnage handled at the Port of Redwood City was 94 percent of that handled at the Port of San Francisco; and

WHEREAS, Since the approval by Congress of these proposed channel improvement large sums of money have been expended by the Port of Redwood City out of its earnings in contemplation of these authorized improvements and also large sums of money have been expended by private industry in contemplation of these improvements, including an investment of about one million dollars by the Leslie Salt Company in providing facilities for the expeditious loading of salt, in bulk, to vessels, which facilities through contractual arrangement with the Port of Redwood City are to be made available to the port for the loading by direct movement between rail cars and vessels of commodities in bulk other than salt; and

WHEREAS, The cargo tonnage now handled at the port, 3,037,461 tons in 1958, far exceeds what was considered prospective when the improvement project for the harbor was approved by Congress in 1945 by a ratio of nearly three to one; the number of deep-draft vessels now calling at the port, 151 in 1958, far exceeds the number that was contemplated at the time of the 1945 authorization; and an additional 2,175 barges loaded with cargo transited the port's channel during 1958; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully requested to take all necessary steps to provide for the immediately construction of the improvements provided for in the 1945 authorization for improvements for the Port of Redwood City; and, be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 137

Assembly Concurrent Resolution No. 110—Approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourteenth day of April, 1959.

[Filed with Secretary of State, April 23, 1959.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City of Glendale, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF GLENDALE

State of California
County of Los Angeles } ss.
City of Glendale

We, Zelma Bogue, Mayor of the City of Glendale, and G. E. Chapman, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion, by Resolution No. 13,167 adopted on the 26th day of December, 1958 and by Resolution No. 13,176 adopted on the 2nd day of January, 1959, duly and regularly submitted to the qualified electors of the City five proposals

for the amendment of the Charter of the City which were designated as Charter Amendments Nos. 1, 2, 3, 4, and 5, and The Council ordered that the proposed charter amendments be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 14th day of April, 1959, which date was fixed in the resolution as the date for holding the special municipal election.

That on the 5th day of March, 1959, the proposed charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed charter amendments were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 25, 1959, to and including April 14, 1959; and a notice was advertised and published on and from March 6, 1959 until April 13, 1959, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No. 3094, which was duly passed on March 5, 1959, order the holding of a general and a special municipal election in the City of Glendale on the 14th day of April, 1959, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed charter amendments as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 31, 1959, and April 7, 1959, pursuant to the provisions of the Charter of the City of Glendale, in the Glendale News-Press; and The Council of the City did by the ordinance order the special municipal election consolidated with the General Municipal Election to be held in the City on the 14th day of April, 1959.

That the special municipal election was held in the City of Glendale on the 14th day of April, 1959, which day was not less than forty days, and not more than sixty days after the proposed amendments to said Charter had been published once in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the special municipal election and did, by resolution adopted on April 20, 1959, duly declare the results of the special municipal election as determined from the canvass of the returns thereof.

That at the special municipal election, Charter Amendments Nos. 1, 2, 3, 4 and 5 were ratified by a majority of the electors of the City voting thereon.

That the five charter amendments so ratified by the electors of the City of Glendale are in words and figures as follows:

CHARTER AMENDMENT NO. 1

Section 3 of Article XI of the Charter of the City of Glendale is amended to read:

Presentation of demands against the city

"(ARTICLE XI) SECTION 3. PRESENTATION OF DEMANDS; PETTY CASH FUNDS. All demands against the city shall, before being paid, be presented to and approved by the proper commission or officer, as herein provided. Demands for which no appropriation has been made shall be presented to the council; and all other demands shall be presented to the city manager; provided that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for a park, playground and recreation center commission, a social service commission, or a city planning commission, it may make provision for the presentation to and approval by any such commission of demands for liabilities incurred by it. The council by ordinance may provide for petty cash funds for payment in cash of expenditures provided for in the budgets that cannot conveniently and economically be paid otherwise. When making demands for the replenishment of the same, the persons entrusted with the funds shall account for all disbursements, and the amounts so expended shall thereupon be charged against the proper appropriations."

CHARTER AMENDMENT NO. 2

Section 9b of Article XXIV of the Charter of the City of Glendale is amended to read:

Abolishment of positions

"(ARTICLE XXIV) SECTION 9b. ABOLISHMENT OF POSITIONS. When a position in the classified service is abolished, the reduction and termination of all persons affected thereby shall be in accordance with the rules and regulations of the commission adopted for that purpose which shall follow as closely as practicable the reverse order of the lines of promotion and give credit according to seniority."

CHARTER AMENDMENT NO. 3

Section 12 of Article XI of the Charter of the City of Glendale is amended to read:

Special taxes and bonds

"(ARTICLE XI) SECTION 12 SPECIAL TAXES AND BONDS. Whenever the council shall determine that the public interest

demands an expenditure for municipal purposes which cannot be provided for out of the ordinary revenue of the city, it may submit to the qualified voters at a regular or special election a proposition to provide for such expenditure, either by levying a special tax or by issuing bonds, but no such special tax shall be levied nor any such bonds issued unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at such election. No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the city shall be had in such a manner and form and under such conditions as shall be provided from time to time by general law."

CHARTER AMENDMENT No. 4

Section 8 of Article XXIII of the Charter of the City of Glendale is amended to read:

"(ARTICLE XXIII) SECTION 8. PROHIBITIONS APPLICABLE TO SPECIFIED OFFICERS—GOVERNMENT CODE SECTIONS ADOPTED. Wherever applicable to city officers article 4 of chapter 1 of division 4 of title 1 of the Government Code of the State of California entitled 'Prohibitions Applicable to Specified Officers', as it now exists or hereafter may be amended, is hereby made a part of this Charter. In addition, no officer or employee of the city shall receive any gratuity or advantage from any contractor or person furnishing labor or material to the city under a contract which is made or administered by such officer or employee or by any body or board of which he is a member." Prohibitions to officers

CHARTER AMENDMENT No. 5

Section 4 of Article XXIII of the Charter of the City of Glendale is amended to read:

"(ARTICLE XXIII) SECTION 4. INCREASE IN COMPENSATION OF ELECTIVE OFFICERS. The compensation of elective officers shall not be increased during the terms of their respective offices except by vote of the electors or except that when percentage increases are granted to other officers and employees generally, the council may grant comparable percentage increases to the city clerk and the city treasurer." Increases in compensation

We further certify that we have compared the text of the foregoing charter amendments with the original proposals submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy thereof. That as to said charter amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 20th day of April, 1959.

ZELMA BOGUE
(SEAL) Mayor of the City of Glendale
G. E. CHAPMAN
City Clerk of the City of Glendale

Approved as to form
HENRY MCCLERNAN, City Attorney
By D. P. BONFA
Date 4-20-59

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Glendale, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Glendale.

CHAPTER 138

Assembly Joint Resolution No. 15—Relative to atomic energy and radiation protection.

[Filed with Secretary of State, April 24, 1959.]

WHEREAS, California is a large user of atomic energy and radioactive materials in industry, medicine, agriculture, and research; and

WHEREAS, Radiation, if improperly used, presents a potential hazard to the health and safety of the people of this State; and

WHEREAS, Since the enactment of the Atomic Energy Act of 1954 by the Federal Government there has been a considerable amount of uncertainty as to the effects of that act upon the State's traditional responsibilities in the field of health and safety; and

WHEREAS, There exists a questionable area of state jurisdiction regarding facilities and materials licensed by the United States Atomic Energy Commission which are potentially dangerous to the health and safety of human beings; and

WHEREAS, While the Atomic Energy Commission has indicated upon many occasions its desire to co-operate with the states and its desire for state assistance in inspection and

enforcement, neither Congress nor the commission has clarified the relationship between the Federal Government, including the Atomic Energy Commission, and the states in this regard; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact an amendment to the Atomic Energy Act of 1954 which will clarify the jurisdiction of a state with regard to the protection of the health and safety of the public from radiation hazards incident to the possession or use of those facilities and materials licensed by the Atomic Energy Commission under the provisions of the Atomic Energy Act of 1954; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 139

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1¼ of, and adding Section 1¼a to, Article XIII, relating to the exemption of property from taxation on account of military service.

[Filed with Secretary of State, April 24, 1959]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1959 Regular Session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows: First—That Section 1¼ of Article XIII be amended to read:

SEC. 1¼. The property to the amount of one thousand dollars ($1,000) of every resident of this State who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States, and in either case has received an honorable discharge therefrom, or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or

lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars ($1,000) of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of one thousand dollars ($1,000) of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars ($5,000) or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars ($5,000) or more. No exemption shall be made under the provisions of this section of the property of a person who is not legal resident of the State; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

Second—That Section 1¼a be added to Article XIII, to read:

SEC. 1¼a. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this State who, by reason of his military or naval service, is qualified for the exemption provided in Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his wife, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property; except that such exemption shall not extend to more than one home nor exceed five thousand dollars ($5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in Section 1¼ of this article.

Where such totally disabled person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the Government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

CHAPTER 140

Assembly Joint Resolution No. 27—Relative to nonstop jet airliner service between San Francisco and New York.

[Filed with Secretary of State, April 27, 1959.]

WHEREAS, In a few weeks the Civil Aeronautics Board will conduct a hearing to evaluate the evidence concerning the application of a transcontinental air carrier to begin nonstop jet airliner flights between New York and San Francisco; and

WHEREAS, Nonstop service between New York and San Francisco is now provided by two commercial airlines flying piston-type aircraft; however, this existing service does not meet adequately the growing needs of this area, and the addition of jet airliner service would reduce the time in air travel between these two great metropolitan communities by approximately 50 percent; and

WHEREAS, The need for nonstop service by jet air travel is extremely critical and important to the entire Northern and Central California areas; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Members of this Legislature respectfully urge the Civil Aeronautics Board to rule in favor of establishing a third nonstop air service between San Francisco and New York, which will allow the immediate scheduling of jet airliner flights; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the President and each member of the Civil Aeronautics Board, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 141

Senate Concurrent Resolution No. 50—Approving an amendment to the charter of the City of Porterville, a municipal corporation in the County of Tulare, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of April, 1959.

[Filed with Secretary of State, April 29, 1959.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Porterville, a municipal corporation of the County of Tulare, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENT TO CHARTER
OF THE CITY OF PORTERVILLE

STATE OF CALIFORNIA }
COUNTY OF TULARE } SS

We, the undersigned, Lester J. Hamilton, President of the City Council and Mayor of the City of Porterville, and M. L. Grimsley, City Clerk of the City of Porterville, do hereby certify and declare as follows:

That the City of Porterville is a municipal corporation in the County of Tulare, State of California, and is now and at all times hereinafter referred to was a City containing a population of more than thirty-five hundred (3,500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Porterville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors in said City at an election duly held for that purpose on October 5, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the twenty-seventh day of January, 1927 (Statutes 1927, Chapter 27, Page 2172);

That in pursuance of Section 8 of Article XI of the Constitution of the State of California, and on its own motion, the Council of the City of Porterville, being the legislative body of said City, by and in pursuance of a resolution passed and adopted by the City Council on the twentieth day of January, 1959, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, a proposal for the amendment of Section 56 of the Charter of said City to be voted on by said qualified electors, at a general municipal election, held in said City on the seventh day of April, 1959, which said proposal is hereinafter set forth at length;

That said proposed amendment was published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in the PORTERVILLE EVENING RECORDER, which was then and there a daily newspaper printed, published and circulated at and within the City of Porterville, County of Tulare, State of California, and the official newspaper for said City;

That said City Council caused copies of said proposed amendment to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City, and did, until the date fixed for the election upon said amendment, advertise in the PORTERVILLE EVENING RECORDER, a notice that such copies might be had upon application therefor, all in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California;

That said proposed amendment was so published and advertised within fifteen (15) days after it was filed with the City Clerk and that the election at which it was voted on was by resolution of the City Council passed and adopted on the twentieth day of January, 1959, set for April 7, 1959, which was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the official newspaper as aforesaid;

That thereafter, the City Council of the City of Porterville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said City Council by resolution adopted on the thirteenth day of April, 1959, declare the result of said municipal election as determined from the canvassing of the returns thereof;

That at said municipal election held on the seventh day of April, 1959, said proposed amendment was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment one thousand one hundred eighty-nine (1,189) votes and against said amendment one hundred thirteen (113) votes;

That said amendment so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"Section 56. Shall the free public library of the City of Porterville be established, conducted, carried on, managed and operated in accordance with rules, regulations and ordinances passed and adopted by the Council of the City of Porterville?" Free public library

That the returns of said election were in accordance with law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunder duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposal for the amendment to Section 56 of said Charter, and

That we and each of us further certify that we have compared the foregoing and enclosed ratified amendment to the Charter of the City of Porterville with the original Resolution and proposal submitting the same to the electors of the City in the general municipal election held on the seventh day of April, 1959, and that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the City of Porterville to be affixed, this thirteenth day of April, 1959.

(SEAL)

LESTER J. HAMILTON
President of the City Council
and Ex-Officio Mayor
M. L. GRIMSLEY
City Clerk of the City of
Porterville

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Porterville, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as amendment to and as part of the charter of the City of Porterville.

CHAPTER 142

Senate Concurrent Resolution No. 51—Approving an amendment to the charter of the City of San Bernardino, County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the seventeenth day of March, 1959.

[Filed with Secretary of State, April 29, 1959.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of San Bernardino, a municipal corporation situated in the County of San Bernardino, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.
CITY OF SAN BERNARDINO

We, the undersigned, E. D. Kremer, Mayor of the City of San Bernardino, State of California, and Jack T. Felton, City Clerk of said city, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a city of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a Primary Municipal Election, held within said city on the 17th day of March, 1959, a certain proposed amendment to the city Charter of said city.

Said proposed amendment was published in THE SAN BERNARDINO EVENING TELEGRAM, being a newspaper of general circulation printed and published in said city and having a general circulation therein, and being an official newspaper of said city, on the second day of February, 1959, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendment to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said city and, until the day fixed for said election, advertised in THE SAN BERNARDINO EVENING TELEGRAM, being a newspaper having a general circulation in said city, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 17th day of March, 1959, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendment, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment to said city Charter.

Said proposed amendment was duly and regularly submitted to, and duly ratified by, the said qualified voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with.

Said amendment is as follows:

Article II, Section 24 is amended to read as follows:

Section 24. The Mayor shall receive an annual salary of $7,200.00, payable monthly. **Mayor's annual salary**

We have compared the said ratified amendment with the original proposed amendment submitted to the qualified electors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendment.

WE FURTHER CERTIFY that the facts set forth in the preamble preceding said amendment to said Charter, and each of them are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this thirty-first day of March, 1959.

(SEAL)

E. D. KREMER
Mayor of the City of San Bernardino, California.
JACK T. FELTON
City Clerk of the City of San Bernardino, California

WHEREAS, Said amendment to the charter of the City of San Bernardino so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the Members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Bernardino as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment and as part of the said charter of the City of San Bernardino.

CHAPTER 143

Assembly Concurrent Resolution No. 111—Relative to the passing of E. D. Coblentz.

[Filed with Secretary of State, April 30, 1959.]

WHEREAS, The many friends, relatives, and associates of newspaperman Edmond D. Coblentz have been saddened by the news of his passing; and

WHEREAS, Mr. Coblentz, a native of San Francisco, began his newspaper career at the age of 18 as a cub reporter on the San Francisco waterfront; and

WHEREAS, Subsequent to the 1906 earthquake Mr. Coblentz joined with three others to publish the first reports of the event; and

WHEREAS, Edmond Coblentz established an outstanding professional reputation in various editorial positions on San Francisco and New York newspapers and was the author of two books; and

WHEREAS, His great interest in California history led Mr. Coblentz to cause the restoration of the home of General Smith, the first military Governor of California, which has been designated as a state historical monument; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature takes this opportunity to express its sincere condolences to the family of Edmond D. Coblentz and to honor his life of achievement; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Lolita Coblentz, his widow, to Mrs. Denise Russell, his daughter, to Mr. Z. B. Coblentz, his brother, to Mr. William K. Coblentz, his nephew, Mrs. Lolita Erlanger, his niece and to the officers and directors of the Hearst Corporation.

CHAPTER 144

Assembly Joint Resolution No. 28—Relative to a congressional investigation of unnecessary sonic booms in populated areas in California.

[Filed with Secretary of State, April 30, 1959.]

WHEREAS, There has been an increasing number of reports of sonic booms caused by high-powered, high-speed jet aircraft, the most recent of which was a report of successive sonic booms in the San Francisco Bay area on April 7 and 8, 1959, all of which were of sufficient intensity to actuate the seismograph at the University of California; and

WHEREAS, When blasted in congested or inhabited districts, sonic booms, at the very least, inconvenience and disturb the repose or peace of mind of many persons in such areas; and

WHEREAS, In addition to this, sonic booms in many areas in California have been strong enough to damage homes and other property and loud enough to cause extreme fright or shock among many persons subject to their explosive qualities; and

WHEREAS, Medical spokesmen have stated that the fright or shock generated by sonic booms may trigger the onset of coronary diseases or other afflictions intensified by sudden fear or shock; and

WHEREAS, Such intense sonic booms can frequently disrupt the usual emergency channels of communication, as was the case in the San Francisco Bay area recently when police telephone lines were jammed and rendered useless for their normal function by persons calling to inquire as to the cause of the "tremendous explosion"; and

WHEREAS, It is recognized by this Legislature that sonic booms occur in the tactical operations practiced by the Armed Forces, and that such practice is necessary for the defense of our Nation, but it is also recognized that operational training in the type of maneuvers in which sonic booms occur is generally not necessary over densely populated areas because such training is easily conducted in uninhabited regions; and

WHEREAS, It appears clear that as aviation technology advances the frequency of sonic booms will increase, as will the property damage, physical discomfort and mental suffering necessarily accompanying such explosions; and

WHEREAS, There is evidence that the Armed Services of the United States do not fully recognize their public responsibility to minimize the force and frequency of sonic booms and to reimburse citizens for damage caused by such blasts, although the U. S. Air Force has taken steps to settle claims for property damage caused by sonic booms originating from its aircraft; and

WHEREAS, It is the sincere belief of the Legislature of the State of California that no suitable solution will be found for

this problem until the Congress of the United States undertakes an investigation to determine the identity of the agencies causing unnecessary sonic booms, and to find methods for alleviating the frequency and force of such explosions over population centers; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to undertake an immediate investigation of sonic booms caused by military aircraft operating over populated areas, and the property damage and danger of physical injury caused thereby, with a view toward developing methods for mitigating this unfortunate and dangerous situation; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 145

Assembly Joint Resolution No. 22—Relative to nuclear weapons test explosions under an adequate inspection system.

[Filed with Secretary of State, May 5, 1959.]

WHEREAS, Representatives of the United States are negotiating with representatives of the Soviet Union and Great Britain toward an international treaty to end nuclear weapons test explosions under an adequate inspection system; and

WHEREAS, A conference of scientists and technicians representative of these governments and others have previously concurred on the feasibility of monitoring such a system of controls; and

WHEREAS, There is now tentative agreement on seven articles in a proposed treaty to set up worldwide inspection posts; and

WHEREAS, Such inspection posts could be established in strategically nonsensitive areas within a nation's boundaries, to avoid infringement of national rights; and

WHEREAS, The successful negotiation of a treaty to end nuclear weapons test explosions under adequate inspection would be a positive first step toward disarmament by all nations, a policy which is the goal of the United States and the hope of all mankind; and

WHEREAS, Such action would reduce the hazard of radioactive fallout and would aid in preventing the emergence of many new nations armed with atomic and hydrogen bombs and would further set the stage for additional international control and reduction of weapons of mass destruction; and

WHEREAS, The sincere and constructive efforts of the national administration to achieve agreement in this critical area, coupled with its firm and unequivocal stand against totalitarianism wherever it may occur constitutes the world's best hope for achieving a lasting peace; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States Government be commended and encouraged in its efforts to negotiate an end to nuclear weapons test explosions as a significant development toward which men from every corner of the earth look with hope; and be it further

Resolved, That such a treaty should provide for effective international control over any experimental nuclear explosions designed to provide scientific information for peaceful purposes, in order to prevent improper use of such explosions for other than peaceful purposes.

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the President of the United States, to the Secretary of State of the United States, to the Secretary General of the United Nations and to each Senator and Representative in the Congress of the United States from the State of California.

CHAPTER 146

Assembly Joint Resolution No. 24—Relative to requesting Congress to enact S. 910 of the Eighty-sixth Congress.

[Filed with Secretary of State, May 5, 1959.]

WHEREAS, The problems of western states and their counties and cities arising from the vast federal ownership of property in the West have demanded solution for almost 15 years; and

WHEREAS, The Congress of the United States has not yet acted with respect to instituting the needed system of payments in lieu of taxes on federal property which would partially solve these problems; and

WHEREAS, There is pending before the Eighty-sixth Congress S. 910, sponsored by a large number of United States Senators, aware of the need for some system of payments in lieu of taxes; and

WHEREAS, The provisions of S. 910 provide only a modest beginning solution of these problems and will not be burdensome upon the Federal Treasury; and

WHEREAS, S. 910 would also create the long-needed Federal Commission on Payments in Lieu of Taxes to recommend a permanent solution to the problems of hardships caused state and local governments by federal land ownership; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is re-

spectfully memorialized to enact S. 910 during the first session of the Eighty-sixth Congress; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 147

Senate Concurrent Resolution No. 27—Relative to informing members of the Legislature of the actions of state agencies.

[Filed with Secretary of State, May 6, 1959.]

WHEREAS, The State Public Works Board, State Allocations Board, Wildlife Conservation Board, State Highway Commission, State Park Commission, Small Craft Harbors Commission, State Lands Commission, State Board of Forestry, Soil Conservation Commission, California Toll Bridge Authority, California Water Commission, State Water Pollution Control Board, Regional Water Pollution Control Boards, District Securities Commission, State Reclamation Board, California Aeronautics Commission, State Board of Education, and State Water Rights Board conduct hearings or other public meetings at which decisions on programs, projects or estabments in specific local areas of the State are made; and

WHEREAS, Such decisions include those relating to the authorization, approval, location, modification, reduction, or cancellation of such programs, projects or establishments or the allocation of funds therefor; or the adoption of plans for development, the adoption of schedules of charges to the public, the establishment of priorities of need on development, or the granting of rights to the public or public agencies; and

WHEREAS, The determinations thus made bear a relationship to policies adopted by, or appropriations made by the Legislature and are thus of interest to the Legislature; and

WHEREAS, The public in any specific area of the State affected by such decisions have come to expect the Members of the Legislature from the affected specific areas of the State to be informed of the actions of state agencies with relationship to programs, projects and establishments within their constituencies, and regard their representatives as a liaison with the agencies of the State in all such matters; and

WHEREAS, Public meetings of this nature are frequently held, or decisions of this type frequently made of which the affected Members of the Legislature are not informed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That when a decision or discussion, other than minor matters, emergency matters or neces-

sary procedural steps taken to accomplish a previously made policy decision, relating to any program, project or establishment situated in a specific location of the State is included on the agenda, either formally or informally, of any state agency listed in the first clause of this resolution, the State Senator and Assemblyman in whose district said program, project or establishment is located shall be given reasonable advance notice of the meeting together with a general description of the scope of the item to be considered; and further, that following said meeting the same legislators be advised of the action taken or the decisions reached; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the chairmen and executive officers of each of the state agencies listed in the first clause of this resolution.

CHAPTER 148

Senate Concurrent Resolution No. 53—Relative to Serra Day.

[Filed with Secretary of State, May 6, 1959]

WHEREAS, The year 1959 marks three important anniversaries of Padre Junipero Serra; and

WHEREAS, August 30th will mark the 210th anniversary of his departure from his native Spain via the Port of Cadiz, July 1st will mark the 190th anniversary of his arrival in California at San Diego, and August 28th will mark the 175th anniversary of his death at Carmel; and

WHEREAS, To commemorate this triple anniversary the bishops of California are going to designate the last Sunday in August as "Serra Day" at which time the sermons at all the masses will be devoted to California's apostle, and

WHEREAS, This Catholic missionary was one of the early pioneers in the history of California, founding nine of the State's 21 missions; and

WHEREAS, It is fitting that Padre Junipero Serra be accorded recognition for his role in the colonization of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature respectfully request Governor Edmund G. Brown to proclaim Sunday, August 30, 1959, as Serra Day; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Governor Brown and to the Rev. Noel F. Moholy at Santa Barbara, California.

CHAPTER 149

Senate Concurrent Resolution No. 54—Relative to congratulating St. Mary's College on the dedication of its former campus as a historical landmark.

[Filed with Secretary of State, May 6, 1959.]

WHEREAS, St. Mary's College in California is conducting its annual homecoming celebration on April 25th-26th of this year; and

WHEREAS, In connection with this celebration a plaque near the intersection of Broadway and Hawthorne in Oakland, California, will be dedicated as California Historical Landmark No. 676; and

WHEREAS, This plaque will mark the site of the "old brick pile," the home of St. Mary's College from 1889 to 1928; and

WHEREAS, This landmark was originally a part of the historic Peralta grant, being purchased by the Christian Brothers for a college campus on August 13, 1886; and

WHEREAS, After three years of construction, the "brick pile," a beautiful four-story brick structure in the neoclassic style, was opened to students in 1889; and

WHEREAS, The "brick pile" served as the home of St. Mary's until 1928, when increased student enrollment forced the transfer of the college to its present location in the Moraga Valley; and

WHEREAS, It is fitting that the alumni of St. Mary's thus mark the former site of their alma mater, one of the oldest of California institutions of higher learning; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California herewith commend the alumni of St. Mary's College for causing this historical landmark to be placed at the site of the former college campus; and that the Members of this Legislature extend to the alumni of the college their sincere wishes for a successful homecoming celebration; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit suitably prepared copies of this resolution to the president of St. Mary's College and to the president of St. Mary's Alumni Association.

CHAPTER 150

Senate Concurrent Resolution No. 58—Approving amendments to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the fourteenth day of April, 1959.

[Filed with Secretary of State, May 6, 1959.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of San Buenaventura, a municipal corporation, in the County of Ventura, State of California, as set out in the certificate of the mayor and the city controller and ex-officio city clerk of said city as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA

State of California
County of Ventura } ss.
City of San Buenaventura

We, Charles W. Petit, Mayor of the City of San Buenaventura, California, and Charles W. Reiman, City Controller and Ex-Officio City Clerk of said City, do hereby certify and declare as follows:

That the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than three thousand five hundred, but less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at an election duly held for that purpose on the 7th day of January, 1932, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1933, (Statutes of 1933, p. 2870).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Buenaventura, being the legislative body of said City, on its own motion, by Ordinance No. 1042, duly and regularly submitted to the qualified electors of said City a certain proposal for the amendment of the charter of said City to be voted on by said qualified electors at the general municipal election called and held for that purpose in said City on the 14th day of April, 1959.

That on the 19th day of February, 1959, the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the California Constitution and the charter of the City of San Buenaventura, in each and every edition of said day of February 19, 1959, in "The Ventura County Star-Free Press", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper of said City; all as shown by the affidavit of publication on file in the office of the City Controller and Ex-Officio City Clerk of said City,

Such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a general municipal election held on April 14, 1959, which was not less than forty, nor more than sixty, days after completion of the advertising in the official newspaper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Council of the City of San Buenaventura, which pursuant to law met on April 21, 1959, and duly declared the result of said canvass of the returns of said election by Resolution No 4960.

That the said amendment to the charter of the City of San Buenaventura, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

That Article XVIII of the Charter of the City of San Buenaventura be amended by adding Section 3 thereto, said new section to read:

Transfers to Ventura Port District

"Section 3: Transfers to Ventura Port District: Ventura Port District having been created in part for the express purpose of developing and improving part of the harbor and water front areas of the City for the benefit of the City and its inhabitants, and all of the City being contained within the boundaries of said district, it is hereby found and declared that the improvement of such waterfront and harbor lands and properties by Ventura Port District for small craft, pleasure, recreational, and other purposes is a utilization of such lands and properties for the purposes contemplated by this Article, and therefore, notwithstanding the provisions of Sections 1 and 2 of this Article, the City Council by majority vote is hereby authorized for such consideration as it may determine, which consideration may be purely nominal, to cause to be conveyed to the Ventura Port District any waterfront or other lands and rights in lands owned by the City, including tide-lands and submerged lands, whether filled or unfilled, and all improvements thereto now or hereafter made. The City shall reserve the mineral rights on such property. Ventura Port District is hereby found and declared to be carrying out the purposes for which the City is authorized to appoint Harbor Commissioners and to create or be part of a harbor district under the provi-

sions of Section 1 of this Article, and the creation of said port district and the inclusion of the City therein is hereby approved and ratified."

We further certify that we have compared the text of the foregoing amendment to the charter of the City of San Buenaventura with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy of said amendment. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the seal of the City of San Buenaventura to be affixed hereto this 21st day of April, 1959.

(SEAL)

CHARLES W. PETIT
Mayor of the City of San Buenaventura, California
CHARLES W. REIMAN
City Controller and Ex-Officio City Clerk of the City of San Buenaventura, California

and

WHEREAS, the said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Buenaventura as proposed to, and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of said City of San Buenaventura.

CHAPTER 151

Senate Concurrent Resolution No. 55—Approving a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the fourteenth day of April, 1959.

[Filed with Secretary of State, May 6, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to

the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS
OF THE CITY OF SANTA CRUZ
OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ } SS:
CITY OF SANTA CRUZ

We, the undersigned, Ted R. Foster, Mayor of the City of Santa Cruz, and A. J. Miller, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the twenty-seventh day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Resolution No. N.S. 3385, adopted on February 10, 1959, duly and regularly proposed and submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. N.S. 3385 with the general municipal election held in said City on April 14, 1959.

That said proposed amendment was published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the twenty-fifth day of February, 1959, in the SANTA CRUZ SENTINEL, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said general municipal election and said special municipal charter amendment election consolidated therewith

were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said fourteenth day of April, 1959, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said SANTA CRUZ SENTINEL.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter.

That the Council of said City of Santa Cruz on April 21, 1959, officially canvassed all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment, voted in favor thereof and that said charter amendment was ratified.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election was to amend Section 1424 of Article XIV of the Charter of the City of Santa Cruz in the words and figures following, to wit:

"SECTION 1424. PUBLIC SERVICE DEPARTMENTS' DEPRECIATION FUNDS

Separate reserve fund for depreciation

The Council shall annually set aside from the net income of each of its revenue producing public utilities (after providing for the payment of principal, interest, reserve fund, and sinking fund requirements of any revenue bonds and for maintenance and operation of such public utility), as a separate depreciation fund for each of them, a sum which, according to the estimate of the City Manager, and approved by the Council, shall be sufficient to meet the normal depreciation of such public utility. Such depreciation funds shall be used only for the replacement, betterment and extension of the plants, facilities, and equipment of said public utilities respectively, and for the payment of principal of and interest on, or retirement prior to maturity of, any bonds of the City to the extent that the proceeds thereof have been applied to such replacement, betterment or extension. None of the surplus earnings of any such public utility, including the sewer and sewage disposal system, shall be transferred from any such public utility without a majority vote of the qualified electors of the City at an election at which such a proposition shall be submitted to them; provided, however, that while ordinance No. 1497, or any amendment thereof is in effect, revenue of the City water system may be used as therein prescribed; provided, further, that surplus funds of the water department may be borrowed for temporary replenishment of the general fund of the City during the first five months of any fiscal year by a vote of five members of the Council, but all sums so borrowed must be

repaid during the same fiscal year in which such borrowing occurs."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Cruz with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this twenty-second day of April, 1959.

(SEAL)

TED R. FOSTER
Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

and

WHEREAS, Said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Santa Cruz, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the charter of said City of Santa Cruz.

CHAPTER 152

Assembly Concurrent Resolution No. 103—Relative to scientific research facilities of the University of California and the state colleges.

[Filed with Secretary of State, May 6, 1959.]

WHEREAS, Recent events in international affairs have shown conclusively that the United States must put forth every effort to keep abreast of advances in science; and

WHEREAS, There are many learned men in the field of science who are retired from educational institutions throughout the Country, who, because of lack of access to the use of necessary scientific equipment and facilities, are unable to continue their work in a field of utmost importance; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the University of California and the state colleges are authorized to extend to retired scientists an invitation to use the equipment and facilities of the university and state colleges, in the pursuit of their scientific endeavors, to the extent that such use does not interfere with the use of the equipment and facilities required for the purposes of the university or state college; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the members of the Board of Regents of the University of California and the President of the University of California and the chancellor of each campus of the University of California, and to the State Board of Education and the Director of Education, and to the president of each state college.

CHAPTER 153

Assembly Concurrent Resolution No. 112—Approving six certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the seventh day of April, 1959.

[Filed with Secretary of State, May 6, 1959.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of six amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the City Council and the City Clerk of said City, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, John S. Gibson, Jr., President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million nine hundred thousand inhabitants as ascertained by the last preceding census taken under the

authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 7th day of April, 1959, all as required by law, which said proposals were designated as proposed charter amendments 1, 2, 5, 6, 7 and 8, respectively.

That on the 23rd day of February, 1959, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 23, 1959, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 23, 1959, to and including April 7, 1959; and a notice was advertised and published on and from February 23, 1959, to and including April 7, 1959, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 7, 1959, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law

met on April 17, 1959, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

CHARTER AMENDMENT No. 1

Sections 180 and 186 of the Charter of The City of Los Angeles are amended and Sections 186.1 and 186.2 are added thereto, to read:

Fire and police pension system

Sec. 180. The Board of Pension Commissioners shall administer the fire and police pension system of the city, and have exclusive control of the administration and investment of the fire and police pension fund which is hereinafter created and established; provided, however, that any money in such fund shall be kept on deposit in the City Treasury or be invested as herein provided. In making investment of moneys in said fund and in continuing to hold property in which such moneys are invested, the board shall exercise the same degree of judgment, care, good faith, reasonable prudence, discretion and intelligence as is required of a trustee by the provisions of Subdivisions (1) and (2) of Section 2261 of the California Civil Code, as amended to November 4, 1958 but not subsequent thereto. The board may invest not more than thirty-five percent of the fund in equity-type securities, such as common and preferred stocks but not limited thereto, determined on a cost basis, and sixty-five percent or more of the fund in debt-type securities, such as bonds and debentures but not limited thereto, determined on a cost basis. The board shall retain competent investment counsel to guide it in its investments and such counsel shall be a member in good standing of the Investment Counsel Association of America or a similar association with equivalent standards of membership.

The board shall also in its investments be governed by the following standards:

Equity-type securities - common.

To be eligible, stocks shall be registered on a national securities exchange and as provided in the Federal Securities Exchange Act, any amendment thereto or any subsequent legislation in place thereof, except for stocks of banks which are members of the Federal Deposit Insurance Corporation or any successor thereof, life insurance companies, and fire or casualty insurance companies. Further, any stock to be eligible shall have paid dividends for not less than five consecutive years next preceding the date of investment. Not more than two percent of the fund, determined on a cost basis, shall be invested in the common stock of a single corporation nor shall the total number of shares held in any single corporation

exceed five percent of the issued and outstanding common shares of such corporation.

Equity type securities - preferred.

To be eligible, the issuing corporation, for a period of not less than three years next preceding the date of investment, shall have had net income, before fixed charges and taxes on income, equal to at least one and one-half times the sum of the average annual fixed charges plus preferred dividend requirements for such period (as used herein, fixed charges shall mean interest on funded or unfunded debt, amortization of debt discount and expense, and expense and rentals for leased property and, in the case of consolidated earnings statements of parent and subsidiary corporations shall include all fixed charges and preferred dividend requirements, if any such stock be held by others than the consolidated companies, of the subsidiaries); the issuing corporation shall not have defaulted in the payment of the principal or interest on any of its bonds or other evidence of indebtedness at any time during five years prior to the date of investment and, at the date of investment, shall not be in arrears in the payment of preferred stock dividends.

Debt-type securities.

To be eligible, such securities shall at the date of investment be rated, either provisionally or finally, within the three highest classifications established by at least two standard rating services, or be legal for investment by savings banks or pension and retirement funds under the provisions of the Financial Code of the State of California.

The board may adopt rules and regulations, and may change or amend the same, with respect to its investment policies which, however, shall be subject to the above limitations and not inconsistent with the provisions of this section. Such bonds or other securities purchased as aforesaid shall be placed in the custody of the Treasurer, who is hereby directed to act as a depository for such bonds and securities. All interest and earnings from such investments shall accrue and be deposited to the credit of the fire and police pension fund.

Fire and police pension fund

Sec. 186. For the purpose of providing for the payment of pensions, the expense of said Department of Pensions, and maintaining a reserve for said purposes henceforth, a fund is hereby created, to be known as the fire and police pension fund, which shall consist of all moneys heretofore paid into and all moneys, property and investments now in the fire and police pension fund, and all moneys hereafter paid into said fund in accordance with the provisions of this charter.

In addition to the receipts from taxes levied pursuant to the provisions of Section 186.2 and the deductions from the salaries of the members of the Fire and Police Departments as provided for in Section 186-½ hereof, there shall be paid into said fire and police pension fund the following moneys, to wit:

(a) All interest and earnings from the investment of said funds;

(b) All contributions and donations to the Fire and Police Departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award;

(c) All fines imposed upon members of the Fire and Police Departments for violations of rules and regulations of said departments;

(d) All proceeds from the sale of unclaimed property.

Same Maintained on a reserve basis

Sec. 186.1. Said fire and police pension fund shall be maintained on a reserve basis which, for the purpose of this article, shall mean one which provides for the accumulation and maintenance of a fund which will at all times be equal to the difference between the present value of the obligations assumed and the present value of the money to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods, and on the basis of an assumed rate of interest and the mathematical probabilities of the occurence of such contingencies as affect both the payment of the assumed obligations and the receipt of money with which they are to be paid in accordance with the provisions of Sections 186.2 and 186-½.

The Board of Pension Commissioners shall, as soon as practicable after the effective date of this section, secure an actuarial valuation showing the cost of maintaining said fire and police pension system and fund on such reserve basis and shall at intervals of not to exceed five years thereafter, cause to be made an actuarial investigation including, but not limited to, the mortality, service and compensation experience of the members and beneficiaries and shall further cause to be made annually an actuarial valuation of the assets and liabilities of said fund.

The assumed rate of interest with respect to the first actuarial valuation shall be four percent per annum. Thereafter, the board shall from time to time, with the advice of the investment counselor, establish such rate as in its judgment seems proper in the light of the experience and prospective earnings on the investments of the fund.

Said board shall retain a consulting actuary for the purpose of making the necessary actuarial studies and reports on the required investigations and valuations and shall keep in convenient form such data as may be necessary for said purposes. Such actuary shall be a Fellow in good standing of the Society of Actuaries or have equivalent membership status in a similar organization with equivalent standards of membership.

With the advice of the consulting actuary and the investment counselor, the board shall, for the purpose of the actuarial valuations, provide by rule for the manner and the extent to which any unrealized profits or losses in the equity-type investments of the fund shall be taken into account.

Annual report on cost of fund

Sec. 186.2. Said board shall annually prepare and transmit to the Mayor, Council and Controller a budget setting forth the estimated cost of maintaining said pension fund, which said budget shall include therein separate items as follows:

(1) A sum equal to that percentage of the salaries of all members of said pension system shown in the last rendered actuarial valuation to be required to cover the entry age cost to be paid by the City on account of new entrants into the system, said entry age cost being defined as the level percentage of compensation of new entrants which must be paid into the fund from their date of entry in order to provide the benefits under the system, less the contributions to be made by such new entrants during the period of their membership as provided in Section 186-½; provided, however, that should the board be unable or deem it to be impracticable to obtain, subsequent to the effective date of this section, an actuarial valuation in time for it to prepare and transmit a budget based thereon, as hereinabove provided, for the fiscal year 1959-1960, then, and in that event, the board shall include in the budget for said fiscal year a sum equal to 11.6 percent of the estimated total payrolls of the Fire and Police Departments for those members of said departments included within the pension provisions of this article for said fiscal year.

(2) A sum equal to that percentage of the salaries of all members of said pension system shown in the last rendered actuarial valuation to be required to amortize the unfunded liabilities of the system; said unfunded liabilities being defined as the present value of all of the assumed obligations of the system, less the present value of the future contributions to be made by the City under the preceding subsection and by the members under Section 186-½, plus the assets of the pension fund. The amortization period shall be fifty years beginning with the fiscal year immediately succeeding the effective date of this section, with a ten-year modification program whereby there will be no contribution on account of such amortization during the first year; a contribution of one-tenth of the ultimate contribution for such amortization in the second year, and increasing thereafter by one-tenth of such ultimate contribution each year so that in the eleventh and all subsequent years the full amortization payment will be made.

(3) Administration expense.

For the purpose of providing funds to meet the budget of said fire and police pension fund the Council or Controller shall annually levy, in addition to all other taxes levied by the City, a tax clearly sufficient to provide the total amount of all items in said budget.

Charter Amendment No. 2

That the Charter be amended by adding a new Section 146 to read as follows:

Sec. 146. Harbor Revenue Bonds.

Harbor Revenue Bonds

Subsection (a). Harbor Revenue Bonds not to constitute indebtedness of City. Bonds issued by the Harbor Department under the provisions of this Section 146 shall not constitute or evidence indebtedness of the city, but shall constitute and evidence only indebtedness of the Harbor Department payable in the manner provided in this Section 146, and not otherwise.

Subsec. (b). Power to borrow money, issue revenue bonds and refund indebtedness.

Subd. (1). The Harbor Department shall have the power to borrow money from time to time for the purpose of acquiring, providing for, erecting, constructing, reconstructing, replacing, extending, or improving such improvements, utilities, structures, watercraft, appliances, facilities and services as the Board of Harbor Commissioners may deem necessary or convenient for the promotion or accommodation of commerce, navigation or fishery, or for any use in connection therewith, or upon the lands and waters, or interests therein, in the possesesion and under the management, supervision and control of said Board, or for the payment of the cost of acquiring or taking such real property or any interest therein that the Board may deem necessary or convenient for such purposes; and the Harbor Department shall have the power to issue and to sell bonds, as hereinafter defined, to evidence the indebtedness created by such borrowing.

Subd. (2). The Harbor Department shall also have the power to refund from time to time, whether at or prior to maturity, any outstanding indebtedness evidenced by bonds of the Department payable out of the harbor revenue fund or evidenced by bonds of the city serviced out of the harbor revenue fund, and to issue, and to sell or exchange, bonds so to refund such indebtedness. Refunding bonds which are to be sold may be issued and sold at such time in advance of the time at which the bonds to be redeemed or paid out of the proceeds of such refunding bonds are to be so redeemed or paid as the Board of Harbor Commissioners may determine.

Subsec. (c). Definitions.

The following terms, whenever used in this Section 146, shall have the following meanings, respectively, unless otherwise clearly indicated by the context:

"Bonds" shall include "notes, certificates, and other evidences of indebtedness";

"Refund" shall include "extend" and "renew";

"Bonds of the Department payable out of the harbor revenue fund", and terms of similar import, shall mean only bonds issued by the Harbor Department pursuant to the provisions of this Section 146, and by their terms payable solely out of the harbor revenue fund;

"Bonds of the City serviced out of the harbor revenue fund", and terms of similar import, shall mean only general obligation bonds issued by the city, provision for the pay-

ment of which out of the harbor revenue fund may be made pursuant to the terms of this charter and of the applicable grant or grants of tidelands and submerged lands to the city by the State of California;

"Assented to by the voters" shall mean that the proposition indicated by the context shall have been submitted to the electors of the city, and shall have been assented to by a majority of those electors who shall have voted upon that proposition at the election; and

"Payments on principal" shall mean payments on account of the principal of bonds, whether upon maturity or by payments into a sinking fund on account of principal, and shall include premiums required to be paid on the mandatory redemption of sinking fund bonds.

Subsec. (d). Bonds to be payable solely from harbor revenue fund.

Subd. (1). All bonds issued by the Harbor Department pursuant to this Section 146 shall be, and shall recite upon their face that they are, payable both as to principal and interest, and as to any premiums upon the redemption thereof, out of the harbor revenue fund, and not out of any other fund or moneys of the Department or the city.

Subd. (2). The provisions of the preceding subdivision (1) shall not preclude:

Clause (i)—the payment of any such principal, interest or premiums through appropriate reserve funds or special trust accounts, established as hereinafter in this Section 146 provided;

Clause (ii)—the payment of interest on or principal of bonds of any such issue out of sums received as premiums or accrued interest on the sale of that issue;

Clause (iii)—the payment of any such principal or premiums out of the proceeds of the sale of refunding bonds issued for that purpose;

Clause (iv)—the payment out of the proceeds of any bonds of the whole or a part of the interest accruing on said bonds during the period of the performance of work to be paid for out of such proceeds; or

Clause (v)—the payment of any such principal, interest or premiums by the purchasers of any such bonds, or by any entity, public or private, other than the city, the Harbor Department or any other department of the city, in any case where any such purchaser or entity may have guaranteed such payment.

Subd. (3). In addition to the purposes specified in Section 145 of this charter, money in, or belonging to, the harbor revenue fund may be appropriated and used for the payment, either directly or through appropriate reserve or separate funds or trust accounts, and whether at maturity, or upon redemption prior to maturity, of the principal of any bonds of the Department which by their terms are payable out of the harbor revenue fund and of bonds of the city serviced out

of that fund, and for the purchase of any such bonds, and for the payment of interest upon any such bonds, and of premiums due upon the redemption thereof, and for the payment of all costs and charges incident to any of the matters and things authorized by this Section 146.

Subsec. (e). Orders of Board authorizing bonds and proceedings therefor.

Subd. (1). Whenever the Department shall propose to exercise the power to borrow money, or to refund indebtedness, pursuant to this Section 146, the Board of Harbor Commissioners shall adopt an order authorizing the issuance of bonds for such purpose, which order shall specify:

Clause (i)—the purpose for which the proposed bonds are to be issued;

Clause (ii)—the maximum principal amount of the bonds proposed to be issued;

Clause (iii)—the maximum term for which any of said bonds are to run;

Clause (iv)—the maximum interest cost, to be determined in the manner specified in said order, to be incurred through the issuance of such bonds;

Clause (v)—the maximum premium, if any, to be payable on the redemption of any such bonds;

Clause (vi)—whether or not such bonds are to be in negotiable form; and

Clause (vii)—the limits within which, in connection with the issuance of such bonds, restrictions may be imposed upon the incurring of additional indebtedness payable out of the harbor revenue fund or upon future transfers out of said harbor revenue fund, under Section 382 of this charter.

Subd. (2). Certified copies of such order shall be transmitted to the offices of the Mayor and of the City Clerk, and the City Clerk shall forthwith present the said order to the Council. At any time within such period as may be specified in said order, which shall be not less than thirty days from and after the receipt of such certified copies at such offices, respectively, the Mayor, by writing, or the Council, by majority vote, may disapprove such order. If neither the Mayor nor the Council shall so disapprove said order within the period so specified, said order shall thereupon be published once in the same manner as ordinances of the city. If the Mayor shall disapprove said order within said period, he shall forthwith advise the Council and the Board of Harbor Commissioners, in writing, of such disapproval. The Council shall thereupon consider such disapproval in the same manner as upon the reconsideration of an ordinance notwithstanding the veto of the Mayor, and if upon such consideration the Council shall, by the votes of two-thirds of the whole Council, determine that the Mayor's disapproval should be overruled, such disapproval by the Mayor shall be of no effect, and the said order of the Board of Harbor Commissioners shall thereupon be published once in the same manner as ordinances of the city.

Subd. 3. Anything in the preceding subdivisions of this subsection (e) of this Section 146 notwithstanding, in the cases of (i) refunding bonds, or (ii) bonds where the proposition of issuing the same is to be submitted to the voters for their assent pursuant to any other provisions of this Section 146, or (iii) notes or other evidences of indebtedness to be issued pursuant to subsection (r) of this Section 146, the order of the Board of Harbor Commissioners adopted pursuant to subdivision (1) of this subsection (e) shall upon its adoption by the Board, be forthwith published once in the same manner as ordinances of the city, and the transmission of such order to the offices of the Mayor and City Clerk shall be for information only, and it shall not be subject to disapproval by the Mayor or Council, provided, however, that any such order may, by its terms, be made subject to disapproval by the Mayor or Council with the effect provided in subdivision (2) of this subsection (e). If any order transmitted pursuant to this subdivision (3) shall contain a request that the Council submit to the voters of the city the proposition of assenting to the issuance of the bonds therein specified, pursuant to subsection (q) of this Section 146, the Council shall proceed as in said subsection (q) provided.

Subd. 4. Every such order, adopted by the Board of Harbor Commissioners pursuant to any of the preceding subdivisions of this subsection (e), shall, when published, be subject to the right of referendum before the same shall become effective. At any time within thirty days after such publication a referendary petition, demanding the submission of such order to a vote of the qualified electors of the city for their assent to the issuance of the therein proposed bonds, may be filed with the City Clerk. Except as in this Section 146 otherwise expressly provided, all of the provisions of this charter relating to referendum with respect to ordinances shall apply to any referendum under the provisions of this subsection (e). Upon presentation to the Council by the City Clerk of a referendary petition, the order which is the subject thereof shall be of no effect unless and until the same shall have been assented to by the voters.

Subd. 5. If no such referendary petition is presented within the aforesaid period of thirty days, then upon the expiration of said period, or if the proposition of issuing the bonds specified in the order of the Board of Harbor Commissioners adopted pursuant to subdivision (1) of this subsection (e) shall have been assented to by the voters, whether upon referendum pursuant to this subsection (e), or pursuant to any other provisions of this Section 146, then upon such proposition having been so assented to, the said order shall take full and final effect, and the Board of Harbor Commissioners may proceed in accordance with the provisions of this Section 146 and issue bonds within the terms of said order.

Subsec. (f). Determination and limitation of amounts of issues.

Subd. (1). Whenever the Harbor Department shall exercise the power to borrow money, or to refund indebtedness, pursuant to this Section 146, the Board of Harbor Commissioners shall by order determine the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding.

Subd. (2). Whenever the Harbor Department shall exercise the power to borrow money pursuant to this Section 146, the Board of Harbor Commissioners may authorize the issuance of bonds in any amount which, when added to the aggregate amount of bonds of the Harbor Department issued pursuant to this Section 146 and outstanding at the time of the acceptance of a proposal for the purchase of the bonds so authorized and payable out of the harbor revenue fund, shall not exceed by more than 25% the amount of the surplus (including surplus arising from contributions in aid of construction) derived from the operation and conduct of the Harbor Department, as of the end of the last fiscal year which ended not less than four months prior to the making of the finding and determination provided for in clause (i) of subdivision (1) of subsection (p) of this Section 146.

Subd. (3). The limitation prescribed in subdivision (2) of this subsection (f) shall not be applicable to the issuance of any refunding bonds pursuant to this Section 146, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment or redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Subd. (4). The limitation prescribed in subdivision (2) of this subsection (f) shall not be applicable to the issuance of any bonds whenever the proposition of such issuance shall have been assented to by the voters.

Subd. (5). Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to subsection (j) of this Section 146 to insure the payment thereof, of moneys sufficient for that purpose, or through the irrevocable segregation for that purpose, in some sinking fund or other fund or trust account, of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this Section 146.

Subsec. (g). Bonds to be serial or sinking fund, and time of payment thereof.

Subd. (1). Except as otherwise shall have been assented to by the voters, each issue of bonds issued pursuant to this Section 146, other than refunding bonds, shall conform to the following requirements:

Clause (i)—such bonds shall be serial bonds or sinking fund bonds, or a combination of serial and sinking fund bonds;

Clause (ii)—provision shall be made for the retirement of such bonds through annual payments on principal, and such payments shall begin not more than eight years, and end not more than forty years, after the date of such bonds; and

Clause (iii)—the amounts of such annual payments on principal shall be such that no such annual payment which shall become due eight years, or more, after the date of such bonds shall be less than 50% of any subsequent such annual payment.

Subd. (2). Each issue of refunding bonds issued pursuant to this Section 146 shall conform to the following requirements:

Clause (i)—such bonds shall be serial bonds or sinking fund bonds, or a combination of serial and sinking fund bonds;

Clause (ii)—provision shall be made for the retirement of such bonds through payments on principal as follows:

(x) If the order authorizing the issuance of such bonds pursuant to subdivision (1) of subsection (e) of this Section 146 be not made subject to the disapproval of the Mayor and Council, then such payments shall be at such times and in such amounts that at no time shall the amount of principal remaining outstanding be greater than if the payments on such refunding issue had been proportional to the payments on principal prescribed for the bonds to be refunded thereby;

(y) If such order be made subject to the disapproval of the Mayor and Council, then payments may be as prescribed in (x) above, or annual payments shall be provided which shall begin not later than the date of the annual payment next due upon the bonds to be refunded and end not more than forty years after the date of the incurring of the original indebtedness, and the amount of such annual payments shall be such that no such annual payment shall be less than 50% of any subsequent annual payments;

(z) If the proposition of issuing such refunding bonds shall have been assented to by the voters, then the times and amounts of payments may be such as shall be within the terms of such assent.

Subsec. (h). Powers of Board.

Subd. (1). The Board of Harbor Commissioners shall have power to determine all the terms and conditions of the issuance and sale of bonds pursuant to this Section 146, excepting only as such power is limited by express provisions of said section

Subd. (2). Without limiting in any way the generality of such power, the Board of Harbor Commissioners is expressly authorized, in its discretion, to provide, in connection with any issue of such bonds:

Clause (i)—for such bonds being in such amounts, of such denominations, payable at such times, and in such form as the Board may determine;

Clause (ii)—for such bonds being negotiable or non-negotiable;

Clause (iii)—for such bonds and the interest thereon, and premiums, if any, due upon the redemption of any thereof, being payable or collectible at any place or places, within or without the State of California, and without such presentation and approval of demands as is elsewhere in this charter provided for with respect to other claims against the city, the Board of Harbor Commissioners or the Harbor Department;

Clause (iv)—for such bonds being payable to bearer or only to the registered holder, either as to principal alone, or as to both principal and interest; for such bonds being with or without coupons; for such bonds being non-registerable, or registerable, either as to principal alone, or as to both principal and interest; for such bonds being exchangeable or non-exchangeable, convertible or nonconvertible; and for the reissuance of bonds or coupons which have been surrendered and preserved, or for the issuance of new bonds or coupons in the place of bonds or coupons which have been surrendered and cancelled, wherever appropriate as incident to the discharge of any bond from registration, or to any exchange or conversion of any bond; all on such terms and conditions, and at such place or places, within or without the State of California, as the Board may determine;

Clause (v)—for such bonds being redeemable, either at the option of the Harbor Department, or in the operation of any sinking fund provided for the issue, at such price or prices and in such manner as the Board may determine, whether or not involving the payment of a premium upon such redemption; provided, however, that every bond, the maturity date of which is more than ten years after its date, shall by its terms be subject to redemption at a date not more than ten years from its date, and thereafter at intervals not exceeding one year;

Clause (vi)—for the issuance by the Harbor Department of a duplicate, in the manner and on such terms and conditions as the Board may determine, in the event any bond, temporary bond, coupon or interim receipt of any such issue is lost, destroyed or mutilated;

Clause (vii)—for the appointment and payment of fiscal, paying, sinking fund or other agents, or of trustees or registrars;

Clause (viii)—for the appointment of the Treasurer of the city to act as such fiscal, paying, sinking fund or other agent;

Clause (ix)—for the custody by the Harbor Department of bonds and coupons whether pending delivery or after purchase or surrender; for the delivery by the Harbor Department of bonds and coupons to the purchaser thereof; for the receipt by the Harbor Department of the proceeds of the sale and for the depositing of such proceeds in the proper fund or funds;

Clause (x)—for the sale of any such bonds and the terms upon which they may be offered for sale; provided, however, that each issue of bonds pursuant to this Section 146 shall

be offered for sale on competitive bidding, pursuant to a notice inviting proposals for the purchase of such bonds, published at least twice, the first publication to be at least five (5) days prior to the time fixed for the receipt of proposals, in one newspaper published and of general circulation in the City of Los Angeles (and, if the Board in its discretion shall so determine, said notice may be published elsewhere than in said city in such manner and to such extent as the Board may deem desirable); and that such bonds shall be sold to the bidder making a bid conforming to the terms of the offering, and which, on the basis of the lowest interest cost, determined in the manner specified in the resolution adopted pursuant to subdivision (1) of subsection (e) of this Section 146, is the best bid, but the Board shall reserve the right to reject any and all bids; provided, further, that in the case of refunding bonds the Board may provide for the refunding being made, in whole or in part, by the exchange of such refunding bonds for the bonds to be refunded;

Clause (xi)—for the issuance of interim receipts or of temporary bonds, in such form as the Board may prescribe, pending the issuance of definitive bonds;

Clause (xii)—for any signatures to such bonds and to any coupons thereto attached, and to any interim receipts and temporary bonds, being by facsimile, except that as to any such bonds, interim receipts and temporary bonds, but not as to any such coupons, at least one signature shall be by autograph;

Clause (xiii)—for restrictions on the incurring of additional indebtedness of the Harbor Department payable out of the harbor revenue fund;

Clause (xiv)—for restrictions on future transfers under Section 382 of this charter out of the harbor revenue fund;

Clause (xv)—for covenants with the holders of bonds to the same effect as set forth in clauses (i) to (iv), inclusive, of subsection (m) of this Section 146, which covenants shall not be subject to alteration or repeal, except as in subsection (n) of this Section 146 provided;

Clause (xvi)—for the issuance and distribution in such form as the Board may determine of official statements respecting proposed issues of bonds and the properties, operations and finances of the Harbor Department, for the information of prospective purchasers of such bonds; and, in any case where any proposition is to be submitted to the voters for their assent, whether by referendum or pursuant to any provision of this Section 146, for the issuance, distribution, dissemination and publication of factual statements respecting such proposed issues of bonds, and such properties, operations and finances, for the information of such voters; and

Clause (xvii)—for the making of contracts, or the placing of orders, for the engraving or printing of any bonds, whether definitive or temporary, or of interim receipts, authorized by

this Section 146, or for any printing incident to the offering or issuance of any such bonds, without advertising for bids, in any case where, because of limitations of time, or requirements as to quality of work, or as to security in the control or custody of plates, or any similar cause, the Board may deem it to be in the public interest so to do, anything in this charter to the contrary notwithstanding, but in so doing the Board shall, if practicable, obtain or cause to be obtained competitive bids, formal or informal, from bidders who can perform work of the required quality within the required time, and, in the case of engraving, who are of proper responsibility and who have adequate facilities for the control and safekeeping of the engraved plates.

Subsec. (i). Money in harbor revenue fund may be invested.

Money in, or belonging to, the harbor revenue fund, in the discretion of the Board of Harbor Commissioners, may be invested in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, or of the Harbor Department. Any such bonds or other evidences of indebtedness acquired through such investment may be resold at any time. In making any such investment in, or sale of, bonds the Board shall, if practicable, obtain or cause to be obtained competitive bids, formal or informal, for the sale or purchase of such bonds. Any interest or any increment received by reason of such investment, and the proceeds of any such resale, shall be placed in the harbor revenue fund. Any bond of the Harbor Department so acquired which is payable out of the harbor revenue fund may be cancelled, either in satisfaction of sinking fund obligations, or otherwise, and any bond so cancelled shall no longer be deemed to be outstanding for any purpose.

Subsec. (j). Reserve funds and special trust accounts to insure payment of bonds.

Subd. (1). In connection with the exercise of the power to borrow money, to issue bonds, and to refund indebtedness, pursuant to this Section 146, the Board of Harbor Commissioners is empowered to and may, from time to time, establish and maintain a reserve fund or funds in the City Treasury, or a special trust account or accounts with an agent or agents designated by said Board pursuant to clause (vii) of subdivision (2) of subsection (h) of this Section 146, as a sinking fund or otherwise, to insure the payment, when due or payable, whether at maturity or upon redemption, of the principal of, and interest on, bonds issued as aforesaid, including premiums, if any, due upon the redemption of any thereof, or for any of said purposes. Money in any such reserve fund may be used for the purchase of bonds of the issue in connection with which it was established, for cancellation and retirement pursuant to any mandatory requirement of the redemption of sinking fund bonds. Each such fund or account shall be established and maintained out of

the harbor revenue fund or out of any moneys which under the terms of subdivision (2) of subsection (d) of this Section 146 are applicable to the purpose, through transfers or payments made at such times and in such amounts as the Board of Harbor Commissioners may direct.

Subd (2). Money set aside and placed in any such reserve fund or special trust account shall remain therein until from time to time expended for the purposes thereof, and shall not be used for any other purpose whatsoever, except for temporary investment thereof as provided in subsection (1) of this Section 146; provided, however:

Clause (i)—that money may be paid or transferred from any such fund or account in furtherance of the purpose of its establishment, to any other such fund or account established for a like purpose in connection with the same issue of bonds, to such extent as may be required or permitted under the terms of the order authorizing that issue; and

Clause (ii)—that all money remaining in any such fund or account in excess of the amount required to make provision for the payment in full of the principal of, and interest on, the bonds with respect to which it was established, including premiums, if any, due upon the redemption of any thereof, may be returned and transferred to the harbor revenue fund or other fund out of which such reserve fund or special account was established.

Subd. (3). Money in any such reserve fund shall be drawn therefrom only upon demands authenticated by the signature of the chief accounting employee of the Harbor Department; provided, however, that the Board of Harbor Commissioners may, in its discretion, direct and authorize the payment from such reserve fund, by the Treasurer, without such authenticated demand, (i) of bonds of the issue in connection with which such reserve fund is so established when due upon maturity or call, or of coupons pertaining to bonds of such issue when due, but only upon presentation and surrender of such bonds or coupons, (ii) of interest upon registered bonds of such issue when due, or (iii) of premiums, if any, due upon the redemption of any such bonds.

Subd. (4). Money in any such special trust account shall be drawn therefrom only in accordance with directions given or authorized by the Board of Harbor Commissioners.

Subsec. (k). Application of proceeds from sale of bonds.

Subd. (1). All sums received as premiums or accrued interest on the sale of any issue of bonds issued pursuant to this Section 146 shall be applied to the payment of interest on or principal of bonds of that issue.

Subd. (2). All sums received as principal on the sale of any issue of bonds shall be applied to the purposes for which such bonds were issued.

Subd. (3). The Board of Harbor Commissioners is empowered to and may from time to time establish and maintain a separate fund or funds in the City Treasury for the purpose

of insuring the application of such proceeds received as principal on the sale of any issue of bonds to the purposes for which the same were issued.

Subd. (4). Money set aside and placed in any such separate fund shall remain therein until from time to time expended for the purposes for which such bonds were issued, including the reimbursement of other funds of the Harbor Department for expenditures therefrom for purposes for which such bonds were issued, made after such issuance was authorized, and shall not be used for any other purpose whatsoever, except for temporary investment thereof as provided in subsection (1) of this Section 146; provided, however, that money may be paid or transferred from any such separate fund, in furtherance of the purpose of its establishment, to any other such separate fund established for a like purpose in connection with the same issue of bonds.

Subd. (5). Money in any such separate fund shall be drawn therefrom only upon demands authenticated by the signature of the chief accounting employee of the Harbor Department.

Subd. (6). If the Board of Harbor Commissioners shall determine by order that the expenditure of the whole or any portion of the said principal sum of any issue of bonds for the purpose for which such bonds were issued is impracticable or unwise, the Board may:

Clause (i)—apply such money or any part thereof to the purchase of bonds of that issue, or to the payment of any such bonds, at maturity or on redemption, or to the payment of interest thereon or of premiums due on the redemption thereof; or

Clause (ii)—apply such money or any part thereof to any new purpose which is within the purposes for which bonds might be issued under the terms of this Section 146; provided, however, that before applying any of such money to such new purpose the Board shall adopt an order specifying such new purpose, the amount of such money to be applied thereto, and authorizing such application, which order shall be subject to the same procedures, and take final effect only in the same manner, as if it were an order adopted pursuant to subdivision (1) of subsection (e) of this Section 146, authorizing the issuance of bonds for such new purpose, and such order authorizing such application to such new purpose, when it shall have taken final effect under such procedures, shall be sufficient authority for the application of such money to such new purpose.

Subd. (7). If any excess of the principal sum of the proceeds of any issue of bonds shall remain unexpended after the full accomplishment of the purpose for which such bonds were issued, the Board, by order, may direct that the same shall be applied to the purchase of bonds of that issue, or to the payment of any such bonds, at maturity or on redemption, or to the payment of interest thereon or of premiums due on the redemption thereof, or, subject to the procedure set

forth in clause (ii) of subdivision (6) of this subsection, that it shall be transferred to the harbor revenue fund and may thereupon be appropriated and used for any of the purposes provided for in Section 145 of this charter.

Subsec. (l). Money in reserve funds, separate funds or trust accounts may be invested.

Subd. (1). Pending use for the purposes for which any reserve fund or special trust account established pursuant to subsection (j), or any separate fund established pursuant to subsection (k) of this Section 146 was so established, money set aside and placed therein may, when and to such extent and in such manner as may be directed by the said Board of Harbor Commissioners and as may be consistent with the provisions of any orders of said Board constituting a part of the proceedings for the issuance of the issue of bonds in connection with which such fund or account was created, be invested in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, or of the Harbor Department. Any such bonds or other evidences of indebtedness acquired through such investment may be resold at any time. In making any such investment in, or sale of, bonds the Board shall, if practicable, obtain or cause to be obtained competitive bids, formal or informal, for the sale or purchase of such bonds.

Subd. (2). Any bonds or other securities so purchased shall constitute a part of such reserve fund, special trust account or separate fund, and any interest or any increment received by reason of such investment and the proceeds of any such resale shall be placed in, and constitute a part of, such fund or account.

Subsec. (m). Obligations to Bondholders.

Subd. (1). So long as any bonds of the Harbor Department payable out of the harbor revenue fund shall be outstanding and unpaid, or so long as provision has not been made for the full payment and discharge of all such outstanding bonds, upon maturity, or upon redemption prior to maturity, through the setting apart in a reserve fund or special trust account created pursuant to subsection (j) of this Section 146 to insure the payment thereof, of money sufficient for that purpose, or through other irrevocable allocation to that purpose of money sufficient therefor:

Clause (i)—the Board of Harbor Commissioners shall fix rates, tolls and charges, rentals for leases, permits and franchises, and compensations or fees for franchises and licenses, subject to the approval of or submission to the Council only in those instances and in such manner as may be provided elsewhere in this charter, and collect such charges, rentals, compensations and fees, such as to provide revenues at least sufficient to pay, as the same shall become due, the principal and interest on all such bonds so outstanding payable out of the harbor revenue fund, including premiums, if any, due upon the redemption of any thereof, in addition

to paying, as the same shall become due, the necessary expenses of conducting the Harbor Department, including the operation, promotion and maintenance of all harbor or port improvements, works, utilities, appliances, facilities, services and watercraft, owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith, and all other obligations and indebtedness payable out of the harbor revenue fund, and during such period the Council shall, when its approval is required by this charter, approve rates, tolls, charges, rentals, compensations and fees so fixed by said Board, sufficient for the purposes aforesaid; no ordinance adopted by the Council approving any rate, toll, charge, rental, compensation or fee so fixed by said Board shall be subject to referendum;

Clause (ii)—no bonds of the Harbor Department payable out of the harbor revenue fund shall be issued having any priority with respect to payment of principal or interest out of that fund over bonds theretofore or thereafter issued and payable out of that fund; no transfer of money shall be made out of the harbor revenue fund in any one fiscal year for the purpose of paying the principal of or interest on any bonds of the city serviced out of the harbor revenue fund unless and until the principal of and interest on bonds of the Harbor Department payable out of the harbor revenue fund, due and payable in that fiscal year, have been paid;

Clause (iii)—the property of the city which is under the management, supervision and control of the Board of Harbor Commissioners shall not be sold or otherwise disposed of, as a whole or substantially as a whole, unless such sale or other disposition be so arranged as to provide for a continuance of payments into the harbor revenue fund sufficient in amount to permit payment therefrom of principal of, and interest on, and premiums, if any, due upon the redemption of, all bonds payable out of that fund, or to provide for such payments into some other fund charged with such payments; and

Clause (iv)—no indebtedness payable out of the harbor revenue fund shall be created, no bonds of the city serviced out of that fund, and no transfer out of that fund to other funds of the city shall be made, in contravention of the provisions of any orders heretofore adopted by the Board in connection with the authorization of any bonds payable out of the harbor revenue fund, or in contravention of any restrictions duly imposed pursuant to clauses (xiii) or (xiv) of subdivision (2) of subsection (h) of this Section 146.

Subd. (2). Anything in this subsection (m) to the contrary notwithstanding, the Board, in any order constituting a part of the proceedings for the issuance of any issue of bonds under this Section 146, may determine that the holders of the bonds of that issue are not to be entitled to the benefits of or to enforce any or all of the provisions of this subsection (m), and to that end the Board, in such order, shall specify the provi-

sions of this subsection (m) to the benefits of which the holders of the bonds of that issue shall be entitled; and the holders of the bonds of that issue shall not be entitled to the benefits of or to enforce any of the provisions of this subsection (m) not so specified.

Subsec. (n). Consents of bondholders.

Subd. (1). Any act consented to by the holders of 60% in aggregate principal amount of the outstanding bonds (exclusive of any bonds held by the city or any department or fund of the city) of any issue of bonds issued under this Section 146, pursuant to provisions for such consents contained in any order of the Board of Harbor Commissioners constituting a part of the proceedings for the issuance of such bonds, shall not, as to the bonds of that issue, be deemed an infringement of any of the provisions of subsection (m) of this Section 146, or of any covenant made pursuant thereto, whatever the character of such act may be.

Subd. (2). In any case where sinking fund bonds shall have been issued under this Section 146, and where any order of the Board of Harbor Commissioners constituting a part of the proceedings for the issuance of such bonds shall have provided that any annual payment into the sinking fund, or the application of money in said sinking fund to any annual or other retirement of such bonds, required by the terms of their issuance, might be omitted, postponed or reduced in amount, if consented to by the holders of 60% in aggregate principal amount of the outstanding bonds (exclusive of any bonds held by the city or any department or fund of the city) of that issue, pursuant to provisions for such consents contained in any such order, and where such omission, postponement or reduction has been so consented to, such omission, postponement or reduction shall not be deemed an infringement of any provision of this Section 146, or of any order under which such bonds may have been issued.

Subsec. (o). Orders authorizing bonds constitute enforceable contracts.

The provisions of any order of the Board of Harbor Commissioners constituting a part of the proceedings for the issuance of any bonds under this Section 146, when so declared by its terms, or by the terms of any other such order, shall constitute a contract between the Harbor Department and the holders of such bonds, and the provisions thereof shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Subsec. (p). Determination of facts and findings by Board.

Subd. (1). After accepting a proposal for the purchase of each issue of bonds to be issued pursuant to this Section 146 (except in the case of the exchange of refunding bonds for bonds to be refunded thereby, in which case it shall be after authorizing such exchange) and prior to the issuance thereof, the Board of Harbor Commissioners, after satisfying itself

respecting the relevant facts, shall, by order, find and determine:

Clause (i)—the amount of surplus (including surplus arising from contributions in aid of construction) derived from the operation and conduct of the Harbor Department as of the end of the last fiscal year which ended not less than four months prior to the making of such finding and determination, and that the ascertainment of such surplus has been in accordance with sound accounting practices; provided, however, that such finding and determination need not be made in the case of the authorization of refunding bonds, or in any case where the voters have assented to the issuance of bonds in excess of the limitation specified in subdivision (2) of subsection (f) of this Section 146;

Clause (ii)—that the amount of bonds of the Harbor Department payable out of the harbor revenue fund and outstanding at the time of the acceptance of such proposal does not exceed an amount stated in said finding and determination; subject, however, to the same proviso as in the next preceding clause (i);

Clause (iii)—that the order or orders authorizing such issue of bonds in all respects conforms or conform with the provisions of this Section 146;

Clause (iv)—that the indebtedness to be evidenced by such issue of bonds, together with all other indebtedness of the Harbor Department and of the city pertaining to the municipal works for or on account of which such bonds are to be issued, is within every debt or other limit prescribed by the Constitution and statutes of the State of California and this charter; and

Clause (v)—that upon the issuance of such bonds any and all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the issuance thereof, will exist, will have happened and will have been performed, in due time, form and manner, as required by the Constitution and statutes of the State of California and this charter.

Subd. (2). The Board of Harbor Commissioners may also, by order, find and determine any other facts relevant to the legality of the issue.

Subd. (3). The Board of Harbor Commissioners, by order adopted in connection with any issue of bonds pursuant to this Section 146, may direct that there shall be included in each of the bonds of that issue a certification and recital that any and all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the incurring of the indebtedness evidenced by that bond, and in the issuing of said bond, exist, have happened and have been performed in due time, form and manner, as required by the Constitution and statutes of the State of California and this charter, and that said bond, together with all other indebtedness of the Harbor Department and of the city pertaining to the municipal works for or on account of which the indebtedness evidenced

by said bond was incurred, is within every debt and other limit prescribed by the Constitution and statutes of the State of California and this charter.

Subd. (4). From and after the issuance of any issue of bonds, the findings and determinations of the Board of Harbor Commissioners respecting that issue made pursuant to this subsection (p) shall be conclusive evidence of the existence of the facts so found and determined in any action or proceeding in any court in which the validity of such bonds is at issue, and no bona fide purchaser of any such bond containing the certification and recital permitted by this subsection (p) shall be required to see to the existence of any fact, or to the performance of any condition, or the taking of any proceeding, required prior to such issue, or to the application of the purchase price paid for such bonds.

Subd. (5). Bonds shall be deemed to be issued, within the meaning of this subsection (p) whenever the definitive bonds, or any temporary bonds or interim receipts exchangeable therefor, have been delivered to the purchasers thereof, and the purchase price thereof received, or in the case of bonds to be refunded through exchange, whenever such exchange has been made.

Subsec. (q). Elections.

Subd. (1). The Board of Harbor Commissioners at any time may adopt a resolution requesting the Council to submit to the voters of the city the proposition of assenting to any proposed action of the Board in any case where such assent is required or permitted by the terms of this Section 146, or in any case where the Board may deem such submission to be desirable. Such resolution may request such submission at any specified municipal election, the time for which is controlled by any provision of this charter, or of any other law, or of any ordinance of the city, or at any special election to be held for some other purpose, the time for the holding of which has then been duly fixed; provided, however, that no election shall be so specified which is to be held less than forty days after the filing of a certified copy of such resolution with the City Clerk. Instead of so specifying any such election, such resolution may request the Council to call a special election for the submission of such proposition and to fix the time for holding the same. Any such resolution shall authorize the payment out of the harbor revenue fund of the Harbor Department to the general fund of the city of the entire cost to the city of such election, if such proposition shall be submitted at an election called solely for that purpose, otherwise of the proper proportionate part of such cost pertaining to such proposition, such payment to be made upon presentation of the statement provided for in subdivision (3) of this subsection (q). Upon the adoption of any such resolution the Board of Harbor Commissioners shall cause a certified copy thereof to be filed with the City Clerk.

Subd. (2). Promptly upon the receipt of such certified copy the City Clerk shall present the same to the Council. If such resolution specifies an election at which such submission is requested, the Council shall submit such proposition at the election so specified. If such resolution requests the Council to call and fix the time for such election, the Council shall call a special election for the purpose of submitting such proposition, such election to be held not less than forty nor more than sixty days after the filing with the City Clerk of such certified copy of such resolution, unless an election for some other purpose is to be held not less than forty nor more than ninety days after such filing, in which event the Council shall submit such proposition at such election. Any proposition to be submitted in accordance with the provisions of this subsection (q) may be submitted at any municipal election, whether the same be the primary nominating election, the general municipal election, or a special election, and whether or not consolidated or held concurrently with any other municipal, state or county election. The Council shall do, or cause to be done, any and all things necessary to make such submission at the election indicated by the resolution of the Board of Harbor Commissioners and to determine and certify to said Board the result thereof.

Subd. (3). As soon as practicable after the holding of any such election, the City Clerk shall prepare, and submit to the Council for approval, and upon such approval shall present to the Board of Harbor Commissioners, or to such officer of the Harbor Department as may have been designated in the resolution requesting such submission, a statement of the entire cost to the city of such election, if held solely for the submission of such proposition, otherwise of the proper proportionate part of such cost pertaining to such proposition. Upon the receipt of such statement the amount of such cost, or of such proper proportionate part thereof, shall be paid from the harbor revenue fund of the Harbor Department to the general fund of the city.

Subsec. (r). Short term borrowing.

Subd. (1). The Harbor Department shall also have the power to borrow money from time to time for any or all of the purposes specified in subsection (b) of this Section 146, and to issue and sell notes, or other evidences, to evidence the indebtedness created by such borrowing, without the submission to the voters of the proposition of so doing, and without the approval by the Mayor or the Council of the order provided for in subsection (e) of this Section 146, whenever the Board of Harbor Commissioners shall find and determine that the public interest and necessity require the exercise of that power.

Subd. (2). All notes or other evidences of indebtedness issued under the authority of this subsection (r) shall contain upon their face a recital that they are so issued and shall be payable in not to exceed five years from their date.

Subd. (3). No amount shall be borrowed under the authority of this subsection (r) which when added to the amount of all other notes or other evidences of indebtedness issued under this subsection and then outstanding shall exceed 50% of the gross revenues from the operation and conduct of the Harbor Department during the preceding fiscal year.

Subd. (4). All of the provisions of this Section 146 not inconsistent with the terms of this subsection (r), and not by their terms made inapplicable thereto, shall apply to all notes or other evidences, issued under the authority of this subsection (r).

Subsec. (s). Miscellaneous provisions.

Subd. (1). Unless otherwise clearly indicated by the context, all of the provisions of this Section 146 shall be understood as relating only to bonds issued under this Section 146.

Subd. (2). This Section 146 is complete authority for the issuance of bonds thereunder, and no action or proceeding not required by this section shall be necessary for the valid authorization and issuance of such bonds.

Subd. (3). The validity of bonds reciting that they have been issued pursuant to this Section 146 shall not be affected by any provision or limitation contained in any other section or sections of this charter.

Charter Amendment No. 5

Repeal

Section 97.1 is hereby repealed, and Section 97 is amended to read as follows:

Prior submission to city planning commission

Sec. 97. (1) No ordinance, order or resolution shall be adopted by the council authorizing, ordering or involving any of the following enumerated matters, unless and until such ordinance, order or resolution shall have first been submitted to the City Planning Commission for report and recommendation concerning the relation of the matter involved to and its effect upon any portion of the master plan of the City or any plans being prepared by said department:

(a) The acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site, or other public way, ground or open space;

(b) The location, appearance, and width of any bridge, viaduct, subway, tunnel or elevated roadway for the use of pedestrian or vehicular traffic, or the location and appearance of any public building.

It shall be the duty of the City Planning Commission within fifty (50) days from the receipt of any such proposed ordinance, order or resolution, to make and file its report and recommendation thereon with the Council, and should said Commission recommend against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole of said Council. Should the City Planning Commission

recommend approval or fail to make any recommendation within the time mentioned herein, said Council may adopt such ordinance, order or resolution by a majority vote of the whole Council. The City Planning Commission may authorize the Director of Planning to report upon and approve for it those proposed ordinances, orders or resolutions which he finds conform with the latest approved applicable portion of the master plan within the time and with the same effect as if the Commission were to act directly thereon.

(2) No ordinance, order or resolution shall be adopted by the Council involving (i) the creation or change of any zones or districts for the purpose of regulating the use of land, density of population, the height, bulk, location or use of buildings or structures therein, or the size of yards, open spaces or setbacks adjacent to buildings or structures, or (ii) the establishment, change or repeal of regulations applying within any of said zones, districts, yards, open spaces, or setbacks, unless and until it shall have first been submitted to the City Planning Commission for report and recommendation concerning the following:

(a) Its relation to and effect upon any portion of the master plan of the City or any plans being prepared by the Department of City Planning, and

(b) Whether its adoption will be in conformity with public necessity, convenience, general welfare and good zoning practice.

Proceedings for the creation or change of any of said zones or districts or the establishment, change or repeal of any regulations applying therein, may be initiated by the filing of an application with the City Planning Commission as provided for by ordinance, or by the Council or the City Planning Commission.

When a proceeding involving any of the matters mentioned in paragraph (2) hereof is initiated by the Council, it shall be the duty of the City Planning Commission to make and file its report and recommendations thereon with the Council within fifty (50) days of receiving same or within such additional time as the Council may specify. Should the Commission recommend approval of the matter involved, in whole or in part, or fail to make any recommendations within the time limit specified herein, an ordinance, order or resolution in conformity therewith shall be prepared and presented to the Council, which may adopt same by majority vote of the whole Council. Should the Commission recommend against the approval thereof, the Council may adopt an ordinance, order or resolution effectuating same only upon a two-thirds vote of the whole of the Council.

When an application involving any of the proceedings mentioned in paragraph (2) hereof is filed with the City Planning Commission, it shall be the duty of the Commission to act thereon within fifty (50) days of the date of such filing. This period may be extended for an additional period of not to

exceed twenty-one (21) days by mutual consent of the applicant and the Commission. The Council may, by ordinance, prescribe time limits, conditions and procedures under which the Commission may withhold action on any application for change of zone beyond the periods hereinabove specified when the application pertains to land located within an area in which the Commission is conducting a general survey or study. Should the Commission recommend approval of the matter involved, in whole or in part, or fail to make any recommendations within the above specified period, an ordinance, order or resolution in conformity therewith shall be prepared and presented to the Council which may adopt same by majority vote of the whole Council. Should the Commission recommend against the approval thereof, in whole or in part, its action thereon shall be final except that an appeal may be taken to the Council within the time and in the manner prescribed by ordinance. The Council shall review the action of the Commission and may adopt an ordinance, order or resolution effectuating same only upon a two-thirds vote of the whole of the Council.

(3) In complying with the provisions of this section, the City Planning Commission shall hold such hearing or hearings as it may determine, or as may be required by ordinance, or may direct an examiner to conduct such hearings for it. The Director of Planning shall make such investigations relative to all matters mentioned in this section as the City Planning Commission may direct and shall file his reports thereon with the Commission.

Charter Amendment No. 6

Subsection (c) of Section 109 of the Charter of the City of Los Angeles is amended to read as follows:

Probationary period for candidates

(c) The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months, except that a longer period, not exceeding twelve months, may be fixed for those members of the Police Department appointed under civil service rules and regulations and sworn in, as provided by law, to perform the duties of regular police officers, and for those members of the Fire Department appointed under civil service rules and regulations to perform the duties of regular firemen. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said board may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the probationary period, the appointing authority of the department or office in which the candidate is employed may terminate him upon assigning in writing the reasons therefor to said board. Unless he is thus terminated during the probationary period his appointment shall be deemed complete. The board may, by its rules, provide

for restoration to the register of eligibles of candidates who are terminated during the probationary period; any rules adopted pursuant to this subsection shall provide that the board may not certify any such candidate to the department or office which terminated him except at the specific request of the appointing authority of that department or office.

CHARTER AMENDMENT No. 7

Section 109 of the Charter of the City of Los Angeles is amended by adding subsection (e) thereto to read as follows:

Continuous examinations

(e) Notwithstanding the provisions of subsection (c) of this section, the board may, by its rules, provide for striking off names of candidates from open competitive eligible lists established as a result of continuous examinations after they have remained thereon for six months. A continuous examination is one which is open for filing for an indefinite period and which is held on a periodic basis.

CHARTER AMENDMENT No. 8

Section 103 of the Charter of the City of Los Angeles is amended to read as follows:

Applicants subject to examination

Sec. 103. All applicants for office, places, or employments in said classified civil service shall be subject to examination, which shall be public, competitive and open to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, experience and moral character. An application fee in the sum of one dollar, or such other amount as the Council may establish by ordinance, shall be charged and collected from each applicant for open competitive examination prior to the filing of any such application. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed and, when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. No limitation or restriction whatsoever shall be imposed, excepting in the departments of fire and police, fixing a maximum age in excess of which persons shall be deprived from taking examinations for or being employed in the classified civil service. The board shall control all examinations, and may whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof,

and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In Witness Whereof, We have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 20th day of April, 1959.

JOHN S. GIBSON
(SEAL) President of the City Council of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 154

Assembly Concurrent Resolution No. 116—Relative to the anniversary of the Cinco de Mayo.

[Filed with Secretary of State, May 6, 1959.]

WHEREAS, The fifth of May marks the ninety-seventh anniversary of the national holiday of the Republic of Mexico, the Cinco de Mayo; and

WHEREAS, On this day in 1862 the battle of Guadalupe was fought and won by a valiant Mexican force of about two thousand men against a French force which greatly outnumbered it; and

WHEREAS, This glorious victory instilled in the hearts of the people of Mexico an abiding spirit of liberty, and culminated, ultimately, in its conquest of freedom and independence over foreign domination; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legis-

lature extend to the people of Mexico, on behalf of the people of the State of California, their congratulations and felicitous greetings on the occasion of the celebration of the great national holiday of the Republic of Mexico, the Cinco de Mayo, and convey to them our sincere expression of warm friendship, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to His Excellency, Adolfo López Mateos, the President of the Republic of Mexico.

CHAPTER 155

Senate Joint Resolution No. 15—Relative to the assignment of the construction of fleet ballistic missile submarines.

[Filed with Secretary of State, May 7, 1959.]

WHEREAS, The naval vessel of the most advanced design now being constructed for the United States Navy is the fleet ballistic missile submarine propelled by nuclear power; and

WHEREAS, Such vessels will possess as their main armament the Polaris missile capable of carrying a nuclear warhead to any of the principal cities of the world; and

WHEREAS, The retaliatory power of such vessels constitutes an effective deterrent to aggression and thus a major weapon in the effort to achieve a lasting and just peace; and

WHEREAS, Six fleet ballistic missile submarines are now under construction, five at shipyards on the East Coast and one, the U. S. S. Theodore Roosevelt, at the Mare Island Naval Shipyard at Vallejo, California; and

WHEREAS, The Congress of the United States has both authorized and appropriated for the construction of three additional fleet ballistic missile submarines, and the Chief of Naval Operations has announced that construction awards will be made for these three atomic submarines within the next several months; and

WHEREAS, The Mare Island Naval Shipyard is the only installation on the West Coast which is staffed and equipped to build nuclear-powered ships, and that installation has built or is now building six atomic submarines including the U. S. S. Theodore Roosevelt; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Department of Defense to award construction of a further fleet ballistic missile submarine powered by nuclear energy to the Mare Island Naval Shipyard at Vallejo, California in view of the experience of that installation, the need for additional naval construction on the West Coast from the standpoint of both the adequate maintenance of a dispersed military preparedness and support of the economy of that area, and the disproportionate construction

awards in this field to other sections of the Nation; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the President of the United States, the Secretary of Defense, the Secretary of the Navy, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 156

Assembly Concurrent Resolution No. 121—Approving charter amendments to the charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1959.

[Filed with Secretary of State, May 8, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF INGLEWOOD OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF INGLEWOOD

We, the undersigned, George C. England, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and was at all times herein mentioned, a city having a population of more than 3500 inhabitants and has been ever since the year 1927, and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926, and approved by the Legislature of the State of California on the 27th day of January, 1927, (Statutes and Amendments of 1927, p. 2205).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its

own motion, the City Council of the City of Inglewood, being the legislative body thereof, duly and regularly submitted to the qualified electors of the City of Inglewood certain propositions for certain amendments to the Charter of the City of Inglewood at a general municipal election called and held for that purpose in said city on the 14th day of April, 1959.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Inglewood on the 25th day of February, 1959, in the Inglewood Daily News, a daily newspaper of general circulation, printed and published in the City of Inglewood, and the official newspaper of said City of Inglewood and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law and copies thereof were mailed to each of the qualified electors of said City of Inglewood within the time and manner required by law.

And until the date fixed for the election, April 14, 1959, as hereinafter set forth, there was published in said Inglewood Daily News an advertisement stating that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of the said City of Inglewood.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times to and including the 14th day of April, 1959, the date fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law, the said general municipal election was duly and regularly held in said City, after due notice given and published, on the 14th day of April, 1959, which day was not less than forty (40) days and not more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Inglewood Daily News, the official newspaper of said City of Inglewood.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly canvass the returns of said general municipal election and did adopt its resolution declaring the results of the canvass and declaring the results of the returns of said election.

That said Council of said City did by said resolution find, determine and declare that certain proposed amendments to the Charter of the City of Inglewood and hereinafter set forth were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of the City of Inglewood, this certification shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection with said amendments

That said amendments to the Charter of the City of Inglewood, so ratified by the electors of said City, are as follows:

CHARTER AMENDMENT No. 1:

Article XXXII of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"ARTICLE XXXII

PRINTING AND ADVERTISING

Bids for legal notice publication

"Section 1. In the event that there is more than one newspaper of general circulation published in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matters required to be published, in a newspaper of general circulation published and circulated in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor In the event the City Council contracts with a newspaper for the printing and publishing of legal notices without advertising for bids, or after calling for bids, only one bid is received, the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids for the next succeeding year unless on or before the May 1 immediately preceding the beginning of the fiscal year another newspaper of general circulation published and circulated in said City shall file with the City Clerk a request that competitive bids be called for, for publication of legal notices during the next fiscal year. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matters for the period of such contract.

"In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

"In the event there is no official newspaper designated by the City Council, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

"No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall in-

validate any publication where the same is otherwise in conformity with this Charter or law or ordinance."

CHARTER AMENDMENT No. 2:

Subdivision "Sixty-fifth" of Section 4 of Article III of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows: Misdemeanors

"Sixty-fifth: To make the violation of any provision or provisions of its ordinances, and/or of this charter, a misdemeanor and to prescribe in such ordinances, forfeitures, penalties and punishments for the violation thereof, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; but no such punishment shall exceed a fine of five hundred dollars, or six months' imprisonment, or both."

CHARTER AMENDMENT No. 3:

"The Charter of the City of Inglewood hereby is amended by deleting Section 2 of Article XXXVI of said Charter." Repeal

CHARTER AMENDMENT No. 4:

Article X of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"ARTICLE X

LEGISLATIVE PROCEDURE

"Section 1. Adoption of Ordinances. With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance, it shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. Every ordinance shall be read a second time prior to adoption provided that the second reading thereof may be by title only unless the Mayor or any Councilman present demands that the same be read in full. Adoption of ordinances

"Section 2. The affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance. Votes required

Enacting clause

"Section 3. The enacting clause of each ordinance passed or adopted by the Council shall be, "The City Council of the City of Inglewood, California, does ordain as follows:". The enacting clause of every ordinance adopted by the people shall be, "The people of the City of Inglewood, California, do ordain as follows'.

Emergency ordinances

"Section 4. Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes.

Effective date

"Section 5. Ordinance. When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law, or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or

(d) An emergency ordinance adopted in the manner herein provided.

Publication

"Section 6. Within fifteen days after its passage, the City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated in said city, or if there is no newspaper of general circulation published and circulated in the city, he shall cause the ordinance to be posted in at least three public places in the city.

Ordinance book

"Section 7. Every ordinance shall be filed and topically indexed in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and City Clerk, or his authorized deputy."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Inglewood with the original proposals submitting the same to the electors of said city and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Inglewood to be affixed this 23rd day of April, 1959.

(SEAL)

GEORGE C. ENGLAND
Mayor of the City of Inglewood, California

HELEN RIECK
City Clerk of the City of Inglewood, California

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented

and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Inglewood, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Inglewood.

CHAPTER 157

Assembly Joint Resolution No. 32—Relative to ratifying the Fourteenth Amendment to the Constitution of the United States.

[Filed with Secretary of State, May 8, 1959.]

WHEREAS, The Fourteenth Amendment to the Constitution of the United States was proposed to the Legislatures of the States of the United States by the Thirty-ninth Congress on the thirteenth day of June, 1866; and

WHEREAS, On the twenty-first day of July, 1868, the Congress adopted and transmitted to the Department of State of the United States, a concurrent resolution declaring that the requisite number of three-fourths of the States of the Union had ratified the said Fourteenth Amendment to the Constitution of the United States and that the said Fourteenth Amendment was thereby declared to be a part of the Constitution of the United States; and

WHEREAS, The Legislature of the State of California has not heretofore ratified said amendment; and

WHEREAS, The said Fourteenth Amendment has long been a vital part of the Constitution of the United States and should be ratified by the State of California to show the concurrence of this great State with the principles therein enunciated; and

WHEREAS, The said Fourteenth Amendment to the Constitution of the United States provides as follows:

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, a majority of all the members elected to each house of said Legislature voting in favor thereof, That the said Fourteenth Amendment to the Constitution of the United States be and the same is hereby ratified by the Legislature of the State of California; and be it further

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President pro Tempore of the Senate of the United States and the Speaker of the House of Representatives of the United States.

CHAPTER 158

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article II thereof, relating to the right to vote.

[Filed with Secretary of State, May 8, 1959]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1959 Regular Session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1 of Article II thereof to read as follows:

SECTION 1. Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Querétaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any felony, while paying the penalties imposed by law therefor, including any period of probation or parole, no person convicted of treason, the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

CHAPTER 159

Assembly Joint Resolution No. 16—Relative to the Auburn Dam on the American River.

[Filed with Secretary of State, May 12, 1959.]

WHEREAS, There is presently pending before the Congress of the United States legislation introduced by Senators Clair Engle and Thomas H. Kuchel and by Congressmen Harold T. Johnson and John E. Moss Jr. to authorize the multiple-purpose Auburn Dam on the American River above Folsom Lake for construction by the United States Bureau of Reclamation, as a part of the Central Valley Project; and

WHEREAS, The multiple-purpose project of the Auburn Dam will furnish additional water which can be used in the American River watershed, the Sacramento-San Joaquin Delta region, the San Joaquin Valley, and areas to the south; and

WHEREAS, The project will produce additional electric power which can be employed to pump water to areas of deficiency in the statewide water program; and

WHEREAS, The proposed Auburn Dam is a part of the California Water Plan and the project as outlined in the legislation would complement the State's efforts to meet the water requirements of California's rapidly expanding population; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to approve, as soon as possible, the legislation now pending to authorize the Auburn Dam; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to W. A. Dexheimer, Commissioner of Reclamation, to Harvey O. Banks, Director of the Department of Water Resources of the State of California, and to B. W. Cassidy, Chairman of the Auburn Dam Project Committee.

CHAPTER 160

Senate Joint Resolution No. 14—Relative to federal highway legislation.

[Filed with Secretary of State, May 13, 1959.]

WHEREAS, The California Legislature has previously urged the enactment of federal highway legislation substantially as set forth in the Federal-Aid Highway Act of 1956 except for

the provision limiting the apportionments for each fiscal year for the National System of Interstate and Defense Highways to the amounts available in the Highway Trust Fund as provided in Section 209(g) of the act approved June 29, 1956; and

WHEREAS, It now appears that in the absence of federal legislation during the current session, due to said provision, there will be no funds available for apportionment for expenditure upon the National System of Interstate and Defense Highways during the fiscal year commencing July 1, 1960, and ending June 30, 1961, and only a very small amount would be available for the National System of Interstate and Defense Highways during the succeeding fiscal year; and

WHEREAS, As a part of its long-range planning the Division of Highways of the Department of Public Works of the State of California has designed and prepared plans and specifications for a toll bridge spanning Carquinez Strait, and approaches, connecting the Cities of Martinez and Benicia, certain of the approaches being included in said National System of Interstate and Defense Highways; and

WHEREAS, The California Toll Bridge Authority has authorized the issuance of, and is in a position to offer for sale, revenue bonds in an amount sufficient to finance the construction of said bridge and certain minimum approaches, no portion of the cost of which is to be paid by the Federal Government; and

WHEREAS, In order to gain the fullest and most effective use of said bridge it is essential that the approaches constituting a part of said National System of Interstate and Defense Highways and which will be financed by state and federal highway funds, and not from bond proceeds, be constructed concurrently with the construction of said bridge; and

WHEREAS, This project is an outstanding example of the manner in which the orderly prosecution of work already planned will be disrupted by a failure to provide for the continuance of progress on the National System of Interstate and Defense Highways; and

WHEREAS, The completion of said bridge and all approaches thereto is a matter of vital concern to the people of the State of California; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress is urged to provide for the continuance of the federal-aid highway program as set forth in the Federal-Aid Highway Act of 1956 with the exception of the provision contained in Section 209(g) thereof, including the approval of the cost estimates submitted to the Congress by the Bureau of Public Roads of the Department of Commerce as a basis for the apportionment for the fiscal year ending June 30, 1962, to the end that the Benicia-Martinez Bridge project, as well as all other projects now ready for construction, will not be delayed and the orderly prosecution of planning and construction of the National System of Inter-

state and Defense Highways will not be disrupted; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the chairmen of the appropriate committees of the Congress, and to each Senator and Representative from the State of California in the Congress of the United States.

CHAPTER 161

Senate Joint Resolution No. 17—Relative to legislation concerning wilderness areas.

[Filed with Secretary of State, May 13, 1959]

WHEREAS, It has come to the attention of the Legislature that there is pending before the Congress of the United States legislation whereby the Congress would give sanction to the designation as wilderness of millions of acres of federally owned and controlled public lands; and

WHEREAS, It appears that such legislation could conservatively encompass at least 17,400,000 acres of such land in the State of California, constituting 17 percent of the total area of the State, in the designation of which the State Government would have no say whatsoever; and

WHEREAS, The continued growth and prosperity of the State of California and the other western states depend on the development of federal lands within the states on a multiple-use basis; and

WHEREAS, Such legislation could impair present and future payments to the State of California and the other western states in lieu of taxes on federal land, now amounting, in the case of the State of California, to the sum of $8,865,673; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to withhold all legislative action sanctioning the designation of additional wilderness of vast areas of federal lands until the National Outdoor Recreation Resources Review Commission can present its recommendations on an orderly procedure for future beneficial use of all national recreation lands, including wilderness areas; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Secretary of the Interior, and to the United States Secretary of Agriculture.

CHAPTER 162

Senate Joint Resolution No. 6—Relative to more than two terms for the President of the United States.

[Filed with Secretary of State, May 13, 1959.]

WHEREAS, The Twenty-second Amendment to the Constitution of the United States now prohibits a person from being elected more than twice to the Office of President of the United States, or from being elected more than once if he has served for more than two years of a term to which some other person was elected President; and

WHEREAS, The holder of an elective public office is deprived of much, if not most, of his political effectiveness, when it is definitely known that he will not be a candidate for re-election; and

WHEREAS, Consequently, the Twenty-second Amendment to the Constitution of the United States materially and substantially reduces the political effectiveness and national leadership of the President of the United States during his second term in office; and

WHEREAS, The undesirability of this mandatory restriction on the tenure in office of the President of the United States has been publicly recognized by the present incumbent of that office, Dwight D. Eisenhower, who is the first President to be so restricted in his tenure of office, and

WHEREAS, The two-term tradition started by our illustrious first President, George Washington, was followed in practice for over 140 years and provided an effective discretionary safeguard against a President holding office for too long a time; and

WHEREAS, It should therefore be left to the electorate in their political wisdom to decide whether or not in a particular instance the two-term tradition should be followed and the President of the United States should be free to seek re-election to more than two terms, if he so desires; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to commence proceedings for the repeal of the Twenty-second Amendment; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from this State in the Congress of the United States.

CHAPTER 163

Senate Concurrent Resolution No. 61—Approving certain amendments to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-first day of April, 1959.

[Filed with Secretary of State, May 13, 1959.]

WHEREAS, proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the Certificate of the Vice-Mayor and City Clerk of said City, as follows, to-wit:

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND.

We, the undersigned, Peter M. Tripp, Vice-Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 37834 C.M.S. passed January 29, 1959, and by its Resolution No. 37876 C.M.S. passed February 10, 1959, duly and regularly proposed and submitted to the qualified electors of said City four certain proposals designated as Propositions I, II, III and IV, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the twenty-first day of April, 1959. That said special election was duly and regu-

larly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 37834 C.M.S., and that by said resolution said special election was duly and regularly consolidated with the Nominating Municipal Election to be held in said City on said date. That said consolidated Special Municipal Election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in manner provided by law, after due notice given and published, with the said Nominating Municipal Election, on the twenty-first day of April, 1959, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "OAKLAND TRIBUNE", the official newspaper of said City.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the eleventh day of March, 1959, in the "OAKLAND TRIBUNE", a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "OAKLAND TRIBUNE", a newspaper of general circulation published in said City, on the eleventh day of March, 1959, and on each day thereafter to and including the twenty-first day of April, 1959, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposals to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Council of the City of Oakland, on the twenty-seventh day of April, 1959, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the twenty-eighth day of April, 1959, duly canvassed the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the twenty-eighth day of April, 1959, at its usual place of meeting, said Council by its Resolution No. 38157 C.M.S., duly found, determined and declared that each of the said proposed amendments to the Charter of the City of Oakland, designated as Propositions I, III and IV, was ratified by a majority of the qualified electors of said City voting thereon; and that said proposed amendment to said Charter designated as Proposition II, received less than a majority of the votes of the qualified electors voting thereon, and was not ratified; that the proposed amendments to the Charter of the City of Oakland which were so ratified by a majority of the electors of said City are in words and figures as follows:

Add Subsections (3¼), (4½), (4¾) and (5¼) to Section 33 of the Charter to read as follows:

Retirement System

Sec. 33 (3¼). Notwithstanding the provisions of Subsection (3) of Section 33 to the contrary, the provisions of this subsection shall apply to the Retirement System. The Retirement System also shall provide for retirement for disability after ten years of service credited under the System, and before age 60, and for death benefits for members of the System. The City Council also shall provide that a member retiring may elect before the first payment of his retirement allowance is made, and that a member may elect at any time before retirement, but only after qualification for service retirement, as provided in Subsection (5¼) of this section, to receive the actuarial equivalent of the portion or all of his allowance, as the case may be, which would not be continued automatically regardless of dependents then living, in a lesser allowance to be received by him throughout his life and in other benefits payable after his death to another person, including an allowance throughout the life of such person. The amounts payable under options two (2) or three (3) as stated in Ordinance No. 713 C. M. S., which were elected prior to the effective date of Subsection (4½) of this section, by a person who is living on that date, shall be adjusted to amounts calculated as if the provisions of that subsection had been in effect at the date of his retirement, but no adjustment shall be made because of payments made prior to such effective date.

This Subsection shall become effective on July 1, 1959, or the first day of the month next following approval by the Legislature, whichever is later.

CONTINUATION OF RETIREMENT ALLOWANCES AFTER DEATH.

Survivor's allowance

Sec. 33 (4½). Upon the death of a person after his retirement, including persons receiving allowances on the effective date of this subsection, one-half of his retirement allowance as it was at death, before modification under an option, shall be continued throughout life or until remarriage, to his surviving spouse. If there be no surviving spouse entitled to an allowance hereunder, or if the surviving spouse so entitled die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which a surviving spouse would have received, or which the surviving spouse would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving spouse and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse, unless she was married to the member at least one year prior to retirement. Contributions necessary for the payment of the continuance of one-half of allowances of persons who are receiving allowances on the effective date of this subsection, shall be provided from the reserves held by the Retirement System on account of active members, the necessary amount being transferred upon said effective date from said reserves to the reserves held by the Retirement System to meet obligations on account of benefits that have been granted.

This Subsection shall become effective on July 1, 1959, or the first day of the month next following approval by the Legislature, whichever is later.

ALLOWANCE UPON DEATH AFTER QUALIFICATION FOR BUT BEFORE SERVICE RETIREMENT.

Survivor's allowances

Sec. 33 (4¾). Upon the death before retirement of a member who is qualified for service retirement under Subsection (3) of this section by attainment of the age of at least fifty-two (52) years with credit for twenty (20) or more years of service, or at least sixty (60) years with credit for ten (10) or more years of service, and on account of whose death the benefit provided for in accordance with such subsection, is otherwise payable, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options provided for in accordance with such subsection, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be payable:

(a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death; or

(b) If there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including stepchildren, of the member, who are under 18 years of age.

The allowance payable under this subsection shall be in lieu of the death benefit provided for in accordance with Subsection (3), except for the accumulated additional contributions included therein, but a person qualifying for the allowance or such person's guardian may elect, before the first payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated additional contributions shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from contributions of the City.

The allowance shall begin to accrue on the day next following the date of death of the member, and payments to the surviving spouse shall continue only until death or remarriage, and to or on account of children with respect to each child, until the attainment of age 18, death or prior marriage. If payment of the allowance provided by this subsection is stopped because of remarriage of the surviving spouse, or the attainment of the age of 18 years by, or the death or marriage of, a child, before the sum of the monthly payments made equals the death benefit provided for in accordance with Subsection (3), exclusive of accumulated additional contributions, a lump sum equal to the difference shall be paid to the remarried spouse, or if there is no such spouse, to the surviving children of the member, share and share alike.

This Subsection shall become effective on July 1, 1959, or the first day of the month next following approval by the Legislature, whichever is later.

Irrevocable Option Election after Qualification for but before Service Retirement

Irrevocable option

Sec. 33 (5¼). Any member who has qualified for service retirement under Subsection (3) of this section by attainment of the age of at least fifty-two (52) years, with credit for twenty (20) or more years of City service, or at least sixty (60) years, with credit for ten (10) or more years of City service, may elect as provided in Subsection (3¼) and without right of revocation or change after approval of the election by the Retirement Board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service or disability, in

a reduced retirement allowance according to the provisions of either Option 2 or Option 3, as stated in Ordinance No. 713 C.M.S. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Subsection (4¾) of this section, the election under this subsection shall be invalid and of no effect unless and until the consent of such spouse to it is filed at the office of the Retirement System.

Upon such member's death at least thirty (30) days after the date upon which the election is received in the office of the Retirement System, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided for in accordance with Subsection (3¼), and the allowance provided by Subsection (4¾), and no such death benefit or such allowance shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected survives the member.

If such member subsequently retires for service or disability, he shall receive, regardless of whether the person nominated by him under the option elected is then living, a reduced allowance according to the provisions of Subsection (3) and the option elected. The amount of the allowance prior to optional modification shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected shall be based on the ages of such member and the person nominated by him under such option at the effective date of such election.

This Subsection shall become effective on July 1, 1959, or the first day of the month next following approval by the Legislature, whichever is later.

Amend paragraph (a) of Subsection (4) of Section 33 of the Charter to read as follows:

Sec. 33 (4) (a). The normal rate of contribution of each member as determined by the actuary and approved by the Board and to be effective on the effective date hereof shall be based on his nearest age at the effective date of his membership in the Retirement System, and if effective from the effective date of his membership, shall be such as, on the average for such member, will provide, assuming service without interruption from said effective date until retirement, one-half of the portion of the service retirement allowance which is based on such service, and to which he would be entitled if retired at age 60, but not including automatic continuance to dependents. The actual amount of annuity including such continuance, however, provided for a member upon retirement, shall be the actuarial equivalent of his accumulated contributions. The nor- Normal rate of contribution

mal rate established for age 59 shall be the rate for any member who has attained a greater age before entrance into the System, and that established for age twenty shall be the rate for any member who enters the System at a lesser age. Members' normal rates of contributions shall be changed by the Board on the basis of the periodical actuarial valuation and investigation provided by the Charter. No adjustment shall be included in members' normal rates because of time during which they have contributed at different rates.

This amendment shall become effective on July 1, 1959, or the first day of the month next following approval by the Legislature, whichever is later.

Add Section 91e to the Charter to read as follows:

Applicability Police Department

Sec. 91e. Notwithstanding any other provision of this Charter to the contrary, the provisions of this section shall apply to the Police Department. The position of Captain of Inspectors shall hereafter be filled by such officer of the Police Department having the rank of Captain of Police as the Chief of Police shall from time to time designate and assign thereto, and while so assigned he shall receive the salary attached to the rank of Captain of Police.

Any pension payment payable under this Charter by virtue of retirement of a Captain of Inspectors prior to the effective date of this section shall be increased or decreased by a sum determined by applying the percentage of compensation by which such payment is computed to the increase or decrease of the salary attached to the rank and position of Captain of Police.

Add Section 6½ to the Charter to read as follows:

ARGUMENTS CONCERNING CITY MEASURES.

Arguments concerning city measures

Sec. 6½. The provisions of the California Elections Code authorizing arguments for and against any county measure to be printed and submitted to the qualified electors shall apply to any proposed City Charter or proposed Charter amendment, or any other question or proposition submitted to the voters of the City at any general or special City election, except as otherwise specifically provided in this Charter or by the law governing such City measure. Provisions in said Elections Code referred to "county" shall apply to "city", referring to "board of supervisors" shall apply to "city council" and referring to "county clerk" shall apply to "city clerk".

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this twenty-ninth day of April, 1959.

PETER M. TRIPP
(SEAL) Vice-Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, the said proposed amendments as ratified as here inbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved, By the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the Charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the said City of Oakland.

CHAPTER 164

Assembly Concurrent Resolution No. 120—Approving amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the seventh day of April, 1959.

[Filed with Secretary of State, May 13, 1959]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the charter of the City of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to-wit:

CERTIFICATE OF ADOPTION OF CHARTER AMENDMENT

State of California
County of San Mateo } ss
City of San Mateo

We, the undersigned, Robert C. Garvey, Mayor of the City of San Mateo, and William J. O'Farrell, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, is now and at all times herein mentioned was, a city containing a population of more than 3,500 inhabitants, and has been ever since the 26th day of January, 1923, and is now, organized, existing and acting under a freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the 19th day of December, 1922, and approved by the Legislature of the State of California by a concurrent resolution filed with the Secretary of State on the 26th day of January, 1923.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Mateo, being the legislative body thereof, on its own motion, duly and regularly submitted a certain proposal for the amendment of the Charter of said City, to be voted on by the qualified electors of said City at the regular municipal election to be held therein on the 7th day of April, 1959.

That pursuant to resolution duly adopted by the City Council of said City of San Mateo, the proposed Charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

That said general municipal election was duly and regularly held on Tuesday, April 7, 1959, and the City Council of said City of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and did on the 13th day of April, 1959, by Resolution No. 30 (1959), duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election a majority of the qualified electors voting on Proposal A to amend the Charter of said City of San Mateo voted in favor of said amendment, and the said City Council of said City did by Resolution No. 30 (1959) find, determine and declare that the said proposed amendment to the Charter of the City of San Mateo, being Proposal A, was ratified by a majority of the qualified electors of said City voting thereon.

That said amendment to the Charter so ratified by the qualified electors of the City of San Mateo, at said general municipal election, is in words and figures as follows, to-wit:

Proposal A.

Amendment to Section 28 of the San Mateo City Charter

Shall Section 28 of the San Mateo City Charter be amended to provide that all candidates for election to public office shall file the statement now required under said section, no earlier than the first day, and no later than the last day, specified or

provided under state law for the filing of nomination papers by any candidate for elective municipal office in general law cities, as such law shall be in effect on the first day of January next preceding the municipal election; and that, in the event any candidate shall have failed to file the statement with the City Clerk within the time limits specified in said section, the City Clerk shall omit the name of such candidate from the prepared ballot, and from any notice thereafter given pertaining to the election?

We further certify that we have compared the foregoing amendment with the original Proposal A filed and submitted to the qualified electors of the City of San Mateo, as aforesaid, and find that the foregoing is a full, true and correct copy thereof.

Said Section 28, when amended, will read as follows:

Elections Dates, filing etc.

Section 28. Elections—General municipal elections shall be held in said city on the first Tuesday in April of each odd-numbered year, under and pursuant to the provisions of the general laws governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided; subject however to the provisions of Section 55 hereof as to the first officers elected hereunder.

No earlier than the first day, and no later than the last day, specified or provided under state law for the filing of nomination papers by any candidate for elective municipal office in general law cities, as such law shall be in effect on the first day of January next preceding the municipal election, each candidate for an elective office shall file with the City Clerk a statement.

The statement shall contain the following information in the order herein set forth:

a. His name;

b. the office for which he is a candidate;

c. his present residence and occupation;

d. the various kinds of business or employment he has been engaged in during the past five years and where, also the positions of importance and trust which he may have held in connection therewith;

e. the civic, improvement or other organizations which he has been a member of within the past five years and the positions of honor or trust, which he may have held therein;

f. the public offices he ever held, if any, as principal, deputy or employee;

g. the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate;

h. the length of time he has been a taxpayer in the city;

i. the principal public improvements or betterments which he would urge the accomplishment of if elected;

j. the names of not more than fifteen residents who know something of his character and abilities; and

k. any other information which, in his opinion, would enable the electors to determine his qualifications for said office.

Said statement shall be verified, and be accompanied by a photograph of the candidate taken within two years last past. Each candidate shall be required to pay a fee of fifteen dollars to defray the expense of a photo engraving from said photograph and the publication of said statement. In case he furnished a suitable photo engraving made within two years last past, the aforementioned fee shall be ten dollars.

The City Clerk shall publish the statements of each candidate so filed, with the candidate's photo engraving annexed thereto, in one or more newspapers of the city, by two insertions therein prior to the day of election. No response to any one of the various requirements above mentioned shall exceed 100 words in length.

In the event any candidate shall have failed to file the statement with the City Clerk within the time limits herein specified, the City Clerk shall omit the name of such candidate from the prepared ballot and from any notice thereafter given pertaining to the election.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of San Mateo to be affixed hereto, this 20th day of April, 1959.

ROBERT C. GARVEY
(SEAL) Mayor of the City of San Mateo
WILLIAM J. O'FARRELL
City Clerk of the City of San Mateo

and

WHEREAS, Said proposed charter amendment has been and is now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, That said amendment to said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as a part of, the charter of said City of San Mateo.

CHAPTER 165

Assembly Concurrent Resolution No. 119—Approving amendments to the charter of the City of Tulare, a municipal corporation in the County of Tulare, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1959.

[Filed with Secretary of State, May 13, 1959.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City of Tulare, a municipal corporation of the County of Tulare, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF TULARE, AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 14TH DAY OF APRIL, 1959, OF CERTAIN AMENDMENTS TO THE FREEHOLDERS CHARTER OF THE CITY OF TULARE, STATE OF CALIFORNIA.

State of California
County of Tulare } ss.
City of Tulare

We, Raymond Joncoaltz, Jr., President of the Council and Ex-Officio Mayor of the City of Tulare, and Hazel Hoyt, City Clerk of the City of Tulare, do hereby certify as follows:

That said City of Tulare, in the County of Tulare, State of California, is now, and was at all times herein mentioned, a City containing a population of less than 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Tulare is now, and was at all times herein mentioned, organized and existing under a Freeholders Charter adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Election held therein on the 5th day of September, 1922, and approved by the Legislature of the State of California, and filed with the Secretary of the State of California on the 3rd day of February, 1923, (Statutes of 1923, page 1508, and as amended April 24, 1933, Statutes of 1933, page 3043; and as amended May 4, 1935, Statutes of 1935, page 2640; and as amended March 26, 1954, Statutes of 1955, page 381); and

That the legislative body of said City, namely, the City Council thereof, did, by Resolution duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Tulare, seven (7) Amendments to

the Charter of said City, and ordered that said proposed Amendments be submitted to said qualified electors of said City at a General Municipal Election to be held in said City on the 14th day of April, 1959; and

That said proposed Amendments were thereafter designated as Propositions 1, 2, 3, 4, 5, 6 and 7, and were, on the 18th and 19th days of February, 1959, duly published in the Tulare Advance-Register; and

That said Tulare Advance-Register was, upon the dates of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Tulare, and was, upon the dates of the publication of said Proposed Amendments, and now is, published in said City, and said newspaper was, upon the dates of the publication of said Proposed Amendments, and at all times since has been, and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said Proposed Amendments; and

That said Proposed Amendments were published in conjunction with the publication of the Notice of General Municipal Election to be held in the City of Tulare on the 14th day of April, 1959, in the Tulare Advance-Register, the official newspaper of the City of Tulare and a newspaper of general circulation published in said City, on the 18th and 19th days of February, 1959, as aforesaid, being ten (10) days prior to the date of the said Election, and precinct polling cards and Notice of Election and the Propositions to be voted thereon, were duly and regularly mailed in accordance with the law, to each of the registered voters entitled to vote at said election; and

That said General Municipal Election was held in the said City of Tulare on the 14th day of April, 1959, which day was not less than forty (40) days nor more than sixty (60) days after the publication of the said Proposed Amendments in the Tulare Advance-Register, a newspaper of general circulation in said City; and

That the City Council did, by Resolution adopted on the 21st day of April, 1959, duly declare the results of said General Municipal Election, and did duly find, determine and declare that a majority of the qualified voters of the said City of Tulare, voting thereon, had voted in favor of, and had ratified three (3) of said Proposed Amendments; and

That, at said General Municipal Election, held as aforesaid, a majority of the qualified voters of said City of Tulare, voting thereon, voted in favor of, and thereby ratified three (3) of said Proposed Amendments; and

That said Proposed Amendments to the Charter of the City of Tulare, so ratified by the voters of said City, as aforesaid, are respectively in words and figures as follows, to wit:

Charter Amendment No. 3.

Amend Section 26, by substituting in lieu thereof the following:

Section 26. On or before the second regular meeting in May of each year, the City Manager shall submit to the Council an estimate of revenue and expenditures for the ensuing year. It shall contain an estimate of the probable revenue from all sources, the amount necessary to meet the interest and principal of the bonded indebtedness of the City, and the following information, arranged in parallel columns: Estimate of revenue and expenditures

(a) Detailed estimate of the expenses of conducting each Department, as submitted by the Department.

(b) Expenditures for the corresponding items for the last two (2) fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations, and an estimate of the expenditure necessary to complete the current fiscal year.

(d) Supplies and materials on hand.

(e) Such other information as the Council may require.

(f) Recommendations of the City Manager.

Sufficient copies shall be prepared by the City Manager to provide one for each member of the Council, and to place two (2) copies on file in his office for inspection of the public.

Charter Amendment No. 4.

Amend Section 27, by substituting in lieu thereof the following:

Section 27. Upon the receipt of this budget, the Council shall proceed to consider the same. Before the final action is taken, the City Manager, at the direction of the Council, shall publish for general distribution, an abstract of the budget showing the principal items of expenditure for each Department, together with the changes in his recommendations, if any, proposed to be made by the Council. Publication of abstract of budget

Charter Amendment No. 7.

Amend Section 52, by substituting in lieu thereof the following:

Section 52. There is hereby created a Department of Public Utilities. Said department shall be under the control and management of a board of five (5) commissioners. Said board shall be known as the Board of Public Utilities Commissioners and the members of such board shall be known as the Commissioners of said department. Said board shall consist of five (5) members appointed by the Mayor and confirmed by the Council, who shall hold office for four (4) years and until their successors are appointed and qualified; they may be Department of Public Utilities

removed by the Mayor, subject to the approval of the Council by a majority vote.

The Board shall hold regular meetings at a regular meeting place within the corporate limits of the City of Tulare. All meetings shall be public. The members of the Board shall receive as compensation the sum of $5.00 each for each regular meeting attended by them, and necessary expense incurred by them shall be proper charge against the City, and when certified by the City Auditor, shall be paid.

That the foregoing is a full, true and correct copy of said Proposed Amendments to the Charter of the City of Tulare, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Tulare.

In witness whereof, Raymond Joncoaltz, Jr., President of the Council and Ex-Officio Mayor, as aforesaid, and Hazel Hoyt, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Tulare to be thereunto duly affixed this 21st day of April, 1959.

(SEAL)

RAYMOND JONCOALTZ, JR.
President of the Council and Ex-officio Mayor of the City of Tulare
HAZEL HOYT
City Clerk, of the City of Tulare

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Tulare, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Tulare.

CHAPTER 166

Senate Concurrent Resolution No. 47—Relative to the study of a state highway route.

[Filed with Secretary of State, May 15, 1959.]

WHEREAS, State Sign Route 41, consisting of State Highway Routes 33 and 125, extending from Yosemite National Park to the Pacific Ocean at Cambria, is an east-west highway of major importance; and

WHEREAS, The portion of Route 33 between Paso Robles and the Pacific Ocean at Cambria is impassable in the wintertime and is otherwise of standards below that necessary for the traffic in the area; and

WHEREAS, The coastal area of San Luis Obispo County has undergone a tremendous population increase for which Route 33 is no longer adequate; and

WHEREAS, The recent completion and opening of the Hearst-San Simeon State Historical Monument has brought a great increase in the amount of traffic on Route 33 which originates elsewhere in the State and Nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is hereby directed to conduct a study of that portion of State Highway Route 33 extending from Route 2 near Paso Robles to Cambria to determine the feasibility of either improving that route to adequate standards for the area or constructing a new highway between those points; and be it further

Resolved, That the Department of Public Works is directed to report its findings from the study, together with its recommendations, to the Legislature not later than at the 1961 Regular Session; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of the resolution to the Department of Public Works and the California Highway Commission.

CHAPTER 167

Senate Joint Resolution No. 24—Relative to timber on national forest lands.

[Filed with Secretary of State, May 18, 1959.]

WHEREAS, The continued growth and prosperity of the State of California depend upon the development of federal lands within the State on a multiple-use basis; and

WHEREAS, The realization of the full potential of California's lumber industry depends upon augmentation by sustained-yield cutting on the national forest lands of the State; and

WHEREAS, The placement of a full allowable cut is essential not only to the industry, but also vital to the present and future economy of many communities; and

WHEREAS, The full allowable cut of California's national forests is not being made available because of lack of funds to cruise the timber and prepare it for sale, as well as building access roads; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to appropriate sufficient funds to

provide for preparation and placement of a full allowable cut in each working circle of each national forest in California; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California, to the Secretary of Agriculture, to the Department of Agriculture, and to the Director of the Bureau of the Budget.

CHAPTER 168

Senate Joint Resolution No. 12—Relative to co-operation between federal and local agencies.

[Filed with Secretary of State, May 20 1959.]

WHEREAS, It is desirable wherever possible to achieve the fullest possible co-operation between the agencies of the Government of the United States and local agencies in the planning of public works; and

WHEREAS, Through inadvertence and lack of proper administrative machinery there have been instances in which this full co-operation has not been achieved; and

WHEREAS, It is the sense of the California Legislature that workable procedures could be established whereby federal and local authorities could co-operate in the planning of public works to a greater extent than at present; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and the Congress of the United States to take the necessary action to provide workable procedures whereby proposals and plans for federal public works projects be submitted to the local legislative and administrative authorities in each area in which such projects are proposed or planned and an opportunity be given such local authorities to study and comment on such proposals or plans; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 169

Senate Concurrent Resolution No. 35—Relative to the landscaping of the Carmel-Monterey freeway.

[Filed with Secretary of State, May 20 1959]

WHEREAS, That portion of State Highway Route 56 extending from Carmel to Monterey has been improved to freeway standards; and

WHEREAS, The Carmel-Monterey freeway traverses an area of great natural scenic beauty and serves a recreation and vacation area which draws motorists from throughout the State; and

WHEREAS, This freeway, by virtue of its location, serves more than a mere functional highway purpose and should be incorporated as a part of the surrounding landscape to enhance the beauty of the area rather than causing a sharp contrast; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Commission is hereby urged to make funds available for the landscaping of the interchanges on the Carmel-Monterey freeway at the earliest possible moment; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the California Highway Commission.

CHAPTER 170

Senate Concurrent Resolution No. 69—Approving amendments to the charter of the City of Vallejo, County of Solano, State of California, ratified by the qualified electors of the city at an election held therein on the seventh day of April, 1959.

[Filed with Secretary of State, May 20, 1959]

STATE OF CALIFORNIA }
COUNTY OF SOLANO } SS.

HELEN G. SEEBER and G. WILFRED HEWITT, respectively, being first duly sworn, deposes and says: That the City of Vallejo is a municipal corporation and affiants are the City Clerk and Mayor, respectively thereof and make this affidavit on behalf of said corporation and as officers thereof.

The affiants have read the foregoing and know the contents thereof, and that the same is true of their own knowledge, ex-

cept as to the matters stated therein on their information and belief, and as to those matters they believe it to be true.

HELEN G. SEEBER
G. WILFRED HEWITT

Subscribed and sworn to before me this thirtieth day of April, 1959.

(SEAL)

ROLLAND L. POPE
Notary Public in and for the County of Solano, State of California

CERTIFICATE OF HELEN G. SEEBER, CITY CLERK AND G. WILFRED HEWITT, MAYOR OF THE CITY OF VALLEJO, SOLANO COUNTY, CALIFORNIA, AND AMENDMENT TO CHARTER OF THE SAID CITY OF VALLEJO RELATING TO THE ASSESSMENT AND COLLECTION OF TAXES WITHIN THE CITY OF VALLEJO BY THE COUNTY OF SOLANO, AND AMENDMENT TO THE CHARTER OF THE CITY OF VALLEJO RELATING TO THE RETIREMENT SYSTEM AND FUND OF THE CITY OF VALLEJO.

STATE OF CALIFORNIA }
COUNTY OF SOLANO } SS.

We, HELEN G. SEEBER and G. WILFRED HEWITT, the undersigned, do hereby certify and declare as follows:

That we are the City Clerk, and Mayor, respectively, of the City of Vallejo, a Municipal Corporation of the County of Solano, State of California.

That proceedings have been had and taken for adoption and ratification of the amendment to the Charter of the City of Vallejo, a Municipal Corporation, in the County of Solano, State of California, relating to the assessment and collection of taxes within the City of Vallejo by the County of Solano, which said charter amendment is hereinafter set forth verbatim and will hereinafter be designated and referred to as Charter Proposal No. 1.

That proceedings have also been taken for adoption and ratification of the amendment to the Charter of the City of Vallejo, a Municipal Corporation, in the County of Solano, State of California, relating to the Retirement System and Fund of said City of Vallejo, which said charter amendment is hereinafter set forth verbatim and will hereinafter be designated and referred to as Charter Proposal No. 2.

That the City of Vallejo in the County of Solano, State of California, contains a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California and has been ever since the year 1946, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8,

Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the nineteenth day of February, 1946, and approved and ratified by the Legislature of the State of California, on the twenty-fourth day of July, 1946.

That the legislative body of the said City, namely "City Council" did pursuant to Section 8, Article XI of the Constitution of the State of California, by Resolutions No 59-71 N. C., adopted 9 February, 1959; and No. 59-72 N. C., adopted 9 February, 1959, duly and on its own motion propose to the qualified electors of said City of Vallejo, an amendment to the Charter of said City which said amendment thereafter appeared on the ballot as Charter Proposal No. 1, and amendment to the Charter of said City which said amendment thereafter appeared on the ballot as Charter Proposal No. 2, and ordered that said proposals be submitted to the qualified electors of the City of Vallejo at the General Municipal Election to be held in said City, as in said Charter provided for, on the first Tuesday in April, to-wit: the seventh day of April, 1959.

That the said proposed Charter Proposal No. 1 and Charter Proposal No. 2, were thereafter on the fourteenth day of February, 1959, duly published in the VALLEJO MORNING TIMES HERALD, a daily newspaper of general circulation, printed and published in said City of Vallejo and in each and all editions thereof issued and/or printed and/or published during the said day of such publication, which said newspaper was the newspaper designated by the said Council for that purpose.

That the said City Council did by Resolutions No 59-71 N. C., dated 9 February, 1959, and No. 59-72 N. C., dated 9 February, 1959, order holding of the consolidated general municipal and charter amendment election in said City of Vallejo on the seventh day of April, 1959, for the purpose among other things of causing a vote upon the ratification of the said proposed Charter Proposal No. 1 and Charter Proposal No. 2, which said dates were not less than forty (40) days and not more than sixty (60) days after the completion of the publication of the said proposed Charter Proposal No. 1 and Charter Proposal No. 2, and that in accordance with the instructions of the said City Council the said City Clerk of the City of Vallejo did cause to be published in the VALLEJO MORNING TIMES HERALD, a daily newspaper of general circulation, printed and published in said City of Vallejo, an election proclamation and notice of general municipal election which was published two (2) times prior to the time for holding said election, to-wit: on 18 March, 1959, and 25 March, 1959, pursuant to the provisions of the Charter of said City of Vallejo; and which proclamation and notice provided, among other things, for the voting upon said proposition designated as Charter Proposal No. 1 and Charter Proposal No 2.

That said general municipal election was held in the said City of Vallejo, on the seventh day of April, 1959, which said

day was not less than forty (40) and not more than sixty (60) days after the said proposed Charter Proposal No. 1 and Charter Proposal No. 2, had been published once in the said VALLEJO MORNING TIMES HERALD as aforesaid.

That the said City Council of said City of Vallejo did in the manner provided by law duly and regularly canvass the returns of said election and did duly declare the result of said election insofar as it concerned said proposed Charter Proposal No. 1 as determined from the canvass of the returns thereof, which said result was as follows:

Total Number of votes cast upon ratification of said proposed Charter Proposal No. 1	11,438
In favor of the ratification of said proposed Charter Proposal No. 1	8,612
Against the ratification of said proposed Charter Proposal No. 1	2,826

That at said general municipal election held on the seventh day of April, 1959, the said proposed Charter Proposal No. 1, was ratified by a majority of the electors of said City voting thereon.

That the said Charter Proposal No. 1 so ratified by the Electors of the City of Vallejo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with Section 8, Article XI of the Constitution of the State of California and is in words and figures as follows:

CHARTER PROPOSAL NO. 1

To amend the Charter of the City of Vallejo by adding a new subdivision to Section 200 thereof to be lettered (e) and to read as follows:

Assessment and collection of taxes

"(e) The City may contract with the County of Solano for the assessment and collection of taxes within the City of Vallejo, as provided by the laws of the State of California."

That the said City Council of said City of Vallejo did in the manner provided by law duly and regularly canvass the returns of said election and did duly declare the result of said election insofar as it concerned said proposed Charter Proposal No. 2 as determined from the canvass of the returns thereof, which said result was as follows:

Total number of votes cast upon ratification of said proposed Charter Proposal No. 2	11,348
In favor of the ratification of said proposed Charter Proposal No. 2	8,072
Against the ratification of said proposed Charter Proposal No. 2	3,276

That at said general municipal election held on the seventh day of April, 1959, the said proposed Charter Proposal No. 2, was ratified by a majority of the electors of said City voting thereon.

That the said Charter Proposal No. 2 so ratified by the Electors of the said City of Vallejo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with Section 8, Article XI of the Constitution of the State of California and is in words and figures as follows:

CHARTER PROPOSAL NO. 2

To amend the Charter of the City of Vallejo by amending Article XV RETIREMENT SYSTEM AND FUND, to read as follows:

"Section 167. The City Council shall provide a retirement system for all officers and employees of the City of Vallejo by ordinance except those excluded in Section 175 of the City Charter of the City of Vallejo as in effect 1 January, 1959; however, the City Council may provide a retirement system for any or all of those so excluded." City retirement system

"Section 168. Any retirement system adopted, and changes thereto, shall require the approval of a majority of the entire membership of the City of Vallejo Retirement System." Same. Approval

"Section 169. The provisions of Article XV of the Vallejo City Charter as in effect 1 January, 1959, dealing with retirement shall continue to have the effect of an ordinance, until the ordinance herein provided for is adopted." Effect

That the foregoing contains a full, true and correct statement of all proceedings affecting, relating to or in anywise appertaining to the ratification of the proposed Charter Proposal No. 1 and Charter Proposal No 2, of the Charter of the said City of Vallejo by the qualified electors of said City of Vallejo.

That the City Council of said City of Vallejo did heretofore, by Resolutions No. 59-192 N. C., and No. 59-193 N. C., duly and regularly authorize and direct the certification of said proceedings for and on behalf of said City Council and said City of Vallejo, and cause to be submitted to the Legislature of the State of California the said proposed Charter Proposal No. 1 and Charter Proposal No. 2, as ratified by the qualified electors of said City of Vallejo at the general municipal election held therein for that purpose, among other things, on the seventh day of April, 1959.

HELEN G. SEEBER
(SEAL) City Clerk and Clerk of the City Council of said City of Vallejo
G. W. HEWITT
Mayor of the City of Vallejo

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for

approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Vallejo, as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Vallejo.

CHAPTER 171

Senate Concurrent Resolution No. 73—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the twenty-first day of April, 1959.

[Filed with Secretary of State, May 20, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

"STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Phillip Acker, City Clerk of said City, do hereby certify and declare as follows:

That The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of

California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, duly proposed to the qualified electors of the City of San Diego two amendments to the Charter of said City, designated as 'Proposition A' and 'Proposition B', and ordered said proposed Charter amendments to be submitted to said qualified electors at the General Municipal Election called and held in said City on the twenty-first day of April, 1959.

That said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California in THE SAN DIEGO UNION, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to wit: March 12, 1959.

That, in accordance with the provisions of said Section 8 of Article XI, copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and until the date fixed for the election herein described a notice was advertised and published in THE SAN DIEGO UNION, a daily newspaper of general circulation in said City, that such copies could be had upon application therefor at the office of the City Clerk of The City of San Diego.

That such copies of said proposed Charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at said General Municipal Election held in said City.

That at said election on the said proposed amendments to the Charter of The City of San Diego a majority of the qualified voters of the City voting on said proposed amendments voted in favor of the propositions designated as 'Proposition A' and 'Proposition B' and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Charter of The City of San Diego and the laws of the State of California.

That as to the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION A

Amend Section 110 of Article VII of the Charter of The City of San Diego to read as follows:

Claims against the city

'Section 110. Claims Against the City. Whenever it is claimed that The City of San Diego is liable to any person because of injuries suffered by such person, either to person or property, because of negligence of the City or its officers, a verified claim for damages shall be presented in writing and filed with the Clerk of The City of San Diego within ninety (90) days after the occurrence giving rise to the claim for damages.

Whenever it is claimed that The City of San Diego is obligated to pay money to any person because of contract or by virtue of operation of law, a demand or claim for such money shall be presented in writing and filed with the Auditor and Comptroller of The City of San Diego within ninety (90) days after the last item of the account or claim has accrued.

Each claim for damages because of tort shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received.

Each claim or demand for money due because of contract or operation of law shall specify the name and address of the claimant, a brief description of the contract or a brief recital of the facts giving rise to the obligation of the City imposed by law.

The time limit of ninety (90) days shall not begin to run against a claimant whose claim or demand for money due is because of operation of law until such claimant shall have actual notice of the existence of such claim.

No suit shall be brought on any claim for money or damages against The City of San Diego until a demand for the same has been presented, as herein provided.'

PROPOSITION B

Amend Section 117 of Article VIII of the Charter of The City of San Diego to read as follows:

Administrative service divisions

'Section 117. Classification. The administrative service of the City is hereby divided into the Unclassified and Classified Service, as follows:

The Unclassified Service shall include all elective positions and the following administrative offices:

Assistant to the Mayor; Confidential Secretary to the Mayor; Confidential Secretary to the City Council; City Manager, a confidential secretary, one Assistant Manager and two Assistants to the Manager; City Clerk; City Auditor and Comptroller; Park and Recreation Director; Director of Mission Bay Park; City Librarian; Chief of Police; two Deputy Police Chiefs; Director of Building Inspection; Confidential Secretary to the Chief of Police; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engi-

neer; Assistant City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Operations; Director of Public Works; Assistant Public Works Director; Director of Public Health; Director of Social Service; Director of Utilities; Industrial Coordinator; officers and employees of the San Diego Unified School District; and members of all Commissions and Advisory Boards who serve the City without compensation.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service.'

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this thirtieth day of April, 1959.

(SEAL)

CHARLES C. DAIL
Mayor of The City of
San Diego, California.
PHILLIP ACKER
City Clerk of The City of
San Diego, California."

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego.

CHAPTER 172

Senate Concurrent Resolution No. 74—Relative to adding Joint Rule 10.9 to the Joint Rules of the Senate and the Assembly.

[Filed with Secretary of State, May 20, 1959]

Be it resolved by the Senate of the State of California, the Assembly thereof concurring, That Joint Rule 10.9 is added to the Joint Rules of the Senate and the Assembly to read:

10.9. For the remainder of the 1959 General Session of the Legislature, following the adoption of this rule, its provision shall constitute an alternative procedure for dispensing with the 30 calendar day waiting period prescribed by Section 2(a) of Article IV and by Joint Rule 10.8.

During that time, the 30 calendar day waiting period may be dispensed with in either house as to one or more bills by a resolution to that effect adopted by an affirmative recorded vote of three-fourths of the elected members of the house, except that such bills shall not be heard by any committee or acted upon by either house until 15 calendar days have elapsed following the date each bill was first introduced.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

CHAPTER 173

Assembly Concurrent Resolution No. 107—Relating to the preparation of the Summary Digest.

[Filed with Secretary of State, May 20, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Counsel is directed to prepare a Summary Digest of statutes enacted and constitutional amendments proposed at the 1959 Regular Session of the Legislature; and be it further

Resolved, That copies of this publication be mailed to the Members of the Legislature by the Chief Clerk of the Assembly as soon as possible after printing; and be it further

Resolved, That the Chief Clerk of the Assembly shall cause to be printed 2,000 copies of the Summary Digest, the cost thereof to be payable from the legislative printing appropriation.

CHAPTER 174

Assembly Concurrent Resolution No. 113—Relative to the appointment of a music committee.

[Filed with Secretary of State, May 20, 1959.]

WHEREAS, Music has long been recognized as a universal language and a basic human need; and

WHEREAS, Creative efforts must find expression and competition in order to maintain incentive and achieve success; and

WHEREAS, There is substantial agreement that there is too little new melodious music of merit being performed for general listening; and

WHEREAS, Music has been recognized by law enforcement officials as a positive influence for good or bad; and

WHEREAS, Population, important industry, business and major baseball have moved westward, there is not a major publishing house on the Pacific Coast. This places western composers at a decided disadvantage; and

WHEREAS, The California Legislature is concerned with expanding economy, it, therefore, recognizes the economic importance of an expanded music business on the West Coast; and

WHEREAS, Propaganda is widespread that successful music must emanate from the East, and reports are numerous of eastern publishers who will not consider music by new composers, stating that they have their own composers; and

WHEREAS, Millions are spent for excellent public and private music instruction, that which reaches the public shows too little quality for the money and effort expended, in the opinion of many; and

WHEREAS, Many of the creative musical great throughout the ages have gained world renown, and their works became immortal because of the support and encouragement of their respective governments; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California is hereby requested to appoint a committee of fifteen (15) charged with the duty of seeking the co-operation of radio, television, press, music publishers, music retailers, record companies, private and public music teachers and music associations for the purposes specified in the "whereas" clauses of this resolution, and to designate said committee as the Committee to Encourage Selection, Performance and Publication of Music of Merit by Western Composers; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Governor.

CHAPTER 175

Senate Concurrent Resolution No. 65—Relative to the long-suffering of the American people at the hands of press agents promoting special weeks.

[Filed with Secretary of State, May 20, 1959.]

WHEREAS, Fifty years ago the raisin was a quiet, unobtrusive delicacy whose nutritional qualities were known but to few; and

WHEREAS, In the year 1909 there was conceived in the mind of man a device known as the special food week, which was looked upon as a vehicle of great potential for promoting the sale of special products; and

WHEREAS, In that year of 1909 the first special week was born and christened Raisin Week; and

WHEREAS, Since then there has been an endless variety of special weeks until today there are more weeks than there are weeks in a year, including Save the Pun Week, Return the Borrowed Books Week, Let's Go Fishing Week, and International Pizza Week; and

WHEREAS, The millions of words of imperishable prose which have been written by thousands of press agents extolling those worthy causes have been a source of great and nearly unbearable suffering to the American public; and

WHEREAS, The tender, delicious, economical and nutritious raisin is the cause of it all; and

WHEREAS, May 3d through May 9th will mark the golden anniversary of Raisin Week; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California does hereby acknowledge that although raisins are known the world over to be a food of most excellent taste and unsurpassed nutritional quality, it is devoutly to be hoped that the passing of time will see a decline in the number of special weeks and an increase in the worldwide consumption of California raisins; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit suitably prepared copies of this resolution to the California Raisin Advisory Board.

CHAPTER 176

Assembly Concurrent Resolution No. 98—Relative to the planting of salmon in the Salinas River.

[Filed with Secretary of State, May 22, 1959.]

WHEREAS, The salmon resources of this State are greatly in need of protection and enhancement and action should be taken to investigate every opportunity to add to the potential inland waters available to these fish; and

WHEREAS, The establishment of new areas for salmon and salmon spawning will benefit both sport and commercial fishermen who are presently greatly disturbed over the increased areas made unavailable to spawning salmon; and

WHEREAS, Many streams which previously were unsuitable for such anadromous fish because of undesirous water conditions, particulary late in the summer, through upstream water development now are ideal habitat for such fish; and

WHEREAS, The Salinas River would now seem to be an ideal stream for salmon which could be developed into a real contributor to this vital fishery resource; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Fish and Game is hereby directed to make a survey of the Salinas River

to determine if it may feasibly be planted with salmon in order to establish it as a salmon river; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Department of Fish and Game.

CHAPTER 177

Assembly Joint Resolution No. 1—Relative to military closures.

[Filed with Secretary of State, May 22, 1959.]

WHEREAS, Federal governmental closing of an ever increasing area of most productive fishing waters for security reasons and for training and practice areas for the Armed Forces is creating a serious problem as to the use of California fishing waters; and

WHEREAS, Often the reasons for such closures are not apparent and fishermen, who otherwise respect the necessity of activities for national defense, believe such closures to be an unnecessary infringement on their activities; and

WHEREAS, While some notice is given to closures in the Coast Guard's Notice to Mariners, many people are unaware of the exact hours or areas closed and misunderstandings as to the need for such closures and their exact extent often cause unnecessary problems; and

WHEREAS, Closer co-operation between the military authorities and the fishermen would provide not only better enforcement of the closures and protect the fishermen involved but would afford an opportunity for the military authorities to consider the possible effects that any proposed closures would have on fishing in these areas of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States and the Secretary of Defense are requested to take all steps necessary to insure that prior to the closing of any area to fishermen by the military authorities, that a public hearing be held in the area affected, except when such closing is a matter of extreme urgency, and that all such closures be limited to those areas and times when such closing is vital to our national defense with the reasons for such closing being made public whenever compatible with security restrictions; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States, and to the Interstate Co-operation Committee of the California Senate.

CHAPTER 178

Assembly Joint Resolution No. 34—Relative to the Long Range Program for the National Forests.

[Filed with Secretary of State, May 22, 1959.]

WHEREAS, Hearings will be held before the Committee on Agriculture of the House of Representatives on May 14th and 15th, 1959 relative to the adoption of legislation relative to the establishment of a "Long Range Program for the National Forests"; and

WHEREAS, One-fifth of the area of the State of California is within National Forests; and

WHEREAS, The bulk of California's water producing areas is located within National Forests; and

WHEREAS, One-half of the timber producing areas in California is located within National Forests; and

WHEREAS, A large proportion of the hunting or fishing area open to the general public of California is within National Forests; and

WHEREAS, The bulk of the land available to Californians for outdoor recreational facilities is located within National Forests; and

WHEREAS, The "Long Range Program for the National Forests" would establish a program for the maximum development for utilization of National Forests lands; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to undertake the proposed "Long Range Program for the National Forests"; and be it further

Resolved, That the Legislature of the State of California urges the Government of the United States to redeem its proper responsibility as to the development, protection, reparation, and administration of the public and natural resources including the National Forests; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice-President of the United States, to the Speaker of the House of Representatives, to Representative George M. Grant, Chairman of the Subcommittee on Forests of the Committee on Agriculture of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 179

Senate Concurrent Resolution No. 43—Relative to state employee parking facilities.

[Filed with Secretary of State, May 26, 1959.]

WHEREAS, There is a lack of public transportation available to many state employees who live in areas remote from the office or institution at which they work; and

WHEREAS, Public transportation either does not service such state office or institution areas or service is so infrequent as to impose an unreasonable hardship upon such employees; and

WHEREAS, In some areas there is virtually no adequate public transportation available; and

WHEREAS, A number of cities in California have zoning requirements or building codes governing construction of new buildings which require provision for parking space, such as, the City of Los Angeles, which requires that for each 1,000 square feet of floor area in a government building, one parking stall for employees shall be provided, and the many other cities with similar requirements; and

WHEREAS, Although the State Architect does not formally recognize local ordinances, they, nevertheless, in many cases, are considered when new buildings are planned; and

WHEREAS, There appears to be no generally known consistent policy established for state agencies to follow in deciding whether or not and how to provide parking for state employees; and

WHEREAS, Current lack of sufficient advance planning has resulted in mounting parking problems for our state employees; and

WHEREAS, A poll of over 350 business concerns in the Los Angeles and San Francisco areas, representing over 200,000 employees, established that:

(a) Four out of five metropolitan area employers provide employee parking.

(b) Over 80 percent of it is free.

(c) The majority of the few who pay for parking are charged $10 per month, or less.

(d) More than three out of four employers expressed the opinion that parking, either free or at nominal cost, is essential to successful recruiting and maintenance of satisfactory employee-employer relations; and

WHEREAS, It is apparent that some state agencies consider employee parking essential, while others do not sufficiently consider the problem; and

WHEREAS, The use by employees of "ride pools" should be encouraged, now and in the future, yet this often fails to furnish a sufficient answer to the problem; and

WHEREAS, Recruitment and employee morale are adversely affected by lack of adequate, reasonably priced parking; and

WHEREAS, It is urgently desirable for the guidance of all concerned that this Legislature establish a statewide policy applicable to state employee parking; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the policy of the State of California to recognize the problem of state employee parking; that adequate and economical public or private parking facilities should be available, or made available, to our state employees who reasonably require use of private automobiles for transportation to and from their places of employment; that a system of fees shall be established and maintained which is designed to meet as nearly as is feasible to do so the total statewide cost of developing and operating the parking facilities; and be it further

Resolved, That the Department of Finance, the State Architect, and all state agencies are requested to include in future plans for state facilities, provision for state employee private car parking when developing specifications for the construction or hiring of building space for the housing of state agencies.

CHAPTER 180

Senate Concurrent Resolution No. 78—Relative to congratulating the people of Solano County upon the occasion of the first delivery of water from the Monticello Dam.

[Filed with Secretary of State, May 26, 1959.]

WHEREAS, The first delivery of water to the lands of Solano County from the Solano Project of the United States Bureau of Reclamation (the principal features of which are more commonly known as the Monticello Dam) will occur on May 15, 1959; and

WHEREAS, This project provides a reservoir storage capacity of 1,600,000 acre feet and will furnish supplementary irrigation water to 60,000 acres of Solano County farmlands, and municipal and industrial water for the cities and military installations of that county; and

WHEREAS, The people of Solano County first organized the Solano County Water Council in 1937 to seek a new source of water for their area and following surveys by the Bureau of Reclamation, agreed upon the Monticello Project in 1945, and commenced a concerted effort to secure its authorization and construction; and

WHEREAS, The approval of the State of California was given to this project through the personal efforts of Chief Justice of the United States (then Governor of California), Earl Warren, and the initial approval of the Congress was largely obtained through the efforts of former United States Senator William F. Knowland and United States Senator (then Representative) Clair Engle; and

WHEREAS, The project was given formal authorization in 1949 by a finding of feasibility by the Secretary of the Interior, received its first appropriation in 1949 and first construction appropriation in 1952, and concurrence in authorization was recommended by committees of both houses of the Congress in 1953; and

WHEREAS, Construction was commenced in September, 1953, when ground was broken for the dam by Governor Earl Warren and State Senator Luther E. Gibson, work on the main dam (which has a height of 304 feet, and a length at its crest of 1,000 feet) was completed in 1957 in time to prevent serious flooding in the area downstream, including the City of Winters, and the total project was completed in 1959 at a cost of $37,200,000; and

WHEREAS, The first loan of its kind was extended by the United States to the Solano Irrigation District for construction of the irrigation distribution system in an additional amount of $12,300,000 and the first unit of that system has just been completed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature does extend its congratulations to the County of Solano, the cities of that county, the Solano Irrigation District, and the people of Solano County on the memorable occasion of the first delivery of water from the Monticello Dam; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Board of Supervisors of Solano County, the City Councils of the Cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun, Vacaville and Vallejo, and the Board of Directors of the Solano Irrigation District.

CHAPTER 181

Assembly Concurrent Resolution No. 134—Approving certain amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 5, 1959.

[Filed with Secretary of State, May 28, 1959.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of two amendments, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, and set out in the certificate of the mayor and acting city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA BARBARA

State of California
County of Santa Barbara } ss.
City of Santa Barbara

We, the undersigned, Floyd O. Bohnett, Mayor of the City of Santa Barbara, and Helen V. Barclay, Acting City Clerk of said city, do hereby certify and declare as follows:

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the Council of said city, being the legislative body thereof, duly and regularly submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a general municipal election duly and regularly called and held for that purpose in said city on the 5th day of May, 1959, said charter amendments being herein designated as Charter Amendment No. 1 and Charter Amendment No. 4.

That on the 24th day of March, 1959, said Council caused said proposed charter amendments to be duly and regularly published and advertised in each and every edition of said 24th day of March, 1959, in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That said Council caused copies of said proposed charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said city.

That said Council, until the day fixed for the election upon said proposed charter amendments, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said city, a notice that copies thereof might be had upon application therefor; that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said city up to and including the day fixed for said general municipal election.

That said general municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, May 5th, 1959, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting

thereon voted in favor of and did ratify Charter Amendment No. 1 and Charter Amendment No. 4 hereinafter specifically set forth.

That said amendments to the Charter of said city so ratified by the voters of said city are as follows, to wit:

Initiative Charter Amendment No. 1

That Section 43 and Sections 48 to 52 inclusive, of Article IV of the Charter of the City of Santa Barbara be amended to read as follows:

"Article IV
Executive Department
The Mayor

Mayor

Section 43. The Mayor shall be the chief executive officer of the city and the administrative head of the municipal government, who shall be responsible for the efficient administration of all departments. He shall be the presiding officer of the Council. He shall preside at the meetings of the Council, and shall sign the journal of the Council. He shall be included as a member of the Council at all meetings of the Council for the purpose of determining the presence of a quorum. He shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. The affirmative vote of the Mayor shall be counted as the affirmative vote of a member of the Council present at any meeting thereof for the purpose of determining the total number of affirmative votes of members of the Council cast for the passage of an ordinance or the final transaction of any business.

Mayor's Assistant

Section 48. The Mayor shall be entitled to an Assistant and to such additional deputies and assistants to serve him in the performance of his duties as the Council shall by ordinance prescribe. Such Assistant and such additional deputies shall be appointed by the Mayor and may be removed by him at any time. They shall receive such salaries as may be fixed by ordinance by the Council.

City appointive officers

Section 49. Except as otherwise specifically provided in this Charter, all appointive officers of the City, including all heads of departments shall be appointed by the Mayor subject to the approval of the Council. They shall hold office at the pleasure of the appointive power, and may be removed at any time by the Mayor subject to the approval of the Council.

Section 50. The powers and duties of the Mayor shall be:

(a) To see that all laws and ordinances relating to this city are observed and enforced;

(b) Except as otherwise provided in this Charter, to exercise control and general supervision over all departments, boards, divisions, and bureaus of the city government and over all the appointive officers and employees and public institutions thereof, including the water department of said city and the superintendent thereof; to see that the books and records of the said departments, boards, divisions, bureaus, appointive

officers and persons are kept in a legal and proper form and the duties and obligations thereof are executed and discharged with fidelity and exactitude; to lay before the Council any official defalcation or neglect of duty or official misconduct he may discover, or which shall be reported to him, in order that the public interest shall be protected and the person in default proceeded against according to law; to have power to suspend any appointive officer for dereliction, neglect or non-performance of duty, and to thereupon report the same to the Council, which said Council, after investigating the charge against such appointive officer, may authorize the suspension of such officer for such time as it may deem proper, may restore such officer to duty, or may declare the office vacant and the vacancy thereby created shall be filled as in this Charter provided;

(c) To make investigations into the affairs of the city, or any department or division thereof, or any contract, or the proper performance of any obligation running to the city; and for such purpose the books, records and official papers of all departments, officers and persons in the employ and service of the city shall at all times be open to his inspection and examination;

(d) To sign all warrants on the City Treasurer as well as all contracts entered into by the City; to exercise control and supervision over the internal administration of the fiscal affairs of the City, including accounting procedures and controls necessary or desirable for complete and accurate recording and control of all financial transactions;

(e) To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient;

(f) To keep the Council at all times fully advised as to the financial condition and needs of the City;

(g) To take all proper measures for the preservation of public order and for the suppression of all riots and tumults, for which purpose he is authorized to use and command the police force, or if such police force be insufficient, it shall be his duty to call upon the Governor of the State for military aid in the manner provided by law, in order that such riots and tumults may be properly and effectively suppressed;

(h) To prepare and submit to the Council the annual budget;

(i) To submit to the Council, at least once each month, a list of all claims and bills approved for payment by him;

(j) To see that all contracts and agreements with the City, including all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, are faithfully kept and fully performed; and, upon knowledge of any violation thereof, to at once call the same to the attention of the City Council and to the attention of the City Attorney, whose duty it shall be to take such steps as are necessary to protect and enforce such terms and conditions thereof. It shall be the duty of every officer and person in

the employ of the City, when it shall come to his knowledge that any such contract or agreement with the City, or with any officer or board or department thereof, or relating to the business of any franchise, has been or is about to be violated by the other contracting party, or holder of such franchise, to report forthwith to the Mayor all facts and information within his possession concerning such matters, and a wilful failure so to do shall be cause for the removal of such officer or employee as in the case of malfeasance in office;

(k) On the first of each and every quarter, together with the City Attorney and Chairman of the Finance Committee, to count the cash in the City Treasury and to see whether it corresponds with the books of the Treasurer, and to report in writing the result of such count to the Council at their first regular meeting thereafter;

(*l*) To exercise such other powers and to perform such other duties as may be prescribed by this Charter or be required by ordinance or resolution of the Council.

Purchases

Section 51. All purchases of material and supplies made by any department or officer of the City of Santa Barbara shall be by requisition signed by the Mayor.

Chief Administrative Officer

Section 52. The office of Chief Administrative Officer, as provided by the Charter prior to the amendments contained herein, is eliminated, and, except as provided in Section 120 of this Charter wherein the words 'Chief Administrative Officer' shall be amended to read 'Finance Director,' all powers, duties and functions of said Chief Administrative Officer shall now vest in the Mayor. Wherever the words 'Chief Administrative Officer' appear in Sections 39, 41.1, 93, 137 and 146 of this Charter, the same shall be amended to read 'Mayor'.

In any and all respects wherein the foregoing Section numbered 43, Sections numbered 48 to 51 inclusive, and this Section numbered 52, of Article IV of the Charter of the City of Santa Barbara conflict with Sections 39, 41.1, 93, 120, 137 and 146, or with any other section of said Charter, the latter shall to the extent of such conflict only be deemed repealed. Sections 43, 48, 49, 50, 51 and 52 of said Charter as written prior to the amendments contained herein, are hereby repealed.

This Amendment contained in the foregoing Section numbered 43, Sections numbered 48 to 51 inclusive, and this Section numbered 52, of Article IV of the Charter of the City of Santa Barbara, shall take effect on and not before the first day of June next succeeding the date of approval thereof by the Legislature of the State of California."

Charter Amendment No. 4

That Section 147 of Article XXII of the Charter of the City of Santa Barbara be amended to read as follows:

Elective and appointive officers Qualifications

"Section 147: In addition to all other provisions in this Charter relating to citizenship or residence of the persons elected to office, all elective and appointive officers must be

citizens of the United States of America and, during their term of office, must reside in the city, provided that none of such appointive officers need reside in the city prior to the date of their appointment.

The City Council shall, by ordinance, prescribe and establish the residential requirements for all other deputies, clerks, assistants and employees of the city.

The provisions of this Section shall be deemed to be amendatory of all other provisions in the Charter relating to citizenship or residence of the persons herein mentioned whether heretofore existing or contained in Sections amended in other respects concurrently with the adoption of this amendment.

Repeal

Section 147 of Article XXII of the Charter of the City of Santa Barbara, as written prior to the adoption of this amendment is hereby repealed.

This amendment contained in this Section numbered 147 of Article XXII of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said city, and find and certify that they are full, true and correct copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Barbara to be affixed hereto this 15th day of May, 1959.

(SEAL)

FLOYD O. BOHNETT
Mayor of the City of
Santa Barbara, California
HELEN V. BARCLAY
Acting City Clerk of the City of
Santa Barbara, California

and

WHEREAS, Said proposed charter amendments as ratified (being hereinabove set forth) have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned two amendments to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Barbara be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the City of Santa Barbara.

CHAPTER 182

Senate Concurrent Resolution No. 40—Relating to predatory animal control.

[Filed with Secretary of State, June 2, 1959]

WHEREAS, The problem of control of the predatory animal population is of major importance not only to the woolgrowers, cattlemen and sportsmen directly affected by the destruction caused by predatory animals, but also is the concern of all citizens of this State interested in preserving the beauty and abundance of the wild animals which are destroyed by these predators; and

WHEREAS, The policies of the Department of Fish and Game with relation to the control of predatory animals has been one of seriously curtailing activities directed at such control as illustrated by the removal of state trappers from Trinity County and elsewhere; and

WHEREAS, The Wool Growers of Humboldt County, and the California Wool Growers Association, have for many years contributed private funds for such predatory control; and

WHEREAS, Unless there are increased activities in the control of the predator population many deer and livestock animals in this State are in serious danger of destruction; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Fish and Game is hereby directed to either allocate sufficient funds to the Federal Fish and Wildlife Service to insure that it will have sufficient funds for adequate predator control or to provide adequate predator control by department personnel; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Director of the Department of Fish and Game.

CHAPTER 183

Senate Concurrent Resolution No. 59—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

[Filed with Secretary of State, June 2, 1959]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the report of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California during the years 1959 and 1960, respectively. The reports shall include only the official actions of the conventions made by motions and resolutions

and shall not include an appendix. There shall be 150 copies for the use of the Senate, and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 184

Senate Concurrent Resolution No. 72—Relative to statutes of the Legislature which are treated as unconstitutional based upon administrative interpretation alone.

[Filed with Secretary of State, June 2, 1959.]

WHEREAS, It has come to the attention of the Legislature, by reason of the pendency in the Supreme Court of California of the case of STATE BOARD OF EDUCATION v. LEVIT, that Section 13370 of the Government Code has been treated as if it were unconstitutional for over 20 years by the State Board of Education, by former Directors of Finance and by former Controllers without any decision to that effect having been sought or rendered in a court of law; and

WHEREAS, Neither the Legislature, its committees or its advisers knew of the asserted unconstitutionality of this statute, which was last amended at the 1957 Session of the Legislature repeating the language asserted to be unconstitutional; and

WHEREAS, Other acts of the Legislature are being treated as unconstitutional based solely upon the administrative construction placed upon such acts by the officers charged with the duty of executing them; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring:

1. That the Director of Finance and the Controller are requested to enforce Section 13370 of the Government Code in accordance with its terms, and are requested not to authorize the payment of funds from the State Treasury in violation of its terms, pending the decision of the Supreme Court in the case of STATE BOARD OF EDUCATION v. LEVIT; and

2. That, if the constitutionality of Section 13370 of the Government Code is not determined one way or the other by the Supreme Court in that case, said officers are requested either to treat the statute as constitutional or to take immediate steps to institute court proceedings so that the issue of constitutionality can be resolved by judicial decision; and

3. That said officers are requested, whenever a statute of the Legislature imposing a duty or conferring a power on them is asserted to be unconstitutional as a matter of administrative advice alone, either to enforce the statute in accordance with its terms notwithstanding such advice or to take immediate steps to secure a judicial determination as to the constitutionality of such statutes of the Legislature; and

4. That the Director of Finance and the Controller are requested hereafter to report to each session of the Legislature concerning those acts of the Legislature which, to their knowledge, are being treated as unconstitutional as a matter of administrative construction and to report what steps are being taken to secure a judicial determination of the issue of constitutionality thus raised; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Director of Finance and to the State Controller.

CHAPTER 185

Assembly Joint Resolution No. 33—Relative to the international outfall sewer.

[Filed with Secretary of State, June 2, 1959]

WHEREAS, The international outfall sewer, which was constructed in 1938 under the sponsorship of the International Boundary Commission, is presently discharging over 4.5 million gallons of sewage per day into the Pacific Ocean just north of the boundary between the United States and Mexico; and

WHEREAS, Over 95 percent of this sewage flow originates in Tijuana, Mexico, a city whose sewage treatment facilities consist of a heavily overloaded and often neglected septic tank, with the remainder coming from the San Ysidro Sanitation District, which services a part of the City of San Diego; and

WHEREAS, The sewage discharged from the outfall is swept north by strong currents in the surf and has created a major health problem at the popular bathing areas at Imperial Beach; and

WHEREAS, Actual quarantine of these bathing areas has been averted only by use of emergency chlorination in the outfall, financed jointly by the City of Tijuana and the County of San Diego; and

WHEREAS, Authorities of the State of California and the County of San Diego, as early as 1948, brought to the attention of the International Boundary and Water Commission the critical problem presented by this discharge of sewage and in 1952 the Legislature of the State of California, in Assembly Joint Resolution No. 16 of the 1952 First Extraordinary Session (Res. Ch. 33, Stats. 1952 (1st Ex Sess.)) respectfully urged the Secretary of State of the United States and the United States Section of the International Boundary and Water Commission to expedite a solution of this problem; and

WHEREAS, The problem remains unsolved, with constant treatment of the sewage being discharged still required; and it is imperative for the protection and preservation of the pub-

lic health that immediate action be taken to solve this most serious pollution problem; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the Secretary of State of the United States, the Secretary of Health, Education, and Welfare of the United States, and the representatives of the United States on the International Boundary and Water Commission to take all necessary steps to bring about immediate action to correct the pollution and health hazard created by the international outfall sewer; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Secretary of State of the United States, the Secretary of Health, Education, and Welfare of the United States, each representative of the United States on the International Boundary and Water Commission, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 186

Assembly Joint Resolution No. 26—Relating to the establishment of uniform rules of the road throughout the United States.

[Filed with Secretary of State, June 3, 1959.]

WHEREAS, There exists throughout the United States a great variety of vehicle speed limits, directional signs and highway numbering systems; and

WHEREAS, The confusion resulting from this diversity of regulation causes great inconvenience to the motoring public and often creates situations of danger; and

WHEREAS, The Federal Government is presently engaged in a program of extensive federal aid to interstate and local highways throughout the Nation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of California respectfully urges the Council of State Governments to encourage each state to adopt a nationwide uniform system of traffic rules and a uniform system of directional signs and highway numbering; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Council of State Governments.

CHAPTER 187

Assembly Concurrent Resolution No. 66—Relative to criminal procedure in time of disaster.

[Filed with Secretary of State, June 3, 1959.]

WHEREAS, California's long coastline exposes it to attack by missiles launched from submarines, and a few well-placed hydrogen bombs carried by intercontinental ballistic missiles could create havoc and utter confusion; and

WHEREAS, Split-second disaster could arise in California due to these ever-increasing destructive forces created by man; and

WHEREAS, To provide a system of criminal procedure in the courts during periods of disaster is an immediate need that should be provided for and resolved by the Legislature of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Judicial Council is requested to survey the area of legislation which is necessary to provide for a system of criminal procedure in the courts of California during periods of disaster such as would follow an enemy attack; that the Judicial Council is requested to seek the co-operation and recommendations of the state and local bar associations; and that the Judicial Council's report and recommendations as to basic legislation necessary in this field be submitted to the Legislature not later than February 1, 1960, so that legislative action may be taken as early as possible thereafter; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the Chief Justice of the California Supreme Court.

CHAPTER 188

Assembly Concurrent Resolution No. 126—Approving amendments to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the seventh day of April, 1959.

[Filed with Secretary of State, June 3, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendments hereinafter set forth to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of

California, as set out in the certificate of the mayor and city clerk of the said city as follows: to-wit:

State of California }
County of Alameda } ss.

We, the undersigned, Claude B. Hutchison, Mayor of the City of Berkeley, State of California, and Ruth C. Kemp, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, p. 1208).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 7th day of April, 1959.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 24th day of February, 1959, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 25th day of February, 1959, and on each day thereafter to and including the 6th day of April, 1959, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 7th day of April, 1959, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 7th day of April, 1959, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that the amendments to the Charter of the City of Berkeley hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 37, 282-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Berkeley so ratified by the electors of said City are in the words and figures as follows, to-wit:

Charter Amendment No. 1

That Sections 67 and 67.5 of Article XI of the Charter of the City of Berkeley be amended to read as follows:

Section 67. Expenditures in excess of $2,000.00.

Purchases

Each specific improvement and each purchase of supplies, equipment or materials the expenditure for which exceeds the sum of Two Thousand Dollars ($2,000.00) shall be done by contract authorized by resolution of the Council and said contract shall be let to the lowest responsible bidder after advertising for sealed proposals for five (5) consecutive days as required by this Charter. Such notice shall give a brief description of the work to be done or the supplies, equipment or materials to be purchased. The Council may reject any and all bids. If all bids are so rejected or if no bids are received, the Council may readvertise for new bids, or authorize the City Manager to negotiate in the open market for a contract at a reasonable price, or authorize the City Manager to purchase in the open market, or authorize the City Manager to have the work performed by City employees.

Section 67.5. Other expenditures in excess of $2,000 00.

Same

Any action providing for the expenditure of public money the amount of which exceeds the sum of Two Thousand Dollars ($2,000.00), except such as is provided for in Sections 67, 67.1,

67.2, 67.3 or 67.4 hereinabove, shall be authorized by resolution of the Council or shall be done by contract authorized by resolution of the Council.

CHARTER AMENDMENT NO. 2

That Sections 61 and 62 of Article X of the Charter of the City of Berkeley be amended to read as follows:

Section 61. Duties of the Auditor.

Vouchers, warrants

Payment by the City, excepting redemption of bonds and interest coupons, shall be made only upon vouchers certified by the head of the appropriate department and approved by the City Manager, and by means of warrants on the City Treasury, or by checks drawn upon deposits maintained in a bank or banks, issued by the Auditor and countersigned by the City Manager. The Auditor shall examine all payrolls, bills and other claims and demands against the City, and shall issue no warrant or check for payment unless he finds the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that a budget appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money available to make payment. He may require any claimant to make oath as to the validity of the claim. He may investigate any claim, and for such purpose may examine witnesses under oath; and if he finds it fraudulent, erroneous or otherwise invalid, he shall not issue a warrant or check therefor. No suit shall be brought on any claim for money against the City or any officer, board or commission of the City until a demand for the same has been presented and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against the City or any officer, board or commission thereof upon any claim or demand which has been approved and audited; provided, that nothing herein shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the City Council or any officer, board or commission to compel him or it to act upon such claim or demand, or to pay the same when audited.

Money to meet warrants, etc

Section 62. Money to meet warrants or checks.

When the running expenses of the City have been placed on a cash basis, warrants payable on demand shall be drawn upon the Treasurer, or against any funds in his hands, or checks drawn upon deposits maintained in a bank or banks, only when at the time of the drawing and issuing of such warrants or checks there shall be sufficient money in the appropriate fund in the treasury or bank or banks to pay said warrants or checks.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposal submitting the same to

the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 1st day of May, 1959.

CLAUDE B. HUTCHISON
(SEAL) Mayor of the City of Berkeley
RUTH C. KEMP
City Clerk of the City of Berkeley

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Berkeley, as presented to and adopted and ratified by the electors of that city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Berkeley.

CHAPTER 189

Senate Joint Resolution No. 23—Relating to the Chambers Lodge Post Office.

[Filed with Secretary of State, June 3, 1959.]

WHEREAS, The Chambers Lodge Post Office, an historic landmark on Lake Tahoe, is one of the first in the area and is actually located on the pier where it originally handled the mail directly from the famous lake steamer the Tahoe and had for years been served by mail boats and in turn distributed mail to residents of the area; and

WHEREAS, Chambers Lodge has been chosen as the official headquarters for the cross-country races of the VIII Olympic Winter Games, which will necessitate expanded postal and other services to handle the increased activity in the area; and

WHEREAS, Chambers Lodge is also the commercial seaplane base for airplanes servicing the Lake Tahoe area from San Francisco and the East Bay area; and

WHEREAS, The opening of a new subdivision of over 1,000 new homesites adjacent to Chambers Lodge makes the availability of Chambers Lodge Post Office essential; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Post Office Department is respectfully requested to continue the operations of the Chambers Lodge Post Office at least during the coming Olympic Winter Games and in the summer months in the future when the tourist and vacationing public increase the need for such facilities; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Postmaster General of the United States, and to each member of the Senate and House of Representatives representing California in the Congress of the United States.

CHAPTER 190

Senate Joint Resolution No. 26—Relative to the Army Language School at Monterey.

[Filed with Secretary of State, June 3, 1959]

WHEREAS, The startling fact exists that the United States, in trying to win friends all over the globe, is unable to communicate with three-fourths of the world's population in their native tongue, due to a deplorable lack of preparation in foreign languages; and

WHEREAS, The Russians teach foreign languages in grade schools and require all high schools to take a foreign language course, as contrasted with the fact that less than 15 percent of our eight million high school students in this Country are currently studying foreign languages; and

WHEREAS, One of the world's outstanding and our government's largest school for the teaching of foreign languages has since the early days of World War II been conducted by the United States Army at the Presidio of Monterey, California, where 28 languages are taught by native instructors to members of the Armed Forces; and

WHEREAS, The Air Force, which trains a great many men at this school in the Russian language, has announced its decision to withdraw from the Army Language School as of July 1st, and to send its officers and men elsewhere; and

WHEREAS, The needless duplication of effort and additional expense caused by this decision to withdraw Air Force students will cause a serious disruption of the proficiency of the excellent Army Language School; and

WHEREAS, The time has come to make greater, not less, use of the Army Language School at Monterey by all branches of the government concerned with sending personnel on overseas missions; and

WHEREAS, The Army Language School is fully equipped to accommodate twice the number of students now being trained; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to

A. Urge the Air Force of the United States to reverse its decision with respect to the training of students at the Army Language School in Monterey, and

B. Immediately study the need for unification of the government language teaching program for all branches of the Government and the desirability of concentrating said program at the Army Language School at the Presidio of Monterey; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the President and Vice President of the United States, the Secretary of State, the Secretary of Defense, and the Secretaries of the Army, Navy, and the Air Force.

CHAPTER 191

Senate Concurrent Resolution No. 77—Relative to the continuance of the Joint Interim Committee on the Education and Rehabilitation of Handicapped Children and Adults.

[Filed with Secretary of State, June 3, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Interim Committee on the Education and Rehabilitation of Handicapped Children and Adults created by Resolutions Chapter 328 of the 1957 Regular Session is continued as a joint committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly, as adopted at this session or amended from time to time, become applicable to this committee and its members.

4. The unexpended balance of the money heretofore made available to the committee continued by this resolution shall continue to be available for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 192

Assembly Concurrent Resolution No. 108—Relative to merit awards to state employees.

[Filed with Secretary of State, June 5, 1959]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Maynard L. Young, Division of Highways, for a suggestion that results in annual savings of two thousand two hundred fifty dollars ($2,250) by recommending the use of standard quantity table sheets for determining pay quantities of drainage structures being constructed by the Division of Highways; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to May Lee, Department of Finance, for a suggestion that effects annual savings of four thousand six hundred seventy-eight dollars ($4,678) by using, in legal advertising, a two-line minimum advertisement to obtain a lower rate. This applies to newspapers which do not have such legal rates. By the insertion of this two-line minimum advertisement on those days on which the full legal advertisement does not appear a lower consecutive rate is secured which is less than would be charged, at the one-time rate, for the three consecutive weekly legal notices required by law; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Violet Bergman, Franchise Tax Board, for a suggestion that results in net annual savings of eleven thousand five hundred sixty-six dollars ($11,566) for recommending the use of interest computation charts to be used in computing interest on delinquent income tax returns and on jeopardy assessments rather than leaving the interest to be figured by the taxpayers; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frank F. Meisenbach and Ralph J. Doyle, San Francisco Port Authority, for a suggestion which resulted in net annual savings of six thousand seven hundred forty dollars ($6,740) for developing a method that enables the closing chains on clamshell-type dredge buckets to be replaced with less expensive steel cables. In addition they replaced a crossbar, a complicated steel casting costing two hundred forty dollars ($240) each, with a simple triangular piece of steel thus reducing by one-half the load carried on the wire cables. The revised procedure adds a safety feature to this operation as it enables the changing of the closing chains to be made on the deck of a scow instead of 12 or 15 feet off the deck of a moving scow; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lester C. Stephens, Department of Mental Hygiene, for the design and use of a laundry sorting bin which effected total savings of two thousand nine hundred eighty-eight dollars ($2,988) which is equivalent to the salary of one laundry assistant; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lionel A. Blanchard, Department of Motor Vehicles, for a suggestion that effects annual savings of four thousand five hundred ninety-nine dollars ($4,599) for recommending that all vehicle registration cards and plates surrendered in compliance with Order of Security Requirements or Suspension be transferred to Unit 17 from the Financial Responsibility Section; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Stanley E. Bruns, Department of Motor Vehicles, for a suggestion that results in annual savings of six thousand seven hundred eighteen dollars ($6,718) by developing recordings to give oral drivers license tests. This has been placed in 40 different offices and enables drivers examiners to handle a greater workload and is particularly effective in handling non-English-reading applicants for drivers licenses; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Earl R. Lapham, Department of Mental Hygiene, for a suggestion that results in annual savings of two thousand five hundred dollars ($2,500) by designing a shirt that withstands considerable rough treatment by destructive mental patients; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Glen A. Wallis, Division of Highways, for a suggestion resulting in annual savings of five thousand nine hundred twenty dollars ($5,920) for developing a method of computing construction material quantities through the use of electronic computers; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Stuart C. Dodge, Department of Motor Vehicles, that results in annual savings of four thousand two hundred eighty-two dollars ($4,282) for a revised method of handling single claims involving motor vehicle accidents; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Louis W. Jenks, Department of Education, for an improvement in the steam pressure heating system used at the School for the Deaf and Blind in Berkeley effecting substantial fuel economies amounting to two thousand forty-three dollars ($2,043) annually; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gladys Burrows and Walter Lillard, Board of Equalization, for a suggestion resulting in annual savings of six thousand thirty dollars ($6,030) through the use of special window envelopes to visually present a precoded number to enable rapid classification and sorting of

sales tax returns without removing them from the envelope; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Andrew B. Schoellkopf, Division of Highways, for a suggestion that has resulted in net added interest earnings of one hundred forty thousand one hundred seventy-six dollars annually ($140,176) to the Condemnation Deposit Fund by recommending that the necessary legislation be introduced to permit the setting up of such a deposit fund in the State Treasury rather than placing the amounts on deposit with the courts, which method resulted in new interest earnings accruing to the State; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to George Tsumura, Franchise Tax Board, for a suggestion that results in annual savings of two thousand six hundred sixty-six dollars ($2,666) by recommending that lower paid clerical personnel prepare tax forms used in auditing income tax returns, rather than having them prepared by auditors at higher salary rates; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Murrie J. Gray, Department of Motor Vehicles, for a suggestion that results in annual savings of ten thousand two hundred forty-one dollars ($10,241) by proposing a revised procedure which eliminates proof reading and checking of drivers licenses by the reproduction section and resulted in the elimination of two clerical positions formerly assigned to this activity; and

WHEREAS, The suggestions of these employees has resulted in recurring savings and increased interest earnings amounting to two hundred thirteen thousand three hundred ninety-seven dollars ($213,397) annually; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards are hereby authorized subject to the approval of the State Board of Control to the employees named:

Maynard L. Young, seventy-five dollars ($75);
May Lee, three hundred seventeen dollars ($317);
Violet Bergman, one thousand six dollars ($1.006);
Frank F. Meisenbach, two hundred sixty dollars ($260);
Ralph J. Doyle, two hundred sixty dollars ($260);
Lester C. Stephens, one hundred fifty dollars ($150);
Lionel A. Blanchard, three hundred ten dollars ($310);
Stanley E. Bruns, five hundred twenty-two dollars ($522);
Earl R. Lapham, one hundred dollars ($100);
Glen A. Wallis, two hundred ninety-four dollars ($294);
Stuart C. Dodge, sixty-five dollars ($65);
Louis W. Jenks, fifty dollars ($50);
Gladys Burrows, two hundred twenty-six dollars ($226);
Walter Lillard, two hundred twenty-six dollars ($226);
Andrew B. Schoellkopf, eleven thousand eight hundred eight dollars ($11,808);
George Tsumura, one hundred sixteen dollars ($116);

Murrie J. Gray, eight hundred seventy-four dollars ($874); and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

CHAPTER 193

Senate Concurrent Resolution No. 82—Relating to the passing of Mae Bromley.

[Filed with Secretary of State, June 10, 1959.]

WHEREAS, The Legislature has learned with profound regret that Mae Bromley, beloved wife of the Honorable Elmer Bromley, passed from this life on the twenty-ninth of March of this year; and

WHEREAS, The Honorable Elmer Bromley was elected to the Assembly of the State of California in 1918 and served in that body until 1924, concurrently with which he practiced law, and subsequent to his legislative experience served continuously for many years as a legislative representative of large and important industries; and

WHEREAS, He secured for himself an enviable reputation as a legislative advocate of sincerity and probity, in which he was ably aided by his wife, who was well known and highly regarded by all who frequent the houses of legislation of the State of California; and

WHEREAS, The Honorable Elmer Bromley and his wife were married in 1917, subsequent to which she was his constant and faithful aid and companion to the time of her death; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deplores the loss of this fine wife and mother, and desires by this resolution to convey its sympathy to the Honorable Elmer Bromley and his son, Robert; and be it further

Resolved, That the Secretary of the Senate shall present properly prepared copies of this resolution to the Honorable Elmer Bromley and to Robert Bromley in token of its recognition of the loss they have sustained in the death of Mae Bromley.

CHAPTER 194

Senate Concurrent Resolution No. 83—Approving a certain amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the fourth day of May, 1959.

[Filed with Secretary of State, June 10, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS
OF THE CITY OF NAPA
OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF NAPA } ss
CITY OF NAPA

We, the undersigned, Joe Greco, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of the City of Napa, do hereby certify and declare as follows:

That the City of Napa, County of Napa, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1915 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the sixteenth day of December, 1914, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the twenty-eighth day of January, 1915 (Statutes of 1915, page 1591).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Napa, being the legislative body of said city, on its own motion, by its Resolution No. 1502, adopted on March 16, 1959, duly and regularly proposed and submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal char-

ter amendment election, consolidated by said Resolution No. 1502 with the general municipal election held in said City on May 4, 1959.

That said proposed amendment was published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the twentieth day of March, 1959, in THE NAPA REGISTER, the official newspaper of said City of Napa, a newspaper of general circulation printed and published in said City of Napa, and in each edition thereof during said day of publication.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said fourth day of May, 1959, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said THE NAPA REGISTER.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter.

That the City Council of said City of Napa on May 12, 1959, officially canvassed all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment, voted in favor thereof and that said charter amendment was ratified.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election was to amend Section 95 of the charter of the City of Napa in the words and figures following, to wit:

"Section 95. The tax levy authorized by the city council to meet the municipal expenses for each fiscal year shall not exceed, except as in this charter otherwise provided, the maximum rate of $1.50 on each $100 of the assessed value of real and personal property within the city and the city council in making said levy shall apportion (a) not less than ten cents to the library fund, unless the estimate of the board of library trustees calls for a less amount, and (b) not less than four cents to the recreation fund to be used and applied to the cost and expense of maintaining and operating public parks, playgrounds and recreational facilities of the city; provided, however, that in the event any bonded indebtedness of the city is authorized at a special bond election on May 4, 1959 and thereafter incurred in whole or in part, then so long as any bonds so authorized shall be outstanding said maximum rate of $1.50 shall be reduced for each fiscal year in which any tax is levied pursuant to this charter for payment of the principal of and interest on such outstanding bonds, by an amount equal to the rate of bond tax so levied, and in any such fiscal year the

Tax levy

amount of money which would have been raised by the tax levy pursuant to this section had said maximum rate of $1.50 not been so reduced shall be provided by the city from any other source of available moneys; provided, further, that no reduction in the maximum tax rate pursuant to the foregoing proviso shall be deemed to be a limitation on the right and obligation of the city to levy taxes without limitation of rate or amount (except for any intangible personal property which is taxable at limited rates) for the payment of the principal of and interest on all bonded indebtedness of the city at any time outstanding."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Napa with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of Napa to be affixed hereto this twenty-fifth day of May, 1959.

JOE GRECO
(SEAL) Mayor of the City of Napa
ALLEN R. THORPE
City Clerk of the City of Napa

and

WHEREAS, Said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Napa, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the charter of said City of Napa.

CHAPTER 195

Senate Concurrent Resolution No. 84—Approving amendments to the charter of the City of Sacramento, County of Sacramento, State of California, ratified by the qualified electors of the city at an election held therein on the nineteenth day of May, 1959.

[Filed with Secretary of State, June 10, 1959.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to

the charter of the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY
ELECTORS OF THE CITY OF SACRAMENTO
OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO } ss
CITY OF SACRAMENTO

We, the undersigned, Clarence L. Azevedo, Mayor of the City of Sacramento, State of California, and Paul H. Manby, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, and now is organized, existing, and acting under a Freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the thirtieth day of November, 1920, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1921. (Statutes of 1921, page 1919).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento three propositions for the amendment of the Charter of the City of Sacramento at a special municipal election held within the City on May 19, 1959. That the City Council resolved on March 19, 1959, to call said special election on May 19, 1959, and said proposals were designated as "A" "B" and "C" respectively.

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendments were published and advertised in full, on March 26, 1959, in the "SACRAMENTO UNION," a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication on file in the office of the City Clerk.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than 10-point as required by law, and copies thereof were mailed to

each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the special election, May 19, 1959, as hereinafter set forth, there was published in said "SACRAMENTO UNION" an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including the nineteenth day of May, 1959, the date fixed for said special election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said special election was duly and regularly held in said City on May 19, 1959, after due notice was given and published, on the twenty-sixth day of March, 1959, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "SACRAMENTO UNION," the official newspaper of said City of Sacramento. That at said special election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same.

That thereafter the Council of the City of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said special election, and did adopt a resolution declaring the results of the canvass of the returns of said election. That the Council of said City did, by said resolution, find, determine, and declare that certain proposed amendments to the Charter of the City of Sacramento, as hereinafter set forth, were ratified by a majority of votes of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the charter of the City of Sacramento, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

PROPOSAL A

To amend Article XX of the City Charter of the City of Sacramento by adding a new Section 173.3, to read as follows:

INCREASED PENSIONS TO RETIRED PERSONS

Sec. 173.3. (1) Every monthly allowance payable under the Sacramento City Employees' Retirement System, for time commencing on July 1, 1959, or on the effective date of this section, hereby designated as the first day of the month next following its ratification by the Legislature, whichever is later, to or on account of any member who was retired prior to July 1, 1958, or to the widow or child or children of any member who died prior to July 1, 1958, as the result of injury received in or illness caused by the performance of duty, is hereby increased by the percentage set forth in the following table opposite the period during which the member's retirement became effective, or death occurred: Pensions to retired persons

Period during which retirement became effective or death occurred	Percentage of increase in monthly allowance
Prior to July 1, 1948	27.25
12 months ended June 30, 1949	22.25
12 months ended June 30, 1950	22.25
12 months ended June 30, 1951	18.50
12 months ended June 30, 1952	18.50
12 months ended June 30, 1953	16.00
12 months ended June 30, 1954	13.50
12 months ended June 30, 1955	11.00
12 months ended June 30, 1956	11.00
12 months ended June 30, 1957	7.25
12 months ended June 30, 1958	2.50

(2) The increase in each allowance provided by this section shall be apportioned between the service rendered prior to entry of the member into the Retirement System, and service rendered as a member in the same proportions that the portion of the allowance which was not provided by the member's accumulated contributions, was so apportioned at the time of retirement or death. Contributions to the Retirement System necessary for the payment of the increases in the retirement allowance provided in this section, shall be provided, with respect to the portion of the increases based on service rendered after March 31, 1935, by members under Section 175, from the reserves held by the Retirement System on account of members under Sections 175.1 and 175.13, the necessary amount being transferred upon said effective date from said reserves to the reserves held by the Retirement System to meet the obligations on account of allowances that have been granted. The contribution being required of the City currently, as a percentage of compensation of members under Sections 175.1 and 175.13 shall be increased by a percentage determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System necessary for the payment of said increases with respect to the

portion of the increases based on service credited to members under Section 173, and with respect to the portion of the increases based on other service rendered prior to April 1, 1935, shall be paid to the System by the City by annual appropriations, provided that such appropriations for any year shall not be less than the amount disbursed during that year on account of said increases; and provided further that such appropriations shall not be made in separate amounts, but instead, shall be included as an addition with the appropriations made on account of the current and prior service portions of the allowances to which the increases were added.

(3) This section does not give any retired member, or his successors in interest, or his beneficiary, or any payee for any allowance in respect to a deceased member, any claim against the City for any increase in any allowance paid or payable for time prior to its effective date.

Proposal B

To amend Article XX of the Charter of the City of Sacramento by adding a new Section 175.12.5, to read as follows:

Social Security Coverage

Social security coverage

Sec. 175.12.5. The Council of the City of Sacramento may enact by a vote of three-fourths of its members, an ordinance or ordinances prescribing the conditions according to which any and all employees of the City of Sacramento, other than members of the Fire and Police Departments, as defined in Section 170, may be covered under the Federal Old Age, Survivors and Disability Insurance provisions of the Federal Social Security Act, subject to the provisions of this section. "City," as hereinafter used shall mean the City of Sacramento.

(a) Any member of the Sacramento City Employees' Retirement System, hereinafter referred to as the System, who becomes covered by the Federal Old Age, Survivors and Disability Insurance provisions of the Federal Social Security Act, hereinafter referred to as the Act, on account of service rendered by him to the City, shall have the allowance payable by the System to him upon retirement for disability after attaining age 55, or for service, reduced in the following manner:

While payable to said member, and effective (1) when he attains the retirement age as defined from time to time in the Act, said age to be analogous to the retirement age of 65 years for men and 62 years for women in the Act on the effective date of this section, or (2) on the effective date of his retirement under the System, whichever is later, by an amount which shall bear the same ratio to one-half of the Old Age primary insurance amount under the Act paid to him or payable upon being applied for, or that would be payable if he had not disqualified himself to receive it, under the Act as in effect on the effective date hereof, or as the Act may hereafter

be amended or supplemented before the effective date of such reduction, as the salary which was paid to him on account of service credited to him under the System and which was a basis for contributions paid under the Act, but regardless of whether such salary was included in the calculation of such member's said primary amount, bears to the sum of such salary and other salary, from whatever source, which entered into said calculations; provided, however, that the amount of the reduction under this paragraph shall not exceed the portion of the retirement allowance, prior to modification under an option provided by ordinance in accordance with Section 175.3, which is not derived from contributions of said member. If such member's Old Age primary insurance amount is decreased after the effective date of such reduction in his retirement allowance, the reduction in the allowance shall be recalculated on the basis of the decreased primary insurance amount.

(b) Every such member shall continue to contribute to the System the normal contributions required of him, except that he shall have the right to reduce his normal contributions to the System at his option to be exercised by an election on the System's form, said election to be effective on the first day of the month next following its filing in the System's office. Such reduction of normal contributions shall apply only to time during which said member is covered under the Act, and after the effective date of this section, hereby fixed as the first day of the month next following its ratification by the State Legislature. The amount of said reduction, which may be changed from time to time by said member, in accordance with rules and regulations of the Retirement Board, shall not be more than the amount of said member's contribution under the Act.

Any allowance payable to or on account of such member by the System shall be reduced in addition to the reduction in the preceding paragraph (a), on the effective date of said allowance, by the actuarial equivalent on that date of the normal contributions including interest to said date, with which said member would have been but was not credited under the System because of said reduction in his normal contributions and because of amounts paid from such member's accumulated contributions for the retroactive period hereinafter provided for, and any continuation of said allowance shall be based on such reduced allowance but said allowance shall not be affected otherwise by the member's reduction of his normal contributions. Prior to or at the time of retirement, said member shall have the right to make contributions in one sum or installments, to replace all or part of such reduction with interest, in his normal contributions and his retirement allowance. Such contributions shall be considered to be and administered as additional contributions.

(c) The reductions in allowances and contributions of members shall be made as provided in the foregoing paragraphs of this section, notwithstanding any provisions in the charter to the contrary.

(d) Every employee covered by the agreement providing coverage under the Act shall be liable for the employee contributions required by the Act.

(e) The effective date of coverage under the Act may be made retroactive to such date as the Council may determine. Contributions required under the Act of each member for time included by the retroactive application shall be paid from such member's accumulated contributions held by the System on account of his compensation not in excess of the maximum compensation taxable under the Act for such retroactive time. If the required contributions under the Act exceed the member's accumulated contributions held by the System so determined, the additional contributions under the Act equal to the excess shall be paid by the member. Contributions required under the Act of the employer on account of such retroactive period shall be paid from funds held by the System on account of active members and derived from contributions of the city.

(f) The sum of the member's allowance under the System prior to modification under an option provided by ordinance in accordance with Section 175.3, or as provided for in this paragraph and his primary benefit under the Act, payable after attainment of the minimum age of qualification for such primary benefit, shall not be less than the allowance which he would have received under the System assuming that he had not been covered under the Act. Provision shall be made for modification of the member's retirement allowance at his option, if he retires before he attains such minimum age, in such manner that will make his increased monthly retirement allowance under the System prior to attainment of such age, equal to the sum of his decreased monthly allowance after attainment of such age, and his primary insurance amount under the Act, as estimated at the time of retirement, subject to the requirement that the amounts of the increase and decrease in the monthly allowance shall be actuarially equivalent, and that the increase shall not be modified under an option so provided by ordinance.

(g) Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

(h) The contribution rate or rates of the City applicable to memberships under Sections 175.1 and 175.13 shall be adjusted to a rate or rates determined by the actuary according to the methods stated in paragraph 5 of each of Sections 175.9 and 175.23.

(i) The Council shall submit to the eligible employees for purposes of referendum as defined in the Act the question as to whether they desire coverage under the Act in accordance with conditions prescribed in this section.

(j) The powers of the Council granted in Section 167 shall include the authority to make such adjustments in the Retirement System by a vote of three-fourths of its members, as are

not made by this section, but as required because of changes in the Act, to carry out the purposes of this section.

PROPOSAL C

To amend Article XX, Sections 175.17 and 175.18 of the Charter of the City of Sacramento to read as follows:

Sec. 175.17. If a member of the Fire or Police Department shall die before retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance shall be paid, beginning on the day next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowance shall not be less than fifty percent of his final compensation. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to fifty percent of his final compensation. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, until every child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining age eighteen. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death. Death benefits

Sec. 175.18. Upon the death of a member after qualification for retirement for service by attaining an age of at least fifty-five years with at least twenty years of service, or after retirement for service or because of disability which resulted from injury received in, or illness caused by the performance of duty, and if no allowance is payable under Section 175 17, one-half of the retirement allowance which he would have been entitled to if he had retired at the time of death, or one-half his retirement allowance, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under Same

said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. The surviving wife, in the event of death of the member after such qualification for but before service retirement, may elect before the first payment of the allowance, to receive regardless of the estate or designated beneficiary, the benefit provided in Section 175.20 in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age of eighteen, may make such election, and if there be no such children, the dependent parent or parents may make such election. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death prior to retirement, or if death occurs after retirement, unless she was married to the member at least one year prior to retirement

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Sacramento with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of each thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on May 26, 1959.

(SEAL)

CLARENCE L. AZEVEDO
Mayor of the City of Sacramento
PAUL H. MANBY
City Clerk of the City of Sacramento

APPROVED AS TO FORM:
EVERETT M. GLENN
City Attorney of the City of Sacramento

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Sacramento,

as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Sacramento.

CHAPTER 196

Assembly Concurrent Resolution No. 127—Relative to reports of the department encampments or conventions of the United Spanish-American War Veterans.

[Filed with Secretary of State, June 10, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the department conventions or encampments of California of the United Spanish-American War Veterans for the years 1959 and 1960, respectively. The reports shall include only the official actions of the conventions made by motions and resolution and shall not include an appendix. There shall be 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 197

Assembly Concurrent Resolution No. 129—Relative to printing the Education Code.

[Filed with Secretary of State, June 10, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Printer be directed, when printing the Education Code, to include the index, cross reference annotations, and section headings prepared by the University of California at Los Angeles under contract with the Joint Legislative Committee for the Revision of the Education Code.

CHAPTER 198

Assembly Concurrent Resolution No. 131—Relative to the publication of copies of the new Education Code.

[Filed with Secretary of State, June 10, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

(1) The Chief Clerk of the Assembly is hereby authorized and directed to cause to be printed 2,000 copies of Chapter 2

of the Statutes of 1959, the new Education Code, containing the cross-reference table which was included in Senate Bill No. 2 in its pre-print form. One-half of the costs of such printing shall be paid out of the Assembly Contingent Fund, and the other half of the costs of such printing shall be paid out of the Senate Contingent Fund.

(2) The Chief Clerk of the Assembly is further instructed to deliver the copies of Chapter 2 of the Statutes of 1959 to the State Department of Finance, for sale by the Department of Finance at a price sufficient to repay to the Assembly Contingent Fund and to the Senate Contingent Fund their respective shares of the costs of reprinting the 2,000 copies provided for by this resolution.

CHAPTER 199

Assembly Joint Resolution No. 21—Relative to state-federal relations in water development.

[Filed with Secretary of State, June 12, 1959.]

WHEREAS, Despite the existence of several congressional acts recognizing the primary interest and responsibility of the states for the control and co-ordination of water uses within their boundaries, several judicial decisions within the past 15 years have cast doubt upon the authority of the states in this respect; and

WHEREAS, These judicial decisions have suggested the possibility of unlimited federal prerogatives with respect to water rights, which possibility casts doubt on the basis of vested water rights and weakens the ability of the states to successfully co-ordinate water development; and

WHEREAS, Over the years the traditional role of the states in the administration, conservation, and utilization of their water resources has resulted in the most efficient, harmonious, and complete development of the water resources; and

WHEREAS, The compliance by federal agencies with the water laws of the states in accordance with existing congressional acts has not jeopardized any of the legitimate interests of the Federal Government; and

WHEREAS, The doubts raised by the recent judicial decisions as to the basis and validity of vested water rights and as to the proper delegation of authority between the federal and state governments will, unless corrected by congressional action, tend to delay urgently needed water development and to discourage states and private entities in their efforts to conserve and control the water resources of the states; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to reaffirm and restate in unmistakable and effective

terms the principle that the states have primary responsibility and authority for the administration of their water rights, thereby eliminating the doubts created by recent judicial decisions, clarifying the relationship of the federal and state governments in the field of water resources development, minimizing litigation and delay, and allowing water development by both the federal and state governments to proceed on a harmonious basis; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the United States Senate and House Committees on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 200

Assembly Concurrent Resolution No. 88—Relative to higher education.

[Filed with Secretary of State, June 12, 1959.]

WHEREAS, Within the next 10 years the enrollment in the institutions of higher education in the State of California will increase from 100,000 students to over 400,000 students; and

WHEREAS, It is in the interests of the students and of the taxpayers of the State to avoid unnecessary expenditures of state funds and the duplication of higher education facilities and curriculum, in a period of crisis in higher education; and

WHEREAS, In order to meet the crisis in higher education, a master plan for the orderly development of the facilities and curriculum of higher education must be prepared and carried out; and

WHEREAS, In order to marshal the forces of the State to meet the impact of tremendous growth in student population at the college and university level and to meet the obligation of the State to provide the students with the education to which they are entitled and which is necessary for the future welfare of the State and Nation, such master plan must be comprehensive and must provide not only for the expansion and development of higher education facilities and curriculum on a statewide basis, but must also provide for the integration and avoidance of unnecessary duplication of both physical facilities and curriculum, and for the establishment of standards, or the improvement of established standards, for admission and performance; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Liaison Committee of the State Board of Education and the Regents of the University of California are requested to prepare a master plan for the

development, expansion, and integration of the facilities, curriculum, and standards of higher education, in junior colleges, state colleges, the University of California, and other institutions of higher education of the State, to meet the needs of the State during the next 10 years and thereafter; and be it further

Resolved, That in preparing such master plan, the liaison committee is requested to do all things necessary to make such master plan comprehensive, including the correlation of completed studies germane to the matter, and the undertaking of any new studies and surveys; and be it further

Resolved, That the liaison committee is requested to report on the subject of this resolution to the State Board of Education and the Regents of the University of California, and the State Board of Education and the Regents of the University of California are requested to report on the subject of this resolution to the Legislature at its 1960 Regular Session within three days of the convening thereof; and be it further

Resolved, That the Clerk of the Assembly transmit a copy of this resolution to the Liaison Committee of the State Board of Education and the Regents of the University of California.

CHAPTER 201

Assembly Concurrent Resolution No. 132—Relative to amending the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State. June 12, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly for the 1959 Regular Session are amended by adding Rule 12.5 thereto, to read:

Reprinted Bills

12.5. A charge of three dollars ($3) shall be made for each enrolled copy of Senate Bill No. 2 (Statutes 1959, Chapter 2) which is distributed following the adoption of this rule. The money received by the State Printer for sales made pursuant to this rule shall be paid to the Secretary of the Senate and the Chief Clerk of the Assembly as provided in Rule 13.

CHAPTER 202

Assembly Concurrent Resolution No. 136—Approving amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twelfth day of May, 1959.

[Filed with Secretary of State, June 12, 1959.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City of Richmond, a municipal corporation of the County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF RICHMOND OF THREE CERTAIN CHARTER AMENDMENTS

State of California }
County of Contra Costa } ss.
City of Richmond }

We, the undersigned, Carl F. Lyford, Mayor of the City of Richmond, and Harlan J. Heydon, City Clerk of the City of Richmond, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and has been, ever since the year 1909, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolutions numbered 6958 adopted on February 2, 1959, 6959 adopted on February 2, 1959, and 6972 adopted on March 2, 1959, duly and regularly submitted to the qualified electors of said City three certain proposals hereinafter sometimes referred to as Proposal No. 1, Proposal No. 2 and Proposal No 3 to amend the Charter of the City of Richmond and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolutions called for said purpose in said City on the 12th day of May, 1959, and consolidated with the general municipal election to be held on said 12th day of May, 1959.

That said Proposal No. 1, Proposal No. 2 and Proposal No. 3 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Richmond; that said Proposal No. 1 was published and advertised as aforesaid on the 16th day of March 1959; that said Proposal No. 2 published and advertised as aforesaid on the 16th day of March, 1959; and that Proposal No. 3 was published and advertised as aforesaid on the 16 h day of March, 1959, and that each of said publications was in The Independent, a newspaper of general circulation published daily except Sunday in said City of Richmond and the official newspaper of said City, and in each edition thereof during the said day of publication

That said Council caused copies of said Proposal No. 1, Proposal No. 2 and Proposal No. 3 to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on March 16, 1959, advertised in said The Independent daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said Proposal No. 1, Proposal No. 2 and Proposal No. 3 could be had on application therefor at the office of the City Clerk of said City.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by the laws of the State of California on said 12th day of May, 1959, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said Proposal No. 1, Proposal No. 2 and said Proposal No. 3 in said The Independent.

That the Council of said City of Richmond did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on each of said charter amendments, voted in favor thereof and that all three of said charter amendments were ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposal No. 1 amending Article XI (Police and Firemen's Pension Fund) of the Charter of the City of Richmond to read as follows:

FIRST: To amend Article XI by adding thereto a new section to be designated as Section 21, which shall read as follows:

"Section 21. Wherever in this Article XI the words City Treasurer, Treasurer, City Auditor or Auditor appear, such words shall be stricken and there shall be substituted in lieu thereof the words Director of Finance.

Police and Firemen's Pension Fund

"Wherever in this Article XI the words widow or surviving widow appear there shall be substituted in lieu thereof the words spouse or surviving spouse, and wherever the words wife or husband appear the word spouse shall be substituted in lieu thereof, and wherever the masculine pronoun is used there shall be added thereto the appropriate feminine pronoun.

"It is the purpose and intent of this section to make all of the provisions of this Article XI inure to the benefit of and apply to female members of the Police and Fire Departments."

Proposal No. 2 amending Article XII (General Pension Fund) of the Charter of the City of Richmond to read as follows:

FIRST: To amend Section 1 of Article XII to read as follows: (Words underlined to be added; words in strike out type to be deleted)

"Section 1. There is hereby created a General Pension Fund for the benefit of all regular employees of all departments of the City of Richmond not covered by Article XI, said fund to be established, maintained, and administered as hereinafter provided. The words "employee" and "employees" as used in this Article XII shall mean all the regular employees of the city including the regular employees of the public library not covered by Article XI, but shall not mean seasonal employees, and such seasonal employees shall not be subject to the provisions hereof or entitled to any benefits hereunder.

General Pension Fund, etc.

"There is hereby created a General Pension Board which shall consist of seven members, namely, the Mayor, City Manager, ~~City Treasurer, City Auditor,~~ *Director of Finance, City Clerk,* and three members to be elected from the rank and file of such employees every five (5) years by a majority vote thereof; provided that retirement hereunder, or separation from the service on the part of either of such elected members, shall result in a vacancy on said Board, and such vacancy so caused or arising in any manner shall be filled by election as aforesaid for the unexpired term. Five (5) members of said Board shall constitute a quorum for the transaction of business. The City Clerk shall be ex-officio Clerk of said Board and shall keep a record of the proceedings of the Board in the manner provided for keeping a record of the proceedings of the City Council.

"Said Board shall have exclusive control of the administration and investment of said Pension Fund, and shall transmit to the ~~City Auditor~~ *Director of Finance* monthly an itemized list of, and showing the authority for, all payments to be made from said Fund for pensions currently payable and

all expenses of the Board, and the ~~Treasurer~~ *Director of Finance* shall pay all warrants therefor against said Fund only when so authorized, and when signed by the ~~City Auditor~~ *Director of Finance* and countersigned by the Clerk of the Board.

"Said Board shall render annually, on or before the 5th day of July, a report to the City Council for the previous fiscal year, showing all receipts and disbursements, the names of all persons on the pension roll, the amounts paid each, and the balance remaining in said Fund."

SECOND: To amend Article XII by adding thereto a new section to be designated as Section 22, which shall read as follows:

Director of Finance

"Section 22. Wherever in this Article XII the words City Treasurer, Treasurer, City Auditor or Auditor appear, such words shall be stricken and there shall be substituted in lieu thereof the words Director of Finance.

"Wherever in this Article XII the words widow or surviving widow appear there shall be substituted in lieu thereof the words spouse or surviving spouse, and wherever the words wife or husband appear the word spouse shall be substituted in lieu thereof, and wherever the masculine pronoun is used there shall be added thereto the appropriate feminine pronoun.

"It is the purpose and intent of this section to make all of the provisions of this Article XII inure to the benefit of and apply to female members of the General Pension Fund."

Proposal No. 3 amending Section 6 of Article XIII (Personnel Administration) of the Charter of the City of Richmond to read as follows:

FIRST: To amend Section 6 of Article XIII to read as follows: (Words in capital letters to be deleted; words underlined to be added)

"Section 6. Creation of a Personnel Board:

Personnel Board

"The Personnel Board shall consist of five members who shall be appointed by the Council in the following manner: one of the board members shall be appointed from a panel of three persons designated by a committee from the Police and Fire Departments. One of the board members shall be appointed from a panel of three persons designated by a committee representing the general employees, and the remaining three board members shall be appointed by the City Council as hereinafter provided. Designation of said panels shall be in writing and signed by duly authorized committee members.

"The first Board to be appointed shall at its first meeting choose one of its members as Chairman, who shall serve for one year and until a successor is elected. The Secretary to the Board shall be the Personnel Director. The members shall so classify themselves by lot that one of them shall serve for a term that shall expire July 1, 1952, one shall serve for a term that shall expire July 1, 1953, one shall serve for a term

that shall expire July 1, 1954, one shall serve for a term that shall expire July 1, 1955, and one shall serve for a term that shall expire July 1, 1956. THE REGULAR TERM OF OFFICE SHALL BE FIVE YEARS. *Effective July 1, 1959, the member whose term expires on July 1, 1959, shall remain in office and his term shall expire on December 31, 1959; the member whose term expires on July 1, 1960, shall remain in office and his term shall expire on December 31, 1960; the member whose term expires on July 1, 1961, shall remain in office and his term shall expire on December 31, 1961; the member whose term expires on July 1, 1962, shall remain in office and his term shall expire on December 31, 1962; the member whose term expires on July 1, 1963, shall remain in office and his term shall expire on December 31, 1963. Thereafter, the term of office of each member shall be five years. All members shall serve after the expiration of their term until their successor has been appointed and qualified.*

"VACANCIES ON THE PERSONNEL BOARD FROM WHATEVER CAUSE SHALL BE FILLED BY THE COUNCIL. EVERY OTHER (ALTERNATE) APPOINTMENT SHALL BE MADE FROM A PANEL OF THREE NAMES SUBMITTED BY A COMMITTEE REPRESENTING ALL CITY EMPLOYEES. MEMBERS APPOINTED TO THIS BOARD SHALL BE SUBJECT TO REMOVAL FROM SAID BOARD FOR A JUST CAUSE BY SIX NINTHS VOTE OF THE COUNCIL PRIOR TO THE EXPIRATION OF THE TERM OF WHICH THEY WERE APPOINTED.

"Every other (alternate) appointment shall be made from a panel of three names submitted by a committee representing all city employees. Members appointed to this board shall be subject to removal from said board for a just cause by a six ninths vote of the Council prior to the expiration of the term of which they were appointed.

"Vacancies on the Personnel Board, caused by a member not completing his term, shall be filled by the Council. If the member vacating his office was appointed from a panel submitted by a committee representing all city employees, then said vacancy shall be filled from such a panel; if the member vacating his office was appointed directly by the Council, then said vacancy shall be filled by direct appointment of the Council.

"Members of the board shall have been qualified electors of the City of Richmond for at least three years and shall be persons sympathetic to the principles of modern personnel administration. No person shall be appointed to said board who holds any salaried public office or employment in the service of the City of Richmond, nor is a retired city employee, nor shall any member, while a member of the board or for a period of one year after he has ceased to be a member of the board, for any reason, be eligible for appointment to any

salaried office or employment in the service of the city, or for appointment to any elective office in the city.

"The members of this board shall serve without pay, and shall hold regular meetings monthly at such time and place as designated by the chairman of the board. The board, in addition, may hold such special meetings as the affairs of the board may require. Such special meetings shall be held upon the call of the chairman or any two members of the board. Three members shall constitute a quorum for the transaction of business, provided that all members of the board shall have been officially notified under the rules established by said board for such notification."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Richmond with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Richmond are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to all three of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed hereto this 22nd day of May, 1959

CARL F. LYFORD
(SEAL) Mayor of the City of Richmond
HARLAN J. HEYDON
City Clerk of the City of Richmond

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Richmond, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Richmond.

CHAPTER 203

Assembly Concurrent Resolution No. 146—Approving a certain amendment to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the twenty-sixth day of May, 1959.

[Filed with Secretary of State, June 12, 1959.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of one amendment, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, John S. Gibson, Jr., President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million nine hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles a certain proposal for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 26th day of May, 1959,

all as required by law, which said proposal was designated as proposed charter amendment No. 3.

That on the 14th day of April, 1959, the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 14, 1959, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 14, 1959, to and including May 26, 1959; and a notice was advertised and published on and from April 14, 1959, to and including May 26, 1959, in "The Los Angeles Daily Journal," a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a general municipal election held on May 26, 1959, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon said proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on June 4, 1959, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That said amendment to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

Charter Amendment No. 3

Sections 9, 23 and 25 of the Charter of The City of Los Angeles relative to officers of the City, are amended to read:

Vacancies and appointments

Sec. 9. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or is removed from office, or shall have been absent from the city without the consent of the Council for more than sixty con-

secutive days, or ceases to be a resident of the city, where residence therein is made a qualification for the office. Should any officer fail to qualify within ten days from the time he receives his certificate of election or appointment, the office to which he was elected or appointed shall be deemed vacant for the purpose of filling the same by appointment.

The City Controller and the City Attorney each shall appoint an assistant or deputy, who thereby shall become the acting incumbent in case of any vacancy in such office as hereinabove provided, or otherwise. Such acting incumbent shall serve as City Controller or as City Attorney, respectively, until the Council appoints a successor for the unexpired balance of the term. Such appointment made by the Controller or the City Attorney shall be in writing filed with the City Clerk and may be changed from time to time. Any person so appointed must possess the qualifications prescribed for such office and shall take the oath prescribed by Sec. 13 of this Charter before assuming his duties as acting incumbent.

The Treasurer, City Engineer, City Clerk, Secretary of the Board of Public Works, Purchasing Agent, and City Administrative Officer, for their respective offices, also shall designate, in like manner, the assistant or deputy who, upon taking the oath of office, shall serve as acting incumbent of the office in case of any vacancy in such office, until an appointment thereto is made in the manner specifically prescribed for such offices.

Council as judge of its membership

Sec. 23. (a) The Council shall be the judge of the election and qualification of its members. The Council shall have power to prescribe the rules of its proceedings and to preserve order at its meetings and may punish contemptuous or disorderly conduct in its presence by a fine not exceeding fifty dollars ($50.00), or by imprisonment of not exceeding ten days, or by both such fine and imprisonment.

(b) The Council shall elect one of its members as presiding officer, who shall be styled the "President of the Council". In case of any vacancy in the office of Mayor pending appointment and qualification of a successor, or in case of sickness of the Mayor, his absence from the City, or disability, the President of the Council shall act as Mayor of this City. The President of the Council, while acting as Mayor, shall not lose his rights as a member of the Council.

(c) The Council shall elect one of its members "President Pro Tempore" who shall act as presiding officer in the absence of the President of the Council and, in case of sickness, absence from the City, or disability of the President of the Council, or of vacancy in the office of President of the Council, shall exercise the powers and duties that devolve upon and retain all rights which remain in the President of the Council under the provisions of this section.

Quorum of the Council

Sec. 25. Two-thirds of the members of the Council shall constitute a quorum, except that if the Council shall consist of eleven members, seven shall constitute a quorum for the transaction of business; but a smaller number may adjourn

from time to time until a quorum be present, and may compel the attendance of absentees; and nothing in this charter shall prevent a smaller number from transacting business by majority vote of members present to the extent necessary to fill vacancies in the membership of the Council in the manner provided in Section 267 where no quorum can be assembled except by filling such vacancies. Except as otherwise in this charter provided, action by the Council shall be taken by a majority vote of the entire membership of the Council. Whenever in this charter a certain proportion of the Council is required for the performance of any act, except as otherwise provided, it shall mean such proportion of the entire membership of the Council.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the The City of Los Angeles to be affixed hereto this 4th day of June, 1959.

(SEAL)

JOHN S. GIBSON, JR.
President of the City Council
of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los
Angeles

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 204

Senate Joint Resolution No. 27—Relative to protection of the North Pacific fisheries.

[Filed with Secretary of State, June 12, 1959.]

WHEREAS, Conservation of the fisheries industries of the North Pacific Ocean, including the Bering Sea, is a matter of great importance to the entire United States and particularly to the states bordering upon the Pacific Ocean, including Alaska and California; and

WHEREAS, A serious threat to the fisheries has arisen since the conclusion of World War II by the fishing of this area by other nations without regard to preservation of the fish resources; and

WHEREAS, Such unrestricted fishing can result in not only the destruction of the fishing industry of the State of Alaska, but also of other states bordering on the Pacific Ocean, since the North Pacific area is the breeding and rearing ground for many of the fish taken off the coasts of Oregon, Washington, and California; and

WHEREAS, It has been brought to the attention of this Legislature by Senator Bob Logan, State Senator of the State of Alaska, that the first Legislature of the State of Alaska in Senate Joint Resolution No. 10 has requested that this problem be met by a treaty between the United States, Canada, Japan, and Russia; and

WHEREAS, Such a treaty could provide the most urgently needed protection to properly conserve these fish resources, not only for the United States but also for the other nations involved in the fishing area; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to do all in his power to bring about a treaty between the United States, Canada, Japan, and Russia to properly protect the fish resources of the North Pacific Ocean, and the Congress of the United States is respectfully memorialized to take all appropriate action in aid of the successful negotiation of such a treaty; and, be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Pacific Marine Fisheries Commission.

CHAPTER 205

Senate Concurrent Resolution No. 88—Relative to extending the thanks of the Legislature to officials of the Travis Air Force Base.

[Filed with Secretary of State, June 12, 1959.]

WHEREAS, The Members of the Senate and Assembly of the California Legislature were guests at the Travis Air Force Base on May 27, 1959; and

WHEREAS, On that occasion the officials of that base did conduct the Members of the Legislature on an extensive tour of the facilities of this major installation which forms such a vital part of the defenses provided for our State and Nation by the United States Air Force; and

WHEREAS, During this four hour visit, the officials of the various commands at the Travis Air Force Base, did provide a great deal of valued information to the Legislature on the accomplishment of the mission of the various component commands at that base, and on the impact of the base and its activities and personnel on the economy and operation of the civilian communities and counties surrounding it; and

WHEREAS, The Members of the Legislature were given an opportunity to inspect the Transport Coordination Center of the Western Transport Air Force, Military Air Transport Service which controls the operation of all military transport aircraft from the Mississippi River westward to Saudi Arabia, and to examine and inspect various equipment operated from the Travis Air Force Base, including a C-133 Globemaster transport, a C-131 air medical evacuation transport, a F-102 jet fighter, a B-52 strato-jet bomber, and an Army Nike-Hercules anti-aircraft missile; and

WHEREAS, The Legislature is appreciative of the opportunity to learn of this Air Force operation at first hand, and of the gracious hospitality extended to its members; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature does extend its thanks to Major General R. L. Waldron, USAF, Commander, Western Transport Air Force, Brigadier General George F. McGuire, USAF, Commander, 323rd Air Division, Military Air Transport Service, Brigadier General Charles M. Eisenhart, USAF, Commander, 14th Air Division, Strategic Air Command, Colonel C. W. Stark, USAF, Commander, 1501st Air Base Group, and the officers and personnel of their commands, for their hospitality; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to each of the officers named in the first resolved clause.

CHAPTER 206

Senate Concurrent Resolution No. 32—Relative to a study to be made of problems arising from automobile accident litigation.

[Filed with Secretary of State, June 15, 1959.]

WHEREAS, In many of our metropolitan trial courts the number of civil cases has increased beyond the present capacity of the courts to dispose of them and the backlog of cases has grown to the point that many litigants are compelled to wait their turn for as long as 16 or 18 months after their case is ready to be tried before it can be heard; and

WHEREAS, The great majority of cases comprising this logjam in the courts arose from motor vehicle accidents, the number of automobiles in use on the highways of this State is rapidly increasing year by year, and the social and economic loss to the people of the State resulting from personal injuries, loss of life, and property damage occasioned by such accidents is very severe; and

WHEREAS, The long delays in the courts are causing financial distress to needy litigants and are making it more difficult to establish the true cause of accidents, and there has been much public criticism of the cost, delay, inadequacy and often inequitable results of the present system; and

WHEREAS, The Governor of this State, in his message to the 1959 Legislature, suggested that the time has come to weigh the wisdom of establishing an automobile accident commission, modeled after the Industrial Accident Commission, to hear and determine cases arising from automobile accidents, and other solutions have been suggested for the purpose of alleviating some of the harsh results of the existing system and reducing the costs of automobile accident litigation, such as substituting the doctrine of comparative negligence for that of contributory negligence, establishing liability without fault, and restricting contingent fees of attorneys; and

WHEREAS, The nature and complexity of these problems and their proposed solutions require a comprehensive and thorough study of these matters, and of other similar proposals, to determine their respective values and to prepare adequate legislation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the subject matter of this resolution is assigned to the Joint Committee on Legislative Organization for further assignment by it to an appropriate single house or joint interim committee, which committee is directed to report on such subject matter not later than the fifth calendar day of the 1961 Regular Session of the Legislature.

CHAPTER 207

Senate Concurrent Resolution No. 60—Relative to a study of farm vehicle registration problems.

[Filed with Secretary of State, June 15, 1959.]

WHEREAS, Vehicles driven in connection with agricultural operations do not make the same use of the highways in this State as do other types of vehicles; and

WHEREAS, Implements of husbandry are presently exempted from vehicle registration requirements; and

WHEREAS, The distinction between implements of husbandry and vehicles subject to registration is not clearly defined in all areas; and

WHEREAS, The lack of consistent and definite legislation in this field has operated as a hardship upon the farmers of this State and upon law enforcement officials; and

WHEREAS, In several of the other states farm vehicles and implements of husbandry are treated as a separate subject for purposes of registration and registration fees; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the subject matter of this resolution is assigned to the Joint Committee on Legislative Organization for further assignment by it to an appropriate single house or joint interim committee, which committee is directed to report on such subject matter not later than the fifth calendar day of the 1961 Regular Session of the Legislature.

CHAPTER 208

Senate Concurrent Resolution No. 62—Relative to city streets and county roads.

[Filed with Secretary of State, June 15, 1959.]

WHEREAS, City street and county road deficiencies, as impartially reviewed by the Senate Interim Committee on Highways, Streets, and Bridges in 1954 and 1956, and more recently as reported by counties and cities for the Federal "210" Study, exceed the deficiencies of the State Highway System; and

WHEREAS, The Southern California Research Council sponsored by Pomona and Occidental College has found:

1. That the physical plan needed by the expanding population in Los Angeles County alone between now and 1970 requires funds equal to $13,290 for each family;

2. That $10,200 per family is needed solely for county roads and city streets exclusive of state highways or freeways;

3. That water supply, flood control, sewage, schools, hospitals, parks, and recreation, together, require only $3,090 per family; and

4. That between now and 1970 seven and one-half billion dollars will be required to correct city street and county road deficiencies within Los Angeles County alone, which represents approximately 40 percent of the total county road and city street needs in California; and

WHEREAS, Estimated costs of correcting city street and county road deficiencies within the State, determined in accordance with minimum standards approved by the Senate Interim Committee on Highways, Streets and Bridges for the Federal "210" Study exceed seventeen and one-half billion dollars; and

WHEREAS, Cities now receive only 6 percent of the total state and federal highway user revenues, and the counties receive only 15.8 percent thereof; and

WHEREAS, The greatest percentage of expenditures for city streets and county roads now come from local property taxes and other nonhighway user revenues; and

WHEREAS, It will take more than 148 years to correct city street deficiencies and 78 years to correct county road deficiencies with existing sources of revenue; and

WHEREAS, The State will require all existing state and federal revenue to correct deficiencies in the State Highway and Freeway System; and

WHEREAS, There is a great demonstrable need for additional revenue to meet city street and county road deficiencies; and

WHEREAS, Equal consideration must be given to city streets and county roads along with state highways and freeways, and all deficiencies on all three systems must be corrected at a substantially comparable rate in order to have a complete transportation system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Department of Public Works is requested to undertake an analysis which will audit city street and county road deficiency reports to bring such reports up to date and make future projections thereof insofar as such projections are practicable within the time available for the study;

2. The Department of Public Works is requested to defray such additional costs as may be required by the analysis, with the money available from state and federal highway planning funds;

3. Agencies of the State Government and the cities and counties of the State are requested to co-operate with the Department of Public Works in the conduct of the analysis and to furnish such necessary data or information at their own expense when requested by the department if the city or county either has such data or information available or is equipped to obtain such data or information;

4. The Speaker of the Assembly and the President pro Tempore of the Senate are requested jointly to appoint a committee of 14 members, to consist of officials of cities and counties and others interested in street, road and highway problems, to act in an advisory capacity to the Department of Public Works, and the department is directed to co-operate and confer with the advisory committee so appointed;

5. The Department of Public Works shall employ by contract or otherwise such engineering consultants or other specialists as it deems may be needed for the conduct of the study and the preparation of the report.

6. Such analysis shall include a report on the advisability of legislative consideration of a 1 cent increase in the state gasoline tax, and whether such additional tax revenue should be divided 60 percent to cities and 40 percent to the counties of the State, together with alternative recommendations, if any;

7. The Speaker of the Assembly and the President pro Tempore of the Senate shall refer the subject matter of this resolution to the appropriate joint interim committee which may deal with highway transportation problems, if such committee is created at this session of the Legislature, or if no such committee is created, then the subject matter shall be referred to the appropriate interim committee of each of the respective houses by the Speaker and the President pro Tempore respectively;

8. The Department of Public Works is requested to report from time to time on the progress of its analysis to the appropriate interim committee or committees as designated under the proceedings of the preceding paragraph and to submit a report on the subject matter of this resolution to the appropriate committee or committees not later than August 1, 1960; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to the Department of Public Works.

CHAPTER 209

Assembly Joint Resolution No. 17—Relative to memorializing Congress to enact a bill to provide assistance to the states in the construction, modernization, additions, and improvements of domiciliary and hospital buildings of state veterans' homes by a grant to subsidize, in part, the capital outlay cost.

[Filed with Secretary of State, June 15, 1959.]

WHEREAS, There are 279 aged and disabled veterans now on the waiting list at the Veterans Home of California who are suffering with serious chronic disabilities requiring nursing care and medical treatment, many of whom have been waiting for 18 months to be admitted; and

WHEREAS, There are no vacancies in Federal Veterans Administration hospitals in California to care for the "older veteran," who requires long-term care; and

WHEREAS, This State's planned five-year building program includes facilities to care for such cases, and would have first priority if funds were available; and

WHEREAS, There are 33 state veterans homes and hospitals in our Country; and

WHEREAS, Existing facilities for hospital and domiciliary care are wholly inadequate to care for the ever increasing "older veteran" suffering with serious chronic disabilities requiring nursing and medical care; and

WHEREAS, New construction, modernization, additions and improvements of hospital and domiciliary buildings are urgently needed to replace old and obsolete structures and to provide new facilities; and

WHEREAS, The Federal Government has, since 1884, recognized its responsibility to veterans maintained by the states through federal aid subsidies to finance, in part, day-by-day operating expenses, which do not include capital outlay expenditures; and

WHEREAS, The states, alone, cannot finance the cost of providing hospital or domiciliary buildings; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of this State respectfully memorializes the Congress of the United States to enact legislation and to appropriate money to provide states with federal aid subsidies to finance, in part, the construction, modernization, additions and improvements at state operated veterans' homes; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Administrator of Veterans Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 210

Assembly Joint Resolution No. 18—Memorializing Congress to increase federal aid to state veterans homes.

[Filed with Secretary of State, June 16, 1959.]

WHEREAS, The actual cost of maintaining a veteran at the Veterans Home of California has increased from $1,520 per capita, for the fiscal year ending June 30, 1954, to $2,087 per capita, for the year ending June 30, 1958, an increase of $567, or more than 37 percent; and

WHEREAS, The budgeted per capita estimated cost for the current fiscal year ending June 30, 1959, is $2,228, and for the succeeding fiscal year ending June 30, 1960, $2,276; and

WHEREAS, There has been no adjustment in the federal aid allowance of $700 per annum, since September 1, 1954; and

WHEREAS, The same problem confronts the great majority of states operating the 33 state veterans homes in our Country, which received from the Federal Government only 32 percent reimbursement for operating expenses during the year ending June 30, 1958; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of this State respectfully memorializes the Congress of the United States to enact legislation and appropriate money at this session of the Eighty-sixth Congress to increase federal aid payments to states operating veterans homes from $700 to $1,000 per annum, or one-half of the per capita cost, whichever is the lesser amount, for each veteran maintained, who meets eligibility requirements for admission to a Federal Veterans Administration home or hospital; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Administrator of Veterans Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 211

Assembly Concurrent Resolution No. 101—Relative to the Upper Sacramento River development projects.

[Filed with Secretary of State, June 16, 1959.]

WHEREAS, The Department of Water Resources, pursuant to Resolutions Chapter 96 of the 1958 Regular Session, is presently making investigations with respect to reservoir sites for the following reservoirs for the development of the Upper Sacramento River and its tributaries between Shasta Dam and the southern boundary of Tehama County:

(1) Hulen Reservoir on the North Fork of Cottonwood Creek.

(2) Fiddler Reservoir on the Middle Fork of Cottonwood Creek.

(3) Rosewood Reservoir on Dry Creek, a tributary of Cottonwood Creek.

(4) Dippingvat Reservoir on the South Fork of Cottonwood Creek.

(5) Bella Vista Reservoir on Little Cow Creek.

(6) Millville Reservoir on South Cow Creek.

(7) Paskenta Reservoir on Thomas Creek; and

WHEREAS, The department is also investigating the Iron Canyon Dam and Reservoir site in the Upper Sacramento River; and

WHEREAS, It would be helpful to all concerned if the department reported its findings as to such reservoir sites that it has made to date at a hearing in the area involved; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources be requested to hold a hearing for informational purposes as to its investigations of the Upper Sacramento River development projects mentioned in this resolution, such hearing to be held in the City of Redding during the interim period between the 1959 and 1960 Regular Sessions; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 212

Assembly Concurrent Resolution No. 104—Relative to Allen Camp Dam and Reservoir.

[Filed with Secretary of State, June 16, 1959.]

WHEREAS, The Department of Water Resources is currently engaged in conducting investigations, studies, and surveys as to the feasibility of the proposed Allen Camp Dam and Reservoir in Modoc County; and

WHEREAS, It would be of great benefit to all concerned, both the department and the residents of the area involved, if the findings and determinations made to date were presented to the people at a public hearing held in the area of the proposed dam and reservoir and the department could receive the benefit of the reaction of the local people thereto; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources be requested to hold a full-scale public hearing on the proposed Allen Camp Dam and Reservoir during the interim period between the 1959 and 1960 Regular Sessions in Bieber, Lassen County; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 213

Senate Joint Resolution No. 22—Relative to a world fair in 1963.

[Filed with Secretary of State, June 16, 1959.]

WHEREAS, In the past, four world fairs have been held in California, two in San Diego and two in San Francisco, but none in Los Angeles; and

WHEREAS, No more fitting and appropriate site than the modern, dynamic Los Angeles area could be named for a fair dedicated to the promotion of science and industry in our new age of space; and

WHEREAS, The consummation of a World Fair in Los Angeles in 1963 will bring renown, prestige, and innumerable economic advantages to our entire State, and particularly to the Los Angeles area, and

WHEREAS, No greater contribution to peace and international good will could be made than to demonstrate to the world that the people of the State of California are dedicating the next five years to the preparation and consummation of the greatest exhibition of peaceful pursuits ever held in the history of the world; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to designate Los Angeles County as the site of a world's fair in 1963; and be it further

Resolved, That the President is respectfully memorialized to appoint a commission to study and report on the conducting of a world's fair in Los Angeles County; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 214

Senate Concurrent Resolution No. 64—Relative to hearing officers in the Division of Administrative Procedure.

[Filed with Secretary of State, June 16, 1959.]

WHEREAS, In 1945 the California Judicial Council proposed, and the Legislature adopted, a program for California administrative law; and

WHEREAS, This program included the establishment of a staff of hearing officers constituting the Division of Administrative Procedure to be available by assignment from the Division to all agencies following the due process provisions of the California Administrative Procedure Act in adversary administrative adjudication; and

WHEREAS, The hearing officers of the Division of Administrative Procedure may be called upon by any agency conducting hearings under the act, including agencies which have some staff hearing officer personnel, and for other agencies requiring similar services; and

WHEREAS, The Judicial Council declared that the requirements and responsibilities of the hearing officers assigned to

these several and diverse agencies should be recognized as entitling them to compensation higher than that paid to other hearing officer and referee classifications in the state service which are limited to serving in a particular agency only; and

WHEREAS, The hearing officers of said division have the additional responsibility for performing the duty assigned to the division to continue the search for means of improving administrative procedure in California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Personnel Board be, and hereby is, requested to give due consideration to these distinguishing factors of this program in its evaluation of the compensation to be paid such hearing officers; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the executive officer of the State Personnel Board, and to each of the members of the board.

CHAPTER 215

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 4e to Article VI thereof, relating to the appellate jurisdiction of the district courts of appeal.

[Filed with Secretary of State, June 16, 1959.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1959 Regular Session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 4e to Article VI thereof to read as follows:

SEC. 4e. The district courts of appeal shall have appellate jurisdiction on appeal in all cases within the original jurisdiction of the municipal and justice courts, to the extent and in the manner provided for by law.

CHAPTER 216

Assembly Concurrent Resolution No. 115—Relative to the construction of a freeway through the City of Concord.

[Filed with Secretary of State, June 17, 1959.]

WHEREAS, The rapid expansion of the industrial, commercial and residential segments of the Concord area has brought about a critical need for improved highway facilities; and

WHEREAS, Population estimates for the Concord area indicate that the rapid growth of the area will soon make the highway needs of the area even more critical; and

WHEREAS, The completion of the long proposed freeway on State Highway Route 75 through the City of Concord is an essential link in the highway system which is necessary to adequately handle the traffic of the area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission and the Department of Public Works are requested to take such steps as are necessary to accomplish, at the earliest possible date, the completion of improving State Highway Route 75 to freeway standards through the City of Concord; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the members of the California Highway Commission and to the Department of Public Works.

CHAPTER 217

Assembly Concurrent Resolution No. 123—Relative to expenses of the Joint Interim Committee on Law Revision.

[Filed with Secretary of State, June 17, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of three thousand dollars ($3,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Law Revision (created by Section 10301 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 218

Assembly Concurrent Resolution No. 135—Relative to the California Law Revision Commission.

[Filed with Secretary of State, June 17, 1959.]

WHEREAS, the California Law Revision Commission was authorized by Resolution Chapter 42 of the Statutes of 1956 (Regular Session) to make a study to determine whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property

of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales; and

WHEREAS, the Law Revision Commission is currently engaged in this study and in the course thereof has discovered that there is need for a study looking to possible revision of various sections of the Code of Civil Procedure relating to partition other than those sections which fall within the scope of the study heretofore authorized; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision Commission is authorized to make a study to determine whether the various sections of the Code of Civil Procedure relating to partition should be revised.

CHAPTER 219

Assembly Concurrent Resolution No. 141—Relative to economy in legislative printing.

[Filed with Secretary of State June 17, 1959.]

WHEREAS, It is the desire of the Legislature to economize wherever practicable in the costs of its operation and to improve on its procedure; and

WHEREAS, Printing costs constitute a major item in the expenditures of the Legislature, representing approximately 21 percent of the total expenditures in the Fiscal Year 1957-1958; and

WHEREAS, New methods of reproducing legislative bills and other legislative items have been proposed and are being tried in other states, including the State of Washington, which indicate possible reductions in time and printing costs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Legislative Organization is hereby directed to study, investigate and report to the Legislature not later than the fifth calendar day of the 1960 Regular Session upon the subject of this resolution, and to include in its report any recommendations it may have designed to bring about greater economy in legislative printing.

CHAPTER 220

Assembly Concurrent Resolution No. 142—Relative to augmenting the funds of the Joint Legislative Committee for School Visitations.

[Filed with Secretary of State, June 17, 1959.]

WHEREAS, It is necessary to augment the funds of the Joint Legislative Committee for School Visitations to permit pay-

ment of compensation to a coordinator and guides for the balance of the present session, the last two weeks of the 1960 Budget Session, and the beginning of the 1961 Regular Session; and

WHEREAS, Up to and including May 29, 1959, the staff of the committee has served to guide with a minimum of disturbance to the Legislature, 800 school groups consisting of approximately 40,000 teachers and pupils; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of nine thousand one hundred thirty-six dollars ($9,136) is hereby made available from the Contingent Funds of the Senate and the Assembly to augment the funds of the Joint Legislative Committee for School Visitations, the existence of which was continued by Resolutions Chapter 1 of the Statutes of 1959, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 221

Assembly Concurrent Resolution No. 143—Relative to adding Rule No. 40.1 to the Joint Rules of the Senate and the Assembly to provide for the transfer of the duties and funds of the Joint Legislative Committee for School Visitations to the Joint Committee on Legislative Organization.

[Filed with Secretary of State, June 17, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

First, that Rule 40.1 is added to the Joint Rules of the Senate and Assembly to read:

40.1. In addition to the powers and duties otherwise vested in it, the Joint Committee on Legislative Organization shall succeed to, and is vested with, all the powers and duties of the Joint Legislative Committee for School Visitations, created by Senate Concurrent Resolution No. 8 of the 1955 Regular Session and continued by the 1957 and 1959 Regular Sessions of the Legislature.

Second, that the Joint Legislative Committee for School Visitations, as last continued by Assembly Concurrent Resolution No. 1 of the 1959 Regular Session, is abolished.

Third, that the powers, duties, function, responsibilities, property, employees, and funds of the Joint Legislative Committee for School Visitations are transferred to the Joint Committee on Legislative Organization.

CHAPTER 222

Assembly Concurrent Resolution No. 144—Relative to augmenting the funds of the Joint Committee on Legislative Organization.

[Filed with Secretary of State, June 17, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any other money made available, the sum of twenty thousand dollars ($20,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate, in equal shares, for the expenses of the Joint Committee on Legislative Organization (created by Assembly Concurrent Resolution No. 50, 1959 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution to be paid from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 223

Assembly Concurrent Resolution No 145—Relative to administrative rules and regulations.

[Filed with Secretary of State, June 17, 1959]

WHEREAS, Assembly Bill No. 1866, which will require each state agency to transmit to the Rules Committee of each house of the Legislature copies of regulations adopted, amended, or repealed by it; and

WHEREAS, It is important that the several committees of each house of the Legislature be kept informed of the adoption, amendment, or repeal of administrative rules and regulations in the field or fields which are within the scope of the investigatory powers of such committees in order that it may be ascertained whether or not the state agencies involved are attempting by rules and regulations to adopt provisions which have been rejected in bill form by the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Legislative Organization, consisting of the Members of the Rules Committee of each house, shall inform the chairman of each joint committee and each committee in either the Assembly or the Senate which deals with the subject covered by administrative rules and regulations of any state agency of the adoption, amendment, or repeal of any administrative rules or regulations by such state agency; and be it further

Resolved, That the Joint Committee on Legislative Organization be directed to obtain two copies of the California Administrative Code for the Legislative Reference Library and to take such steps as may be necessary to keep said code up to date.

CHAPTER 224

Assembly Concurrent Resolution No. 147—Relative to the Flag of the United States of America.

[Filed with Secretary of State, June 17, 1959.]

WHEREAS, The Territory of Hawaii shall soon become the fiftieth state of the United States; and

WHEREAS, The admission of Hawaii into the Union will not only change our Nation's geographic boundaries but will change our Nation's Flag as Title 4 of the United States Code provides that an additional star shall be added to the Flag of the United States upon admission of a new state to the Union and that that addition shall take effect on the fourth day of July then next succeeding the admission of that state; and

WHEREAS, Its petition for statehood has been approved by the United States Congress; and

WHEREAS, One of the prerequisites of statehood is the adoption of a constitution reflecting the democratic principles as embodied in the Constitution of the United States; and

WHEREAS, The people of California, the thirty-first state, have great friendship for and feel good will toward the people of the soon to be fiftieth, the westernmost, and only insular state of the United States; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Chief of the Division of Buildings and Grounds, Mr. Justin G. Child, be authorized and he is hereby directed to procure new Flags of the United States of America for display in the legislative chambers of the California State Assembly and Senate when the ensign emblazoned with 50 stars becomes the official Flag of our Country; and be it further

Resolved, That this resolution be considered an official expression of the California Legislature's congratulations to Hawaii; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Governor and the Legislature of Hawaii.

CHAPTER 225

Assembly Concurrent Resolution No. 60—Relative to a legislative investigation of the problems of vertical integration or contract farming in the agricultural industries of this State.

[Filed with Secretary of State, June 19, 1959.]

WHEREAS, The agricultural industries including the dairy industry and poultry and livestock products are of great importance to all the people of this State; and

WHEREAS, Vertical integration or contract farming has substantially increased throughout the industry affecting the economic health of independent farm family operations and farmer-owned co-operatives in this State; and

WHEREAS, The Members of the Legislature should be fully informed regarding these matters in order to enact necessary legislation pertaining thereto; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly Interim Committee on Agriculture is requested to study all phases of the problem of vertical integration or contract farming, to hold hearings in all appropriate areas of this State and to report thereon to the Legislature, including their recommendations as to needed legislation, said report to be available prior to the fifteenth legislative day in January, 1961.

CHAPTER 226

Assembly Concurrent Resolution No. 128—Relative to planning in Mother Lode and adjacent areas.

[Filed with Secretary of State, June 19, 1959.]

WHEREAS, The historical importance of the Mother Lode area, comprising Mariposa, Tuolumne, Calaveras, Amador, El Dorado, Placer, Nevada and Sierra Counties, as well as the adjacent Counties of Alpine, Mono, and Inyo, has long been recognized; and

WHEREAS, The preservation of the historical values of this region is vitally important to the people of the State of California; and

WHEREAS, The tourist travel to these areas and their neighboring counties is an economic asset to the region; and

WHEREAS, To perpetuate the historical values and atmosphere of this region would be to perpetuate its value as a tourist attraction and economic asset; and

WHEREAS, Various groups including the boards of supervisors, chambers of commerce, boards of trade, civic organizations and the Golden Chain Council of the Mother Lode have recognized this as a vital part of the area's economy; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Beaches and Parks, through its History Section, is requested to make a survey of this region leading to its preservation for the enjoyment and use of the general public, and this survey shall be integrated with future planning for the development of the California State Highway System in this region and the planning programs of the Department of Water Resources, various county planning commissions and other affected agencies so that the highways through these areas will be a continuous route of historic interest to the traveling tourist; and be it further

Resolved, That the survey encompass a study of potential travel, potential interest and potential accommodations; and be conducted with the cooperation of the boards of supervisors, chambers of commerce, boards of trade, civic clubs, county planning commissions and the Golden Chain Council of the Mother Lode; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Division of Beaches and Parks, and to the Boards of Supervisors of Mariposa, Tuolumne, Calaveras, Amador, El Dorado, Placer, Nevada, Sierra, Alpine, Mono, and Inyo Counties.

CHAPTER 227

Senate Joint Resolution No. 19—Relative to a minimum wage law for agricultural workers.

[Filed with Secretary of State, June 23, 1959.]

WHEREAS, Agricultural workers of the Nation form a most important part of our national economy; and

WHEREAS, In recent years agricultural workers in many regions of the United States, including certain areas of California, are reported to have earned a disproportionate and extremely low annual wage as compared with other workers; and

WHEREAS, California farmers must compete in the sale of farm products with other states having not only a more favorable freight rate, but which in addition pay wages to their farm workers far less than those paid in California, thus putting California agriculture at a tremendous disadvantage in the national competitive market of farm products; and

WHEREAS, In these regions it is reported that the agricultural worker's income has failed to keep pace with the rising costs of living; and

WHEREAS, The health and welfare of our Nation depend to a great extent on the food that is produced by our farms, and without sufficient workers the farms cannot prosper and maintain for the people of this Country the high standard of living to which they are accustomed; and

WHEREAS, The Federal Government has not enacted a minimum wage law that applies to the agricultural workers of the Country; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact a minimum wage law for the agricultural workers of the Nation; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the President and Vice President of the United States, the Secretary of Agriculture, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 228

Assembly Concurrent Resolution No. 105—Relative to the imposition of inheritance or other death taxes by chartered cities.

[Filed with Secretary of State, June 23, 1959.]

WHEREAS, The Members of the Legislature of the State of California have been informed that proposals have been made in a few chartered cities in this State that they enact ordinances imposing inheritance or other death taxes upon the residents in such cities; and

WHEREAS, The imposition of taxes of this nature has traditionally been a federal and state function and existing state and federal taxes at the present time impose taxes upon the estates of deceased persons; and

WHEREAS, The enactment of such ordinances would impose unequal burdens upon the estates of deceased persons in this State, since general law cities do not have the power to impose such taxes; and

WHEREAS, The imposition of additional taxes in this field by chartered cities is not in the best interests of the State; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature urge and recommend that chartered cities of this State refrain from imposing inheritance or other death taxes upon the residents thereof; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a copy of this resolution to the governing body of each chartered city in the State of California.

CHAPTER 229

Assembly Joint Resolution No. 35—Relating to pricing gold on the free market.

[Filed with Secretary of State, June 24, 1959.]

WHEREAS, It has recently been suggested that Russia may attempt to develop a single currency backed by gold to be used throughout its satellite countries and in general for world trading; and

WHEREAS, The creation of such a gold ruble could greatly handicap the United States in its international activities, particularly in view of the fact that the American dollar backed by gold is one of the most stable currencies in the world giving the United States a great advantage in its economic competition with communist nations; and

WHEREAS, The fixing of the price of gold by the Federal Government in 1934 at the arbitrary figure of $35 per fine ounce and maintaining this rigid figure in spite of the fact that the costs of producing gold in the United States have greatly increased, has resulted in many of the gold mines of this Country and particularly of this State in the Mother Lode area being forced to cease operations; and

WHEREAS, This loss of gold production has had a serious detrimental economic effect on the areas involved through loss of this important industry and also has resulted in an ever decreasing gold balance in our Federal Treasury; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully requested to remove the restrictions on the price of gold and to thus allow it to be priced as any other commodity in a free market; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives and to each member of Congress representing California.

CHAPTER 230

Assembly Joint Resolution No. 36—Relative to adoption of foreign-born children.

[Filed with Secretary of State, June 24, 1959.]

WHEREAS, Under federal law, persons in this Country may adopt foreign-born children; and

WHEREAS, To safeguard the future of these children it is necessary that the homes of persons seeking to adopt them be

investigated to determine whether the proposed homes are suitable for the children; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate money for use by the various states in the investigation and approval of homes of persons applying to adopt foreign-born children; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 231

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 10 to Article XI thereof, relating to the presentation, consideration and enforcement of claims against chartered counties, cities and counties and cities and against officers, agents and employees thereof.

[Filed with Secretary of State, June 25, 1959.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1959 Regular Session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 10 to Article XI thereof, to read:

SEC. 10. No provision of this article shall limit the power of the Legislature to prescribe procedures governing the presentation, consideration and enforcement of claims against chartered counties, chartered cities and counties, and chartered cities, or against officers, agents and employees thereof.

CHAPTER 232

Assembly Joint Resolution No. 23—Relative to the Trinity River Project.

[Filed with Secretary of State, June 25, 1959.]

WHEREAS, The State of California is currently taking steps to transport vast quantities of surplus water from Northern

California to meet constantly increasing needs in the San Joaquin Valley, Southern California, and the San Francisco Bay area; and

WHEREAS, An abundant supply of low-cost electrical power will be essential to transport such water so that it can be delivered at a price commensurate with the benefits to be derived, particularly in Southern California; and

WHEREAS, The lowest price for needed electrical power would be obtainable from publicly constructed and operated power generating facilities; and

WHEREAS, There is legislation before the Congress of the United States, sponsored by United States Senators Thomas H. Kuchel and Clair Engle, to provide for public construction and operation of the hydroelectric power facilities of the Trinity River Project; and

WHEREAS, The Trinity River Project is the most immediate potential source of low-cost hydroelectric power to operate the pumps vitally needed to move water to areas of deficiency in California; and

WHEREAS, The Federal Administration is opposing the Kuchel-Engle legislation and instead is favoring legislation to authorize private construction and operation of the Trinity River Project hydroelectric facilities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact legislation to provide for public, rather than private, construction and operation of the hydroelectric facilities of the Trinity River Project; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President or Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 233

Assembly Concurrent Resolution No. 148—Relative to expenses of the Joint Legislative Committee for the Revision of the Education Code.

[Filed with Secretary of State, June 25, 1959.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Committee for the Revision of the Education Code is hereby directed to continue its revision of the Education Code and to submit a report and recommendations to the Legislature on or before the fifth calendar of its 1961 Regular Session. The committee, in connection with its duties, shall give specific attention to school district organization, reorganization, and

annexation; school property and construction; finance and bonding; the relationship between private and public schools; powers of governing boards; elections; standardization of terminology; and simplification of complex provisions; and be it further

Resolved, That the sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Legislative Committee for the Revision of the Education Code (created by Chapter 2419 of the Statutes of 1957), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and that of such moneys an amount not to exceed thirty thousand dollars ($30,000) shall be made available, pursuant to contract, for the use of the Bureau of Public Administration of the University of California in the performance of services for the Joint Legislative Committee for the Revision of the Education Code, and that an amount not to exceed five thousand dollars ($5,000) shall be utilized to provide for the expenses of the committee and its members; and be it further

Resolved, That in its recommendations to the Legislature at the 1961 Regular Session, the Joint Legislative Committee for the Revision of the Education Code, recommend the repeal of Chapter 2419 of the Statutes of 1957.

CHAPTER 234

Assembly Joint Resolution No. 41—Relative to unclaimed funds and property held by Federal Government.

[Filed with Secretary of State, June 29, 1959.]

WHEREAS, The United States, through its officers, agencies and departments, possesses unclaimed funds and property in appreciable amounts and quantities, which funds and property are owned by the citizens and residents of the several states and territories; and

WHEREAS, The Supreme Court of the United States has affirmed the rights of the several states and territories to escheat or otherwise obtain custody of such funds and property; and

WHEREAS, Such funds and property when received by the states and territories will be available for use by the states and territories pending payment or delivery to the true owners upon their claims therefor; and

WHEREAS, There is no present procedure whereby such funds and property may be discovered by the United States and reported to the states and territories, thereby facilitating the

effective and efficient recovery of such funds and property by the states and territories; and

WHEREAS, A bill was introduced in the First Session of the Eighty-sixth Congress as S. 1846, which bill would establish procedures for the discovery and report of all such funds and property to the interested states and territories; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact S. 1846 into law, thereby facilitating the several states and territories in the effective and efficient recovery of unclaimed funds and property in the custody of federal officers, agencies and departments; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 235

Assembly Concurrent Resolution No. 125—Relative to study by the Judicial Council of automobile accident litigation.

[Filed with Secretary of State, June 29, 1959.]

WHEREAS, Governor Brown in his inaugural address called attention to the social problems resulting from automobile litigation, including congestion in the courts, uncertainty to the litigant of ultimate recovery, and the grave social loss; and

WHEREAS, Chief Justice Gibson has stated that delay in the final determination of automobile accident claims is unfair to all parties, especially to those injured persons and their families who though ultimately compensated suffer privation while waiting for their cases to be determined; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Judicial Council is hereby requested to undertake a study of litigation resulting from automobile accidents, together with recommendations as to making the handling of such cases speedier, less expensive, and more certain, and report thereon to the Legislature at its 1961 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Chairman of the Judicial Council.

CHAPTER 236

Assembly Concurrent Resolution No. 149—Relative to the completion of the study of the Subcommittee on Economic and Financial Policies for State Water Projects of the Joint Committee on Water Problems.

[Filed with Secretary of State, June 29, 1959.]

WHEREAS, Pursuant to Assembly Concurrent Resolution No. 198 of the 1957 Regular Session, the Subcommittee on Economic and Financial Policies for State Water Projects of the Joint Committee on Water Problems was created, consisting of members of the joint committee from both houses of the Legislature; and

WHEREAS, This subcommittee in the interim period between the 1957 and 1959 Sessions of the Legislature held numerous hearings throughout the State and collected a great amount of important and valuable data and information with respect to the economic and financial problems facing the State in connection with the financing and construction and operation of state water projects; and

WHEREAS, It is of prime importance to the people of this State that the study and work done by this subcommittee be completed and a final report made thereon to the Legislature and to the people; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly Committee on Rules be directed to assign to an appropriate interim committee of the Assembly the subject matter of Assembly Concurrent Resolution No. 198 of the 1957 Regular Session for completion of the study undertaken by the Subcommittee on Economic and Financial Policies for State Water Projects of the Joint Committee on Water Problems and for report thereon to the Legislature not later than the twentieth legislative day of the 1960 Regular Session.

CHAPTER 237

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article IV, relating to the term of office of Members of the Assembly.

[Filed with Secretary of State, June 29, 1959.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State

of California that the Constitution of the State be amended by amending Section 3 of Article IV to read:

SEC. 3. Members of the Assembly elected in the year 1960, and thereafter, shall be chosen for a term of four years; and each election shall be on the first Tuesday after the first Monday in November unless otherwise ordered by the Legislature. The seats of 40 Members of the Assembly elected in the year 1960 from the odd-numbered districts shall be vacated at the expiration of the second year, so that half of the Members of the Assembly shall be elected every two years.

CHAPTER 238

Assembly Concurrent Resolution No. 140—Relative to the exclusion of dump truck contractors from the provisions of the Highway Carriers' Act.

[Filed with Secretary of State, June 29, 1959.]

WHEREAS, Carriers of rock, sand, fill, and other excavated material, unprocessed beyond crushing, grinding, or powdering, when the transportation is performed directly for a general engineering contractor, a general building contractor, or a specialty contractor, as those contractors are defined in the Business and Professions Code, when the agreement between the contractor and the carrier provides that the transportation shall be performed by the carrier at a specified total contract price, are now included by the Public Utilities Commission in the group of carriers subject to minimum rate tariffs together with other highway carriers performing general carrier services for the public; and

WHEREAS, Such carriers are specialty carriers performing unique services not essentially similar to general highway carriers; and

WHEREAS, It is the sense of the Legislature that such carriers are not performing services of the nature which is contemplated within the proper scope of coverage of the Highway Carriers' Act for the purposes of minimum rate tariffs and that the rates for such services should be fixed by contract in light of the circumstances of each situation for the purpose of allowing necessary flexibility; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Public Utilities Commission is hereby requested to consider the exemption of the transportation referred to in this resolution from the minimum rate tariffs now applicable thereto; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Public Utilities Commission.

CHAPTER 239

Assembly Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 2.6 to Article XIII, relating to the assessment of property used for golf course purposes.

[Filed with Secretary of State, June 29, 1959.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1959 Regular Session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 2.6 to Article XIII thereof, to read:

SEC. 2.6. In assessing real property consisting of one parcel of 10 acres or more and used exclusively for nonprofit golf course purposes for at least two successive years prior to the assessment, the assessor shall consider no factors other than those relative to such use. He may, however, take into consideration the existence of any mines, minerals and quarries in the property, including, but not limited to oil, gas and other hydrocarbon substances.

CHAPTER 240

Assembly Concurrent Resolution No. 137—Relative to the creation of the Joint Interim Committee on the Public Education System.

[Filed with Secretary of State, June 29, 1959.]

WHEREAS, There is a universal interest of parents and other thoughtful adults in the content of the courses being taught today in the public schools; and

WHEREAS, In this modern competitive and technical society it is absolutely vital that a child receive a solid basic education if he is to enter any field of endeavor requiring higher education; and

WHEREAS, Over a period of years there has been a growing interest in the problems confronting the public schools of California and the extent of the knowledge gained by children during their elementary and high school years; and

WHEREAS, Enormous sums of money are being spent each year for the education of the youth of this State in an effort to provide them with a sound education and to give them the fundamental equipment to face a competitive world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Interim Committee on the Public Education System is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the public schools of this State, including but not limited to a study of the curricula, textbooks and instructional materials employed in the public schools, the present teaching methods for instructing pupils school finances and equipment, teaching personnel and administrative procedures, educational goals and administrative structure in the public schools. Such study shall also be devoted to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of seven Members of the Senate appointed by the Committee on Rules thereof, and seven Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1961 Regular Session, with authority to file its final report not later than the fifth calendar day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To appoint a citizens advisory commission consisting of not less than 15 persons who shall be selected in such a fashion that the interests of various groups throughout the State are represented on said commission to the fullest extent possible. The advisory commission shall assist and advise the Joint Interim Committee on the Public Education System in their deliberations on the subjects assigned to the committee for study.

6. No action shall be taken by the committee except upon an affirmative vote of four or more members of the committee appointed from the Senate and four or more members of the committee appointed from the Assembly.

7. The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 241

Assembly Concurrent Resolution No. 151—Relative to the enactment of Senate Bill No. 1106.

[Filed with Secretary of State, June 29, 1959.]

WHEREAS, Senate Bill No. 1106 of the 1959 Regular Session is intended to, if approved by the voters of this State, provide the solution to one of the most vexing problems which has ever faced the Legislature and the people of this State, that is, the financing and construction of water development facilities by the State and the proper distribution of the waters of the State to meet the needs of all areas of the State; and

WHEREAS, The passage of Senate Bill No. 1106 is due in a large measure to the untiring efforts of Senator Hugh M. Burns, President pro Tempore of the Senate, and Assemblyman Carley V. Porter, Chairman of the Assembly Standing Committee on Water; and

WHEREAS, It is fitting and proper that credit should be given to these two legislators for the able job they have done in presenting this important piece of legislation in their respective houses of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members of the Legislature extend their congratulations to Senator Hugh M. Burns and Assemblyman Carley V. Porter upon the role played by each in securing the passage of Senate Bill No 1106; and, be it further

Resolved, That Senate Bill No. 1106, after approval by the Governor, shall be known and cited as the "Burns-Porter Act."

CHAPTER 242

Senate Concurrent Resolution No. 94—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate and the Contingent Fund of the Assembly for the expenses of the Fairs Allocation and Classification Committee created pursuant to Section 92.7 of the Agricultural Code and its members and for any charges, expenses or claims it may incur under said section, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 243

Senate Concurrent Resolution No. 93—Relative to the selection of state college sites.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Sites for new state colleges should be acquired at locations where the greatest number of students will be served; and

WHEREAS, With due consideration to the available public transportation, such sites should be located near the area of greatest concentration of potential students and should be located at places where students will not be required to travel to classes by private automobiles; and

WHEREAS, Since many college students are self-supporting, consideration should be given to the availability of employment opportunities near the selected site; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Public Works Board be directed to consider the factors referred to in this resolution in selecting sites for new state colleges; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each member of the State Public Works Board, to each member of the State Board of Education, and to the Superintendent of Public Instruction.

CHAPTER 244

Senate Concurrent Resolution No. 92—Relative to the compiling, publishing, and distribution of the official State Roster.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Secretary of State compile and publish four thousand (4,000) copies of the official roster of the State and local public officials of California for distribution singly and free of charge to Members of the Legislature of the State of California and to any person upon request therefor, the cost thereof, not to exceed two thousand dollars ($2,000), payable from the Legislative Printing Fund.

CHAPTER 245

Senate Concurrent Resolution No. 91—Relative to the study of vehicle accident factors.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Motor vehicle accidents in California continue to kill and injure citizens of our State; and

WHEREAS, Automobile accidents cost the citizens of this State many hundreds of millions of dollars annually; and

WHEREAS, Many areas which have a bearing on motor vehicle accidents are being explored or partially explored; and

WHEREAS, Motor vehicle design, both interior and exterior, has a bearing on traffic accidents and injury to persons; and

WHEREAS, Motor vehicle equipment such as power steering, power brakes, air conditioning and glazing materials have a relationship to traffic accidents; and

WHEREAS, Factors of driver attitude and driver personality have a relationship to traffic accidents; and

WHEREAS, Driver fatigue and other impairments of driving skill have a relationship to traffic accidents; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Commissioner of the Department of the California Highway Patrol is hereby directed to explore the feasibility of conducting research into the various elements of vehicle design and driver behavior of the types referred to in this resolution and in other areas in this field deemed worthy of exploration; and be it further

Resolved, That the Commissioner of the California Highway Patrol is authorized to deal with official and unofficial agencies conducting studies into these problem areas; and be it further

Resolved, That the Commissioner of the California Highway Patrol is hereby directed to submit a report not later than the fifth calendar day of the 1961 Regular Session of his recom-

mendations as to the conducting of such research into these accident factors; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

CHAPTER 246

Senate Concurrent Resolution No. 80—Relative to the recommendations of the Interdepartmental Medical Fee Committee.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, There was formed in 1958, on the request of the Legislature, an Interdepartmental Medical Fee Committee; and

WHEREAS, This committee is made up of representatives of those state agencies responsible for the administration of the various state-administered or financed medical care programs and is chairmanned by a representative from the Department of Finance; and

WHEREAS, At the direction of the Legislature this committee has been studying the fees paid for services rendered under these various programs, the reasons for variances among or between fee schedules, and developing criteria for establishing fees and making adjustments in them; and

WHEREAS, The Medical Care Program for Public Assistance Recipients, administered by the State Social Welfare Board and the State Department of Social Welfare, is a state program of major importance in both fiscal size and number of participating medical vendors and has a bearing on the fees paid under private medical insurance plans; and

WHEREAS, Unlike the other major state medical programs the fee schedules adopted for the Medical Care Program for Public Assistance Recipients are neither under budgetary review and control by the Legislature nor need approval by the State Department of Finance; and

WHEREAS, The fee schedules as adopted in 1957 for the Medical Care Program for Public Assistance Recipients were higher in many instances than other programs' schedules and resulted in requested budget increases for higher fees in other major state programs without adequate justification or uniformity in both 1958 and 1959; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Interdepartmental Medical Fee Committee study the fee schedules utilized in the Medical Care Program for Public Assistance Recipients and make recommendations based on such study to the State Social Welfare Board and the State Department of Social Welfare; and be it further

Resolved, That the State Social Welfare Board and the State Department of Social Welfare comply with such recommendations; and be it further

Resolved, That copies of such recommendations and any and all ensuing action be promptly forwarded to the Committees on Rules of both the Senate and Assembly for referral to the proper interim committees; and be it further

Resolved, That the Secretary of the Senate is directed to send a copy of this resolution to the State Social Welfare Board, the State Department of Social Welfare, and the Interdepartmental Medical Fee Committee.

CHAPTER 247

Senate Concurrent Resolution No. 79—Relating to a study of the "Colusa Basin."

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, There exists in the Counties of Glenn, Colusa, and Yolo inadequate drainage and flood control facilities that are necessary for the general area located therein which is known as the "Colusa Basin"; and

WHEREAS, This condition of inadequate drainage and flood control has annually resulted in great damage to the agricultural crops in the area amounting to many thousands of dollars each year; and

WHEREAS, The agricultural and economic development of the area is greatly impeded by these conditions; and

WHEREAS, The creation of new irrigation and soil conservation districts in this area will compound the damages now being suffered; and

WHEREAS, It is necessary for an overall plan to be developed for this area to alleviate the damages caused by drainage, seepage and storm water disposal, giving due consideration to the established water rights existing in the area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources is hereby requested to make a comprehensive study of the "Colusa Basin" for the purpose of determining the best manner for alleviating the problems resulting from inadequate drainage and flood control facilities, seepage and storm water disposal giving due consideration to the protection of established water rights in the area; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Department of Water Resources.

CHAPTER 248

Senate Concurrent Resolution No. 75—Relative to fire extinguishers and appliances and devices for extinguishing fires.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, The effectiveness of fire extinguishers and appliances and devices for extinguishing fires is entirely dependent upon proper servicing and recharging to insure that they will function properly when needed; and

WHEREAS, The ever increasing types, kinds, and sizes of fire extinguishers and appliances and devices for extinguishing fires make it necessary that their capacity and effectiveness on various types of fires be determined, and information thereon disseminated to the fire service and other interested persons; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests that the State Fire Marshal and the State Fire Advisory Board make a complete study of this problem, and submit to the Legislature, not later than the fifth calendar day of the 1961 Regular Session, a report on their findings, together with proposed legislation to effectively control the sale, distribution, use, and the servicing and recharging of fire extinguishers and appliances and devices for extinguishing fires; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitable copy of this resolution to the State Fire Marshal and to each member of the State Fire Advisory Board.

CHAPTER 249

Senate Concurrent Resolution No. 63—Relative to expenses of the Joint Interim Committee on Uniform Laws.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of three thousand dollars ($3,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Uniform Laws (created by Section 10401 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 250

Senate Concurrent Resolution No. 48—Relative to the compilation of statistics by the California Highway Patrol.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, The Legislature of the State of California in its 1959 Session has enacted into law an absolute speed limit of 65 miles per hour for all vehicles driven upon California's highways, roads and streets; and

WHEREAS, The California Vehicle Code also imposes an absolute speed limit of 45 miles per hour for all motor trucks and truck tractors having three or more axles and all motor trucks and truck tractors with any trailer or semitrailer or combination thereof; and

WHEREAS, There is need for a factual basis for appraisal of the effectiveness of all speed regulations imposed by law in California; and

WHEREAS, There is need for vigilant and uniform enforcement of speed restrictions on California's highways and a sound statistical basis for evaluation thereof; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of California Highway Patrol is urgently requested to tabulate, classify, and summarize data pertaining to all citations issued by the department involving moving violations of the Vehicle Code. This data should be classified as to county in which the violation occurred, the specific violation involved, and the type of vehicle involved. For purposes of this resolution, type of vehicle includes, but is not limited to, the following: passenger car and station wagon, passenger car or station wagon with trailer, 2-axle motor bus, 3-axle motor bus, 2-axle truck or truck tractor with single rear tires, 2-axle truck or truck tractor with dual rear tires, 3-axle truck or truck tractor, and truck or truck tractor combination classified as to number of axles; and be it further

Resolved, That the department is further requested to compile the foregoing information annually starting January 1, 1960, and to file a report covering the same with the Legislature at each annual session; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Department of the California Highway Patrol.

CHAPTER 251

Senate Concurrent Resolution No. 34—Relative to the issuance of warning citations by the California Highway Patrol.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Many vehicles are operated in this State with relatively minor equipment violations of a nature which are often not readily apparent to the drivers of the vehicles and which may be easily remedied; and

WHEREAS, A warning citation which requires the elimination of the equipment violation within a reasonable length of time has the advantage of promoting highway safety by encouraging the repair of the equipment rather than resulting in the arbitrary assessment of a fine whether the equipment is repaired or not; and

WHEREAS, The use of warning citations encourages co-operation between the motoring public and law enforcement officers by giving the motorist the opportunity to correct a situation which he may not have known existed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Commissioner of the California Highway Patrol is requested to establish a procedure under which the members of the California Highway Patrol would be directed to issue warning citations for equipment violations in any situations in which the traffic officer has reasonable cause to believe that the driver of the vehicle involved may not have been aware of the equipment deficiency or has not had an adequate opportunity to correct the situation, with such warning citations requiring that the owner or operator of the vehicle report to the California Highway Patrol within a reasonable time, indicating that the equipment deficiency involved has been eliminated; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Commissioner of the California Highway Patrol.

CHAPTER 252

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the first paragraph of subdivision (b) of Section 2 of Article IV thereof, relating to the compensation of Members of the Legislature.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1959 Regular

Session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending the first paragraph of subdivision (b) of Section 2 of Article IV thereof, to read:

(b) Each Member of the Legislature shall receive for his services the sum of seven hundred fifty dollars ($750) for each month of the term for which he is elected.

Notwithstanding any other provision of this Constitution or of law, the increased compensation for Members of the Legislature resulting from the amendment to this subdivision as proposed by the Legislature at its 1959 Regular Session shall not be considered in computing the retirement benefits under the Legislators' Retirement System of any person who has retired under that system prior to the operative date of said amendment and the retirement benefits payable to such retired members shall not be increased as the result of such increased compensation.

CHAPTER 253

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 3, 5, 18 22 as proposed by Resolution Chapter 184 of the Statutes of 1951 and 23 of Article IV, Sections 1.5, 17 and 22 of Article V, Section 2 of Article IX, Section 7 of Article X, Section 9 of Article XIII and Section 20 of Article XX, by repealing Section 22 of Article IV as proposed by Resolution Chapter 220 of the Statutes of 1951 Section 19 of Article V, Sections 1, 2, 3, 4, 5 and 6 of Article X, Sections 3, 10, 11 and 12 of Article XXII, and by adding a new Section 3 to Article XXII, relating to the elimination of obsolete or superseded constitutional provisions affecting state officers and agencies.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1959 Regular Session commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes that the Constitution of the State be amended as follows, solely for the purpose of eliminating obsolete or superseded provisions therefrom:

First, that Section 3 of Article IV be amended to read:

SEC. 3. Members of the Assembly shall be elected biennially, and their term of office shall be two years. Each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

Second, that Section 5 of Article IV be amended to read:

SEC. 5. The Senate shall consist of 40 members, and the Assembly of 80 members, to be elected by districts, numbered as hereinafter provided. One-half of the Senators shall be elected every two years, those from the odd-numbered districts being elected when the number of the year is divisible by four.

Third, that Section 18 of Article IV be amended to read:

SEC. 18. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Chief Justice and Associate Justices of the Supreme Court, judges of the district court of appeal, and judges of the superior courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Fourth, That Section 22 of Article IV, as proposed by Resolutions Chapter 184 of the Statutes of 1951, is amended to read:

SEC. 22. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the state, except that notwithstanding anything contained in this or any other section of the Constitution:

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities.

(2) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or in suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions.

(3) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political

subdivisions, and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated.

(4) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State.

(5) The State shall have at any time the right to inquire into the management of such institutions.

(6) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Fifth, that Section 22 of Article IV, as proposed by Resolutions Chapter 220 of the Statutes of 1951, is hereby repealed.

Sixth, that Section 23 of Article IV be amended to read:

SEC. 23. The Members of the Legislature shall receive mileage to be fixed by law and paid out of the State Treasury, such mileage not to exceed five cents ($0.05) per mile.

Seventh, that Section 4 5 of Article V be amended to read:

SEC. 4. The Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor.

Eighth, that Section 17 of Article V be amended to read:

SEC. 17. A Secretary of State, a Controller, a Treasurer, and an Attorney General shall be elected at the same time and places, and in the same manner as the Governor and Lieu-

tenant Governor, and their terms of office shall be the same as that of the Governor.

Ninth, that Section 19 of Article V be repealed.

Tenth, that Section 22 of Article V be amended to read:

SEC. 22. The compensation for the services of the Governor, the Lieutenant Governor, the State Controller, Secretary of State, Superintendent of Public Instruction and State Treasurer may be fixed at any time by the Legislature at an amount not less than ten thousand dollars ($10,000) per annum, for the Governor, and not less than five thousand dollars ($5,000) per annum for each of the other state officers named herein. The compensation of no state officer named herein shall be increased or diminished during his term of office. Such compensation shall be in full for all services respectively rendered by them in any official capacity or employment whatsoever during their respective terms of office, and none of the officers named in this section, or the Attorney General, shall receive for his own use any fees or perquisites for the performance of any official duty.

Eleventh, that Section 2 of Article IX be amended to read:

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election He shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

Twelfth, that Sections 1, 2, 3, 4, 5 and 6 of Article X be repealed

Thirteenth, that Section 7 of Article X be renumbered and amended to read:

SEC. 1. The Legislature may provide for the establishment, government, charge and superintendence of all institutions for all persons convicted of felonies. For this purpose, the Legislature may delegate the government, charge and superintendence of such institutions to any public governmental agency or agencies, officers, or board or boards, whether now existing or hereafter created by it. Any of such agencies, officers, or boards shall have such powers, perform such duties and exercise such functions in respect to other reformatory or penal matters, as the Legislature may prescribe.

The Legislature may also provide for punishment, treatment, supervision, custody and care of females in a manner and under circumstances different from men similarly convicted.

The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State

Fourteenth, that Section 9 of Article XIII be amended to read:

SEC. 9 A State Board of Equalization, consisting of four members shall be elected by the qualified electors of their respective districts, at each gubernatorial election, whose term

of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; provided, such state and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe, as to the county assessments, and under such rules of notice as the state board may prescribe as to the action of the state board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; provided, that no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization

Fifteenth, that Section 20 of Article XX be amended to read:

SEC. 20. Elections of the officers provided for by this Constitution shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

Sixteenth, that Sections 3, 10, 11 and 12 of Article XXII be repealed, and that a new Section 3 be added to said article to read:

SEC. 3. Any amendment to this Constitution which is proposed by the Legislature solely for the purpose of eliminating obsolete or superseded provisions therefrom shall be subject to the following limitations:

(1) Any other measure submitted to the people at the same election which affects a section of the Constitution included in the Legislature's proposal shall, to the extent of any conflict between the two, prevail over such proposal; and

(2) If the Legislature's proposal repeals or eliminates constitutional language which originally validated, ratified, confirmed or gave effect to other governmental action, such proposal shall not be construed so as to alter or invalidate the action previously validated, ratified, confirmed or given effect.

CHAPTER 254

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1a of, and by adding Sections 1b, 1c, 10b, and 26a to, Article VI of said Constitution, relating to the administration of justice, including removal and retirement of judges, the membership and duties of the Commission on Judicial Qualifications, Judicial Council and State Bar, and the renaming of the Commission on Qualifications.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1959 Regular Session, commencing on the fifth day of January, 1959, two-thirds of all members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 1a of Article VI is amended to read:

SEC. 1a. There shall be a Judicial Council. It shall consist of: (i) the Chief Justice or Acting Chief Justice; (ii) one associate justice of the Supreme Court, three justices of district courts of appeal, four judges of superior courts, two judges of municipal courts, and one judge of a justice court, designated by the Chief Justice for terms of two years; (iii) four members of the State Bar of California appointed by the Board of Governors of the State Bar for terms of two years, two of the first such appointees to be appointed for one year and two for two years; and (iv) one member of each house of the Legislature designated as provided by the respective house. If any judge so designated shall cease to be a judge of the court from which he is selected, his designation shall forthwith terminate. If any member of the State Bar so appointed shall cease to be a member of the State Bar, his appointment shall forthwith terminate, and the Board of Governors of the State Bar shall fill the vacancy in his unexpired term. If any member of the Legislature so designated shall cease to be a member of the house from which designated, his designation shall forthwith terminate, and a new designation shall be made in the manner provided by the respective house. The Chief Justice or Acting Chief Justice shall be chairman and the Clerk of the Supreme Court shall serve as secretary. The council may appoint an administrative director of the courts, who shall hold office at its pleasure and shall perform such of the duties of the council and of its chairman, other than to adopt or amend rules of practice and procedure, as may be delegated to him. No act of the council shall be valid unless concurred in by a majority of its members.

The Judicial Council shall from time to time:

(1) Meet at the call of the chairman or as otherwise provided by it.

(2) Survey the condition of business in the several courts with a view to simplifying and improving the administration of justice.

(3) Submit such suggestions to the several courts as may seem in the interest of uniformity and the expedition of business.

(4) Report to the Governor and Legislature at the commencement of each regular session with such recommendations as it may deem proper.

(5) Submit to the Legislature, at each general session thereof, its recommendations with reference to amendments of, or changes in, existing laws relating to practice and procedure.

(6) Adopt or amend rules of practice and procedure for the several courts not inconsistent with laws that are now or that may hereafter be in force.

(7) Exercise such other functions as may be provided by law.

The chairman shall seek to expedite judicial business and to equalize the work of the judges, and shall provide for the assignment of any judge to another court of a like or higher jurisdiction to assist a court or judge whose calendar is congested, to act for a judge who is disqualified or unable to act, or to sit and hold court where a vacancy in the office of judge has occurred. A judge may likewise be assigned with his consent to a court of lower jurisdiction, and a retired judge may similarly be assigned with his consent to any court.

The judges shall co-operate with the council, shall sit and hold court as assigned, and shall report to the chairman at such times and in such manner as he shall request respecting the condition, and manner of disposal, of judicial business in their respective courts.

No member of the council shall receive any compensation for his services as such, but shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such. Any judge assigned to a court wherein a judge's compensation is greater than his own shall receive while sitting therein the compensation of a judge thereof. The extra compensation shall be paid in such manner as may be provided by law. Any judge assigned to a court in a county other than that in which he regularly sits shall be allowed his necessary expenses for travel, board and lodging incurred in the discharge of the assignment.

Second—That Section 1b is added to Article VI, to read:

SEC. 1b. There shall be a Commission on Judicial Qualifications. It shall consist of: (i) Two justices of district courts of appeal, two judges of superior courts, and one judge of a municipal court, each selected by the Supreme Court for a four-year term; (ii) two members of the State Bar, who shall have practiced law in this State for at least 10 years and who

shall be appointed by the Board of Governors of the State Bar for a four-year term; and (iii) two citizens, neither of whom shall be a justice or judge of any court, active or retired, nor a member of the State Bar, and who shall be appointed by the Governor for a four-year term. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of members elected to the Senate, except that if a vacancy occurs when the Legislature is not in session, the Governor may issue an interim commission which shall expire on the last day of the next regular or special session of the Legislature. Whenever a member selected under subdivision (i) ceases to be a member of the commission or a justice or judge of the court from which he was selected, his membership shall forthwith terminate and the Supreme Court shall select a successor for a four-year term; and whenever a member appointed under subdivision (ii) ceases to be a member of the commission or of the State Bar, his membership shall forthwith terminate and the Board of Governors of the State Bar shall appoint a successor for a four-year term; and whenever a member appointed under subdivision (iii) ceases to be a member of the commission or becomes a justice or judge of any court or a member of the State Bar, his membership shall forthwith terminate and the Governor shall appoint a successor for a four-year term. No member of the commission shall receive any compensation for his services as such, but shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such.

No act of the commission shall be valid unless concurred in by a majority of its members. The commission shall select one of its members to serve as chairman.

Third—That Section 1c is added to Article VI, to read:

SEC. 1c. The State Bar of California is a public corporation with perpetual existence and succession. Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a justice or judge of a court of record.

Fourth—That Section 10b is added to Article VI, to read:

SEC. 10b. A justice or judge of any court of this State, in accordance with the procedure prescribed in this section, may be removed for willful misconduct in office or willful and persistent failure to perform his duties or habitual intemperance, or he may be retired for disability seriously interfering with the performance of his duties, which is, or is likely to become, of a permanent character. The Commission on Judicial Qualifications may, after such investigation as the commission deems necessary, order a hearing to be held before it concerning the removal or retirement of a justice or a judge, or the commission may in its discretion request the Supreme Court to appoint three special masters, who shall be justices or judges of courts of record, to hear and take evidence in any such matter, and to report thereon to the commission. If, after hearing, or

after considering the record and report of the masters, the commission finds good cause therefor, it shall recommend to the Supreme Court the removal or retirement, as the case may be, of the justice or judge

The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may permit the introduction of additional evidence and shall order removal or retirement, as it finds just and proper, or wholly reject the recommendation. Upon an order for retirement, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to statute. Upon an order for removal, the justice or judge shall thereby be removed from office, and his salary shall cease from the date of such order.

All papers filed with and proceedings before the Commission on Judicial Qualifications or masters appointed by the Supreme Court, pursuant to this section, shall be confidential, and the filing of papers with and the giving of testimony before the commission or the masters shall be privileged; but no other publication of such papers or proceedings shall be privileged in any action for defamation except that (a) the record filed by the commission in the Supreme Court continues privileged and upon such filing loses its confidential character and (b) a writing which was privileged prior to its filing with the commission or the masters does not lose such privilege by such filing. The Judicial Council shall by rule provide for procedure under this section before the Commission on Judicial Qualifications, the masters, and the Supreme Court. A justice or judge who is a member of the commission or Supreme Court shall not participate in any proceedings involving his own removal or retirement.

This section is alternative to, and cumulative with, the methods of removal of justices and judges provided in Sections 10 and 10a of this article, Sections 17 and 18 of Article IV, and Article XXIII, of this Constitution.

Fifth—That Section 26a is added to Article VI, to read:

SEC. 26a. The "Commission on Qualifications" created by Section 26 of this article is renamed and henceforth shall be known as the "Commission on Judicial Appointments."

CHAPTER 255

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1¾ of, and adding Section 1¾a to, Article XIII thereof, relating to the veterans' tax exemption.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1959 Regular Ses-

sion, commencing on the fifth day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 1¼ of Article XIII be amended to read:

SEC. 1¼. (a) The property to the amount of one thousand dollars ($1,000) of every resident of this State who has served in the Armed Forces of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by, or under the authority of, the Congress of the United States, and in either case has received an honorable discharge therefrom, or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service, or (3) who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions; or lacking such amount of property in his own name, so much of the property of the spouse of any such person as shall be necessary to equal said amount, shall be exempt from taxation; provided, this exemption shall not apply to any person described herein owning property of the value of five thousand dollars ($5,000) or more, or where the spouse of such person owns property of the value of five thousand dollars ($5,000) or more.

(b) The property to the amount of one thousand dollars ($1,000) of the surviving resident spouse in this State, or if there be no such surviving spouse, of the widowed mother resident in this State, of every person who has so served and has died, and the property to the amount of one thousand dollars ($1,000) of pensioned surviving spouses, fathers, and mothers, resident in this State, of persons described herein who have so served in the Armed Forces of the United States, shall be exempt from taxation; provided, this exemption shall not apply to any surviving spouse, father or mother described in this subdivision owning property of the value of ten thousand dollars ($10,000) or more

(c) All real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

No person described herein who has served in the Armed Forces of the United States shall be eligible for such exemption unless he was a resident of California at the time of his entry into such Armed Forces, or unless he was a resident of California at the effective date of the amendment of this section as proposed at the 1959 Regular Session of the Legislature.

No surviving spouse, father or mother of such person described herein who has served in the Armed Forces of the United States shall be eligible for such exemption unless such described person was eligible for such exemption at the time

of his death, and unless such surviving spouse, father or mother of such described person was a resident at the time of the application for such exemption.

Second—That Section 1¼a be added to Article XIII, to read:

SEC. 1¼a. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this State who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property; except that such exemption shall not extend to more than one home nor exceed five thousand dollars ($5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 1¼ of this article.

Where such totally disabled person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the Government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

CHAPTER 256

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article XXVI thereof, relating to the use of revenues obtained from motor vehicle fuel taxes and motor vehicle registration and license fees.

[Filed with Secretary of State, July 1, 1959.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1959 Regular Session, commencing on the 5th day of January, 1959, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that Section 3 of Article XXVI of the Constitution of the State be amended to read:

SEC. 3. The provisions of this article are self-executing but the Legislature shall have full power to appropriate such moneys and to provide the manner of their expenditure by

the State, counties, cities and counties, cities, or separation of grade districts for the purposes specified and to enact legislation not in conflict with this article. This article shall not prevent any part of the moneys referred to in Sections 1 or 2 hereof from being temporarily loaned to the State General Fund upon condition that the amount so loaned shall be repaid therefrom to the funds from which so borrowed to be used for the purposes specified in Sections 1 or 2 hereof. The moneys referred to in Sections 1 or 2 hereof, allocated for general expenditure in counties, cities and counties, cities, or separation of grade districts, may be used for the payment of the principal and interest of bonds issued by counties, cities, cities and counties, or by separation of grade districts to the extent of 50 percent of sums so allocated in any one year. Such bonds must be approved by a two-thirds vote of the electors and the term thereof shall not exceed 25 years. The proceeds from such bonds shall be used only to finance grade crossing separation projects involving the intersection of public streets and highways with railroad or rapid transit rights-of-way.

CHAPTER 257

Senate Joint Resolution No. 29—Relating to demonstration sea water conversion plants.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Congress has authorized demonstration sea water conversion plants at various locations in the United States and its possessions, one such location being designated as the West Coast of the United States in Public Law 85-883 of September 2, 1958; and

WHEREAS, The City of San Diego and the County of San Diego have, over a period of the last 15 years, diligently pursued efforts to induce the Federal Government to enter into the sea water conversion program; and

WHEREAS, The City of San Diego has for the past several years made exemplary progress in this field by activating a sea water conversion commission, an adjunct of the city government, comprising 12 members of the San Diego community who are experts in the fields of physics, nuclear energy, chemistry and engineering; and

WHEREAS, The application of the City of San Diego to the Saline Water Division of the United States Department of the Interior recites in detail that the City of San Diego is ready, willing and able to provide adequate land area in close proximity to the ocean at more than one location within the San Diego area, and the city has fully met all of the requirements as stated in criteria of the Saline Water Division of the Department of the Interior as to the location of a demonstration sea water conversion plant; and

WHEREAS, The Governor of California has been called upon to assist the Department of the Interior in site examinations and feasibility studies of such locations, and through the State Department of Water Resources such reports have been made to the Department of the Interior declaring the San Diego sites to be feasible; and

WHEREAS, The City of San Diego is supported in its application by nine cities in San Diego County as well as numerous chambers of commerce and civic organizations throughout the county, and the League of California Cities has memorialized the Department of the Interior to locate such demonstration sea water conversion plant in the Southern California area on the grounds that it is the most arid area of the State; and

WHEREAS, The City of San Diego is willing and able to participate in the program by financing a portion of the construction costs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Department of the Interior is respectfully requested to consider the City of San Diego's proposal for the location of a demonstration sea water conversion plant in the San Diego area under the terms and provisions of the federal law; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

CHAPTER 258

Senate Joint Resolution No. 28—Relative to the cessation of services by the Federal Bureau of Indian Affairs.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Effective May 31, 1959, the Federal Bureau of Indian Affairs has ceased to provide its Relocation and Adult Vocational Training Services to needy California Indians who could qualify to receive them; and

WHEREAS, Many applications have been submitted to the Bureau of Indian Affairs and have been set aside by it due to insufficient funds having been allocated to it; and

WHEREAS, The California educational system does not have sufficient facilities which are adequate to replace the federal program; and

WHEREAS, California will now be the only state in the United States with a substantial Indian population in which the federal program is not operating; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Department of

the Interior, through the Bureau of Indian Affairs, to continue the operation of its Relocation and Adult Vocational Training Services for needy California Indians; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the United States Department of the Interior, to Mr. Leonard M. Hill, Area Director of the Bureau of Indian Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 259

Senate Joint Resolution No. 21—Relating to the construction of roads by federal agencies.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Within the boundaries of the State of California there are large areas lying within the jurisdiction of the National Park Service and within the jurisdiction of the United States Forest Service; and

WHEREAS, These national agencies have the duty and responsibility of the care, protection, management, and proper development of the lands lying within their respective jurisdictions; and

WHEREAS, A large portion of these lands are areas of magnificent scenery, including many Yosemite-like valleys, mighty mountain peaks, beautiful meadows, with many streams and waterfalls, as well as vast stands of timber and mineral deposits; and

WHEREAS, A portion of those areas are now opened or eventually will be properly opened by roads to permit reasonable recreational enjoyment and, in some places, utilitarian uses; and

WHEREAS, The citizens of the State of California are vitally interested in the access facilities provided for admission into those portions of this territory which are properly opened or to be eventually opened to vehicular traffic; and

WHEREAS, A mountain road cannot be built into these lands without some disturbance of the natural growth and some "scarring" of the hillsides; and

WHEREAS, If the construction of future roads and required reconstruction of present roads is done to proper standards of design and full consideration of location, alignment, and landscaping, a minimum amount of unavoidable "scarring" will result and the natural return of the overgrowth through the years will materially obliterate the major portion of that "scarring"; and

WHEREAS, If such roads should be under-designed and constructed on such plans, unnecessary traffic hazards would result, and future early reconstruction would be required, thus producing new and unnecessary additional "scarrings" on the slopes and fills coincident with such work; and

WHEREAS, The people of the State of California and the citizens of the United States all have a vital interest in this problem and the adjustment of the necessary reasonable use and the disturbance of the present natural beauties of the areas, the safety of our travelers, and the display of these wonderlands; now, therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges the Government of the United States and particularly the National Park Service, the National Forest Service, and the Bureau of Public Roads, in the matter of planning, designing, construction and reconstruction of any roads which they determine to be proper and reasonably necessary for the administration and safe public use, to be guided by the following recommendations:

1. All such roads should be constructed or reconstructed to the desirable design standards as adopted by the American Association of State Highway Officials, commensurate with future traffic needs for safe two-lane roads.

2. The National Park Service, National Forest Service and the Bureau of Public Roads, within the standards outlined above, should jointly cooperate in the design of such roads with the prime responsibility for engineering and construction to be under the Bureau of Public Roads under procedure existing as of February 15, 1959. Further, any such design should employ adequate and proper landscaping architectural and geographical design principles which will insure the protection and enhancement of the natural beauty of the national forest and national park area through which such a road may pass without resorting to sub-standard highway design.

3. Consideration should be given to include in any designed road safety turnouts where deemed necessary for the safety of the motoring public and 'Vista Points' where feasible and appropriate so that the scenery of the area may be safely viewed from off the traveled right of way.

4. The Federal Government should continue to allot reasonable amounts of money to these agencies for the planning, location, design and landscaping aspects connected with each project to the end that the maximum aesthetic values, as well as the utilitarian values, be retained; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to: Honorable Thomas H. Kuchel; Honorable Clair Engle; Honorable Fred A. Seaton, Secretary of the Interior; Honorable Ezra Taft Benson, Secretary of Agriculture; Honorable Conrad Wirth, Director, National Parks; Honorable Richard E. McArdle, Chief, United States Forest Service; Honorable B. D. Tallamy, Federal Highway Administrator; Honorable Ellis L. Armstrong, Commissioner of Public Roads; and to the Members of the California Delegation of the United States House of Representatives.

CHAPTER 260

Senate Joint Resolution No. 20—Relative to memorializing Congress to enact legislation prohibiting subliminal radio and television messages.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Subliminal radio and television messages are perceptible only to the subconscious mind and the listener or viewer is consciously unaware of such messages except subliminally; and

WHEREAS, The policy of this State is opposed to radio and television transmissions of subliminal messages in that such practices are detrimental to the public good, safety, and general welfare of the citizens of this State; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes Congress to consider the feasibility of enacting legislation prohibiting radio and television transmissions of subliminal messages; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President of the United States, to the President of the Senate in the Congress of the United States, to the Speaker of the House of Representatives in the Congress of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 261

Senate Joint Resolution No. 16—Relative to the construction of the Tehama-Colusa Canal of the Sacramento Valley Canals Project.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, With soon-to-be-completed annexations, eight water districts will contain some 86,000 acres along the proposed route of the Tehama-Colusa Canal of the Sacramento Valley Canals Project; and

WHEREAS, The eight districts have recently and unanimously adopted resolutions reaffirming the districts' intent to execute water contracts with the United States Bureau of Reclamation as soon as money to start the Tehama-Colusa Canal has been appropriated; and

WHEREAS, The Tehama-Colusa Canal is not a new project but on the other hand is a continuation of the Sacramento Valley Canals Project already begun with the construction of the Corning Canal; and

WHEREAS, A United States Bureau of Reclamation study indicates that irrigation of the now dry farmed land adjacent

to the canal will increase the per acre value of crop production more than fivefold; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate sufficient funds to construct the Tehama-Colusa Canal of the Sacramento Valley Canals Project; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 262

Senate Concurrent Resolution No. 57—Relative to public transportation planning and development.

[Filed with Secretary of State, July 1, 1959.]

WHEREAS, Notwithstanding the excellent rate of progress currently being made in developing adequate, safe, and economical highway facilities throughout California, motor vehicle congestion continues to be a vexing problem for the motoring public as well as the general public in certain of the metropolitan areas of the State, which problem threatens to become more critical as the population and economy of California continue to expand and may even involve the necessity of restrictions on the use of motor vehicles in such areas unless ameliorative steps are immediately undertaken; and

WHEREAS, Growing pressure is now developing to find supplementary means of moving people in certain metropolitan areas other than by the exclusive use of private motor vehicles, so as to relieve highways and streets of a portion of the traffic that is now causing excessive congestion and is making the movement of motor vehicles increasingly difficult; and

WHEREAS, Mass public transportation such as the proposed rail rapid transit plan of the San Francisco Bay Area Rapid Transit District, created by the Legislature in 1957, offers hope of relieving traffic congestion in that area; and this, in turn, may lead to the establishment of similar systems of mass public transportation in other metropolitan areas of the State; and

WHEREAS, There is no provision of law at the present time which requires the co-ordinated planning and development of different methods of transporting people in metropolitan areas, which situation might lead to overlapping and duplication of effort and expense on the part of various governmental agencies engaged in providing transportation facilities for the public; and

WHEREAS, It is thought that the needed co-operative effort among various types of public transportation agencies can be accomplished through voluntary means, pending a detailed study of the need for specific legislation making co-ordination mandatory; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all state and local governmental agencies having jurisdiction over the planning, development, construction, and operation of public transportation facilities including freeways, highways, toll bridges, roads, streets, vehicular parking, motor transit, rail transit, rail rapid transit, and such other public facilities as relate to the movement of people, are hereby urged to co-operate voluntarily in the joint exercise of their powers as is now permitted by law, in planning and developing public transportation facilities to the end that optimum safety, convenience, efficiency, and economy in the movement of people in metropolitan areas may be achieved; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to all state and local governmental agencies having jurisdiction over the planning, development, construction, and operation of public transportation facilities including freeways, highways, toll bridges, roads, streets, vehicular parking, motor transit, rail transit, rail rapid transit, and such other public facilities as relate to the movement of people.